

## ICANN un-accountability - the elephant in the room

### An opportunity for user freedom

The latest news is the report [1] on ICANN's un-accountability produced by Robin Gross. It's a searing exposition of a system designed for grabbing money and power. A quasi unanimous demand expressed in other additional reports (background materials in [2]) is the creation of an **independent worldwide body** in charge of **overseeing ICANN's activities**.

These issues on ICANN un-accountability are to be debated in a workshop at the United Nations Internet Governance Forum (IGF) in Istanbul on 3<sup>rd</sup> September, see announcement [2].

Quite obviously neither ICANN nor the US Government (USG) are qualified for setting up an independent overseer body. A quick scan for potential structures suggests:

- a) working group within the UN system
- b) IGO
- c) NGO
- d) ad hoc group

The process for creating a new body could be primed by a coalition of States and other organizations placing one or several calls for proposals. Evaluation, short list, and hopefully selection would follow.

An alternative would be strapping the process on WSIS+10 preparation.

If a selection could be worked out by September 2015, the process would dovetail with the IANA contract termination.

Now let's factor **realpolitik** into the process.

Will the USG tolerate an independent worldwide ICANN's overseer ?

Of course not. Remember the 2005 diktat [3] during WSIS.

The USG needs ICANN to keep internet under its control (Congress, National Security Agency (NSA), total information dominance, surveillance, etc.)

Is ICANN oversight possible if it is under USG control ?

No more than now, that is not at all.

Does the world need ICANN ?

That's the basic question.

Let's see whether ICANN is actually mandatory in internet.

The IP network of networks operates without ICANN interference.

The ICANN Domain Name System (DNS) is operated by Verisign, a USG contractor. Thus traffic is monitored by the NSA, and the Federal Bureau of Investigation (FBI) can seize user sites or domains anywhere in the world if they are hosted by US companies or subsidiaries.

The USG is adamant on keeping control of the ICANN DNS. Thus copies (mirrors) should be made available in other countries out of reach from the FBI. A German organization Open Root Server Network (ORSN) [4] is presently operating such a service. To make use of it users have to modify the DNS addresses in their internet access device. That's all, usage is free.

A whole country could as well decide to make the ORSN DNS her preferred choice for internet access. Then users would not even have to update their DNS addresses.

At this point users would be reasonably safe from FBI interference, much less from NSA though. ORSN like organizations can vet DNS files for malicious data, track attacks from spies and pirates, manage domain resolutions, provide statistics, etc. without having to deal with ICANN at all.

However, there remains the major bone of contention, un-accountability in the ICANN domain name business. In realpolitik this calls for some bolder initiatives.

First of all, ICANN is a de facto **monopoly** imposed by the USG. Breaking that monopoly does not require any agreement with the USG, because it is certainly contrary to the World Trade Organization (WTO) principles. In other words multiple roots (DNS directory) are not only technically feasible, they have been introduced in the internet back in 1995, even before ICANN was created. This avenue is open to entrepreneurs and institutions for innovative services tailored to user needs, specially those users unable to afford the extravagant fees raked in by ICANN. The deployment of independent roots [5] creates competition and contributes to rein in devious practices in the domain name market.

In this context a usual scarecrow brandished by the USG and its propaganda is fragmentation, or balkanization, of the internet. All monopolies resort to similar arguments whenever their turf is threatened by a looming competition. Furthermore, the proprietary naming and unstable service definitions specific to the likes of Amazon, Apple, Facebook, Google, Twitter, and more, have already divided up the internet in as many closed and incompatible internettos of captive users.

Multiple roots introduce an additional level in the naming structure. This allows, within the same technical standards, a diversity of services tailored to different classes of users, e.g. languages, revenues, interests, company clients, etc. The so called new gTLDs may be packaged for similar applications, at much higher prices, and limited to the captive users in the ICANN fishbowl. One-size-fits-all is nonsense at world level.

Multiple roots are an **opportunity** in the institutional space for creating a worldwide, independent, neutral, inclusive, etc. **function** limited to the **registration of root names and operators**. Let's not wait for too long, as we will need a few more standards. Anyone ? How about Switzerland ?

Realpolitik is no more predictable than the weather. Nonetheless the abuse of its monopoly

position by ICANN and the USG has reached a point where users frustrations are calling for reactions from governments, e.g. in human rights, data protection, equitable taxations, security, and sovereignty.

The internet perestroika is just beginning.

Louis Pouzin - August 2014

## References

[1]- <http://ipjustice.org/wp/2014/08/21/quelle-surprise-icann's-accountability-plan-gives-icann-board-total-control-icann-limits-accountability-improvement-measures-to-toothless-self-policing/>

[2]- <http://ipjustice.org/wp/2014/08/21/igf-2014-workshop-23-accountability-in-the-icann-multi-stakeholder-governance-regime/>

[3]-  
[https://en.wikisource.org/wiki/Condoleezza\\_Rice's\\_missive\\_to\\_the\\_EU\\_regarding\\_governance\\_of\\_the\\_internet\\_11/7/05](https://en.wikisource.org/wiki/Condoleezza_Rice's_missive_to_the_EU_regarding_governance_of_the_internet_11/7/05)

[4]- <http://www.orsn.org/en/tech/>

[5]- <http://open-root.eu/> presentations at IGF Village 2014 in EUROLINC booth.