Understanding ICANN?s complexity in a growing and changing Internet

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Abstract

ICANN has been the institution in charge of coordination, management and policy-making related to the technical functions of the Internet since 1998. At its creation, ICANN was expected to have a technical mandate. However, its scope reached the political and economical world, and changes in its structure where introduced, resulting in a large, complex institution, with several internal bodies intermingled in its functions. This paper contributes to the understanding of who participates in ICANN?s decision-making and policy development processes and how since its creation. The study is based on an in-depth analysis of the legal and public documents of ICANN. This study reveals the substantial expansion of ICANN mandate and activities since its creation and how its policy development processes have allowed it to absorb Internet ecosystem evolution. The capacity of adapting to and absorbing change is a critical principle that should be promoted for the evolution of Internet governance

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Executive Summary

The ever-increasing relevance of the Internet in all aspects of our lives –reaching over 2.7 billion users around the world, has significantly raised the interest of cyberspace in the political, economical and international spheres. Internet governance and the future design of the Internet are now relevant to many different stakeholders eagers to engage and influence the decision-making and policy-making process.

The Internet Corporations for Assigned Names and Numbers (ICANN) is recognized as the central institution involved in the governance of the global Internet. Specifically, it is in charge of the allocation and coordination of the critical Internet resources –Internet Protocol addresses, Domain Names System and protocols, and of policy development related to this function.

At its creation, ICANN was expected to have a *technical mandate*. However, as its scope reached the political and economical world, changes in its structure where introduced, resulting in a large and complex institution, with several internal bodies intermingled in its functions. The in-depth analysis of the legal, financial and public documents of ICANN, as well as the information and documents published directly by ICANN's internal bodies, reveals the substantial expansion in scale and scope of ICANN mandate and activities since its creation.

Clearly, ICANN has succeeded in creating a structure where Internet users, companies, not-for-profit organizations, Internet service providers, registries, registrars, Top-Level domain managers, Regional Internet Registries, other organizations in the Internet governance ecosystem and even government and treaty organizations have a place to contribute in policy development concerning the global Internet. ICANN has seven internal bodies where these different constituencies are spread and sometimes mixed.

Additionally, ICANN has been the institution in charge of coordinating and managing the technical functions of the Internet, as well as policy making related to these functions since 1998. When it was created, there were less than 10% of the current total Internet users and the World Wide Web potential was just emerging. At that time, most of social interactions through the Internet were done by email or other messaging systems such as Microsoft Messenger and ICQ. Even today, a very limited number of Internet users know what ICANN is or what ICANN does. Very seldom does an Internet user asks his or herself who runs the top-level management of IP addresses, of top-level domains, of protocols and other parameters, because the Internet works.

ICANN has been able to cope and adapt to growth, evolution and change of the Internet and its usages. ICANN complex and iterative processes for policy development building bottom up from its constituencies, has allowed it to absorb and act accordingly to changes and evolution. Additionally, this same complex network organizing constituencies in internal bodies and external organizations that collaborate with ICANN is an outreach mechanism for ICANN to its constituencies, providing necessary buy-in for the policy

development processes in place.

However, although ICANN has only two categories of internal bodies, there are tangible differences in the involvement of these two categories in ICANN's functions and with ICANN policy development and decision-making processes. Moreover, as some constituencies did not engaged as described in the bylaws, the different stakeholders do not have the same power or influence in ICANN. For instance, one of the main links of ICANN with the International System is the Governmental Advisory Committee, which fails to be a sufficient mechanism for many governments. This committee is in the delicate position of being an advisory committee but with more influence and internal links than other structures. However, it uses them seldom. This difference and internal inequality will possibly be sources of future contentions.

Adding to this complexity is the fact that not all ICANN's internal bodies were created at the same time, nor use the same instrument as definition. Hence, there is not a unified document where the principles governing the structure and work of ICANN are clearly exposed. ICANN's reforms of 2002, as well as some ongoing processes, addressed and are addressing this issue in an effort to reconcile the governing principles with the operation of the institution.

As a conclusion, a critical principle the Internet governance of the future has to consider is the capacity of absorbing and adapting to change; but, at the same time, its processes and the role of its different organizations have to be clearly stated and represent the real mechanisms. There are still more than three billion potential new Internet users on the world and many new usage trends are just emerging. What would be the killer Internet application in ten years? The new Internet governance system has to be able to enable it and evolve with it, and the different actors of Internet governance have to understand their role in the process.