



Tunis is over and what comes next?

After Tunis people have been discussing what if anything has changed, e.g. is ICANN better off or worse? What role will the Forum carve out for itself? Are the Governments moving in or staying out?

Some feel that ICANN has achieved some sort of legitimacy. Others feel that its wings have been clipped a bit and given technical administration to focus on. Really it seems that ICANN is pretty much the same as it was before. It is doing what it does best, i.e. technical administration. It has given up the ambition of doing Internet Governance also. CECUA feels that the situation can be summed up by one or two American proverbs: "What works is good" and "If it isn't broken don't fix it".

This does not mean that everything is well in technical administration. ICANN still has to clean up some of the mess from the past. In particular the internationalization of domain names and addresses by taking into account international character sets has to be taken seriously and put into practice. This is a technical administration issue. Something for ICANN. And ICANN seems to be coming around but awfully slowly. In ICANN's comments on the Paper from the Internet Governance Working Group it comments positively to the need of internationalization. So far so good. But action has to follow. AND SO FAR NO REAL ACTION has taken place. It would be good for the Government Advisory Committee to give ICANN a push or a kick. This is a Government issue after all. Every Government has the obligation to preserve and maintain the culture and language of its country. This is exactly what internationalization of domain names and addresses means. That people can have domain names and addresses in their own language using own national character sets. Or in other words stop the mutilation of names and addresses by forcing English language characters upon non English speaking people. English is popular but far from being the mother tongue of the whole world. It is high time for the English speaking part of the world to understand that and recognize the right of other people to use their mother tongue also in Cyberspace. Actually it should not be so difficult for ICANN to understand this. This is not only a cultural issue, it is also a business issue. The lack of national characters is keeping many people away from the Internet. That means LOSS OF BUSINESS and LOSS OF MONEY. ICANN should take this seriously and take into account the needs of non-US nations and cultures!

ICANN also faces the task of developing the Internet and adapting it to new needs. This includes providing adequate address space for the future, i.e. some time ago the much discusses IPV6. Recently it has been quiet about IPV6 although most experts agree that an extended address space is needed sooner than later. The implementation certainly is a worthy challenge for ICANN.

So far CECUA has only mentioned issues for ICANN to work on and where there is a general consensus. However, there are also issues ICANN is working on that many people feel they should leave to others or thread very carefully when dealing with those, i.e. the allocation of Top Level Domain names. The allocation of dot cat to Catalonia of Spain has ignited a discussion which is likely to stay with us for a while. Many people feel that ICANN is meddling in Spain's internal politics and giving Catalonia some sort of a status where there is no political agreement. If Catalonia got dot cat why then not dot corsica for Corsica, dot bzh for Brittany, etc.? Again an issue bound to create heated political discussion.

This is an issue some people feel ICANN should not be involved with at all or should be dealt with differently, e.g. by using country code before the top level domain name, i.e. ccTLD or it should be administered by international organization more sensitive to political situation and to avoid the injustices and uphold the rights of some members of the Internet Community. .

So much on ICANN for the moment. After Tunis there is another kid on the block, the FORUM. Nobody knows exactly what the Forum will do. It is still to be seen. Some people feel that the FORUM is some sort of an Internet parliament, a forum for discussion and debate but not for action. CECUA feels that the FORUM can play an important role. The FORUM will undoubtedly focus on soft issues such as availability and affordability of the Internet in particular in the less developed countries of the world, including the affordability of PCs. The unveiling of the 100 USD PC is an example of this sort of issues the FORUM will dwell on. This will definitely raise awareness of the Internet among the people in the less developed countries. The FORUM will so to speak help to spread the word.

What is left out? Is everything bestens? No, a big issue is still left out: **Law, Jurisdiction and Enforcement**. Why is it left out? Is it because of how difficult this issue is? Or are people still seeing the Internet as a technical issue? I am not so sure, maybe a bit of both. But the issue is receiving attention and CECUA is very pleased to observe that the **TUNIS AGENDA FOR THE INFORMATION SOCIETY** pays special tribute to this issue:

"We underline the importance of the prosecution of cybercrime, including cybercrime committed in one jurisdiction, but having effects in another. **We further underline** the necessity of effective and efficient tools and actions, at national and international levels, to promote international cooperation among, *inter alia*, law enforcement agencies on cybercrime."

There is a long way to go until this issue is solved. It will call for global cooperation of Governments, law enforcement agencies etc. And as long as one country stays outside and does not cooperate then cybercriminals will flock there and pursue their trade from there without risk of prosecution. The forum could do a good job of raising awareness on this issue. But in the end the Governments will have to do the job, maybe an issue the Forum and the Government Advisory Committee could cooperate on?

ICANN among others has created a global "monster", the Internet. As stated earlier the technical administration works but the legal administration is not working at all.

By analogy the situation is similar to a road system, the roads have been built but there are no police on the roads. And what little police activity there is it stops at country borders. So it is all too easy for offenders to escape with truckloads of ill gotten goods across the borders where they feel safe from prosecution. At the November ENISA conference in Vilnius, Lithuania, CECUA presented live cases from the international media where people and companies are robbed of thousands or millions of Euros and left behind without a chance to get the money back not to mention bringing the perpetrators to justice. Governments have been very slow to act on this. Admitted this is no easy task but regardless it needs to be done. But Governments should remember that it is their obligation to protect their citizens and catch offenders and bring them to justice. In the case of Internet they are not doing it. They are thinking local while this issue is global. The EU is also thinking local not global. Who should really take on this issue? Let us look at what we have got:

ICANN?

Law, Jurisdiction and Enforcement is not a technical administration issue. ICANN among others may have created the "monster" but it cannot police it.

The FORUM?

The FORUM has no executive mandate. The FORUM will probably raise awareness about this issue. But solving it **NO**. However, this is a key issue, an issue becoming more and more important every year. The lack of law and order issue is not only creating lots of damage for present Internet users, it is also making many people stay away from the Internet because they feel threatened by it. Many of those issues are raised in the CECUA Bill of Right presented as a result of a successful conference in Brussels in 1998 titled "The Citizens in the Information Society". The Forum should include the Bill of Rights in their deliberations. CECUA should work with the Forum on this issue. CECUA should take a leading role in the Forum as CECUA has more experience (and a proven track record) in this area than any of the other players.

Who is left?

Governments? This is a legal issue so Governments need to be involved. But no Government can do it alone because this is a global issue. The only body bringing together Governments on Internet issues is the Government Advisory Committee or GAC. Presently, GAC is an advisory committee to ICANN, advising it on Government issues. In recent years under the stewardship of the EU with the GAC secretariat located in Brussels GAC has become more active than in the past. It has taken a more independent and stronger position towards ICANN. CECUA has long been an advocate of GAC moving away from ICANN and becoming independent. And at the moment GAC seems to be the only body to pick up the issue of Law, Jurisdiction and Enforcement. Maybe in the past GAC has been looking for a role for itself, well here it is: **TO BRING LAW AND ORDER TO THE INTERNET ON A GLOBAL SCALE**. Let us sum up what we have got. Who are the players and what is the field?

ICANN: Technical Administration

Forum: General discussion and awareness raising with CECUA involvement on user issues.

GAC: Law, jurisdiction and enforcement

Actually this might work. Using the bodies that we already have and focusing on the strength of each party. Of course the parties have to work together. It is difficult to see another solution. Any other solution will call for setting up of new bodies and organizations that will take years to accomplish and cost lots of money. And we do not have the time nor the money. So let us give this one a try?

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