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Could the Internet be brought to a standstill? The Internet governance fight and how it could affect you

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Could the Internet be brought to a standstill?

The Internet governance fight and how it could affect you

by Jay Forder, Consultant Editor

Introduction

Did anyone notice that the Internet came close to falling over at the end of September? It wasn’t highly publicised, but we witnessed an impressive example of brinkmanship in negotiations.

On 29 September 1998, the day before its contract with Network Solutions, Inc (NSI) expired, the US Government announced it had extended the contract for a week while negotiations continued. Then on 6 October it announced that agreement had been reached on modifications to the contract and NSI would continue to administer the top-level domain name system for two years.

NSI had previously issued veiled threats to “pull the plug” if its interests were not sufficiently protected in any new Internet management plan. What exactly has been going on? Could the Internet have come to a standstill at the end of September? How might these arguments over Internet governance affect users?

Who could bring the house down?

In our March 1998 issue we pointed out that NSI administered the domain name system on the computer known as “A root server”. This is one of the foundation stones of the Internet. It contains the database matching domain names with the IP numbers of Internet computers.

IP numbers are the other foundation stone. They enable computers to communicate with each other. The allocation and administration of IP numbers is handled by the Internet Assigned Numbers Authority (IANA). Both NSI and IANA are contracted to the US Government.
Technically, each has the power to bring the Internet to a standstill. Without IP numbers, the Internet couldn't function because there would be no way of knowing where to send messages and information. Without domain names representing IP numbers, we would have to remember addresses as sequences of arbitrary numbers. NSI's domain name database on the "A root server" is behind all current Internet traffic implemented by using domain names (eg, normal e-mail addresses, web URLs, etc -- even those ending in .au). The domain name system affects all of us.

Other bodies could probably disrupt the Internet, but these two seem to be in prime positions. Ironically, the dispute that backed NSI into threatening to "pull the plug" was aimed at ensuring it didn't have the power to do so for much longer!

**Dissatisfaction and the gTLD-MoU**

Problems had been brewing for years. They were precipitated by burgeoning Internet usage and growing commercialisation. Complaints and law suits began to surface over the way in which NSI administered the "generic" top-level domain name system. Concern had also been expressed about the monopolistic power these two American entities wielded.

In October 1996 IANA and the Internet Society (ISOC) chartered an ad hoc advisory committee (IAHC) to develop an expansion program for the Internet. This led to the gTLD-MoU (standing for "generic Top Level Domain Memorandum of Understanding"). It is a broad international collection of industry players with loose IANA backing. It envisaged that at the end of NSI's contract the gTLD-MoU and its policy-making bodies would take over the domain name system. It proposed adding 7 new top-level domain name categories; allowing competition between registrars; and implementing an international dispute resolution process overseen by WIPO.

The Internet community looked forward to a period of lower prices and more efficient service brought about by increased competition.

**The white paper and IFWP discussions**

There was a fly in the ointment. NSI refused to accept that it had any obligation to hand over control of the data in its lucrative domain name system. The implied threats to "pull the plug" followed. Perhaps to overcome the impasse, the US Government stepped in. Ira Magaziner's National Telecommunications and Information Administration in the US Department of Commerce issued a green paper in February 1998. It suggested a more gradual transfer of power with continued US Government supervision. After considering comments from numerous sources, the Department issued a white paper in June 1998.

The white paper put the onus on the private sector to come up with a consensus on a new international governing body for the Internet by the end of September 1998 (when NSI's contract came to an end).

A large group of interested associations and organisations from around the world formed the International Forum on the White Paper (IFWP). It organised a series of meetings during July and August. They took place in Virginia USA, Geneva, Singapore, Buenos Aires and Boston USA. Dr Jon Postel, Director of IANA (and considered by many to be the father of the Internet), worked towards a consensus view. Discussion eventually centred on IANA's draft proposals. Despite some significant support (eg from two gTLD-MoU policy bodies at the time of the third draft), IANA became disenchanted with the lack of progress and missed the last meeting in Boston. On September 17 it issued another draft, jointly developed with NSI.

This prompted complaints that it was protecting NSI's top-level domain name monopoly. Two weeks later IANA released a fifth and final draft, developed without NSI's involvement. It submitted this draft to the US Government, suggesting it represented a consensus view. It included the names of 9 people recommended as an interim board for the proposed non-profit company (including one Australian -- Greg Crew, Chairman of the Australian Communications Industry Forum Ltd). The new body is already registered in California as the Internet Corporation for Assigned Names and Numbers (ICANN), but its exact structure and powers will only be finalised with the approval of the US Department of Commerce. In the meantime, the September deadline arrived. In the absence of finality on the international body to take over, the US Government eventually did its deal directly with NSI. They have agreed that between 31 March and 1 June 1999 NSI will hand over information to allow other companies to register names in the .com, .net and .org top-level domains. Would-be competing registrars will be supervised by the new company when it is set up.

**Reactions**

To some extent the deal with NSI pre-empted the work of international interest groups over the preceding months. Many hoped for the immediate establishment of an international organisation supervising a more competitive environment. But the US Government and NSI have defended the continuation of the agreement as being the best way to ensure a "more orderly transition".

Decisions still need to be made about the structure and powers of ICANN. With the huge number of stakeholders across the globe, there is little chance of real consensus and deliberations are slow. The final IANA proposal submitted to the US Government has engendered some support, but many critics. A typical criticism is "The new corporation, if taken from the IANA Draft 5 is not accountable to the Internet Stakeholders. There are no provisions for free speech, and very few for due process." Critics include the Electronic Frontier Foundation, the Domain Name Rights Coalition, the Internet Service Providers' Consortium, and the Japanese Government.

Apart from IANA's submission, the Department of Commerce has been asking for comment on four alternative proposals it has received. These are from the "Boston Working Group" (attendees at the fifth IFWP meeting in Boston), Ronda Hauben (co-author of: "Netizens: On the History and Impact of Usenet and the Internet"), Open-RSC (the Open Root Server Confederation), and INEG Inc (the Information Network Engineering Group).

The Department's decision is expected towards the end of October. It will be crucial. ICANN will shape the development of the Internet as it matures from an American research network to "a multi-faceted medium used by people all over the world".

**Conclusions**

With increasing investment in Internet commerce, businesses need to be confident in the stability of the system. Fortunately, the immediate prospect of
the Internet being brought to a standstill has receded. Now the aim of the game is to ensure a stable transition to impartial international supervision of the Internet’s domain name system. Hopefully, this will be achieved in the near future.

In the meantime Net users will have to be patient in waiting for more domain name space and international dispute resolution procedures.

**Postscript:**

Dr Jon Postel, Director of IANA since its inception, died suddenly after heart surgery on 16 October 1998. Many tributes have expressed admiration for the lead he played in the development of the Internet, and in particular his attempts to achieve consensus on this issue. Hopefully, the work he put into the IANA proposals will provide a solid base for the transition ahead.

1 NSI claimed it owned “all the intellectual property rights” to the database of generic top level domain names, and would not relinquish or share it at the end of their contract. See for example “Internet row prompts major shake-up” Communications Week International, 20 January 1997, at <http://www.totaltele.com/cwi/177/177news2.html>; “Network Solutions Dropped as Registrar of Internet Domains”, the Washington Post, 24 April 1997.

2 “So who controls the Internet?”, Law & Technology, March 1998.

3 See “The Name game”, Law & Technology, May 1998. A generic top-level domain name is an Internet address ending with a 3-character code signifying the type of entity, as opposed to ending with a 2-character country code.

4 See generally the information at its web site: <http://www.gtld-mou.org/>.

5 NSI statements indicated it claimed ownership of the domain name database and would not share it with anyone at the end of their contract. See eg Network Solutions Dropped as Registrar Of Internet Domains, by David S. Hilzenrath, Washington Post, April 24 1997.


8 Available at <http://www.iana.org/bylaws5.html>.


12 “Domain Games: Internet leaves the US nest”, Computerworld News Wire article cited above.


14 Phrase used by IANA in its FAQ at <http://www.iana.org/faqs.html>.