Internet Standards Regulation Should Remain Private

The Internet’s wide range of uses and exponentially increasing popularity have highlighted the need for proper regulation to ensure its smooth operation. Although the Internet was first developed by the United States government, there are now many private bodies that set standards for different aspects of it and its related structures, such as the Internet Engineering Task Force (IETF), which develops and recommends standards for the Internet, the World Wide Web Consortium (W3C), which develops technologies to support and improve the Web, and the Internet Corporation for Assigned Names and Numbers (ICANN), which manages and assigns domain names and IP addresses. ICANN's recent changes to its membership structure have raised concerns regarding its lack of accountability (ICANN Watch) and absence of international representation, and led to demands for a more accountable and internationally representative regulatory body (CBR Online). While such problems are not necessarily characteristic of private standards bodies, it does raise the question of whether a private organization is able to manage the Internet, a highly public resource. However, despite the great public impact of the Internet, private organizations are well equipped to deal with standard-setting, and should remain the primary regulatory bodies.

Such private organizations may be affiliated with governments or international governmental organizations, but are highly independent (although government participation should be encouraged) and have relatively unrestricted membership. Private regulatory bodies can be representative, effective, and self-sustaining, and are thus suitable for examining the
technical aspects of the Internet and making recommendations or managing resources to ensure its smooth operation and development. Although technical recommendations will certainly have social implications, these private standards bodies should limit themselves to developing neutral standards, as they are not necessarily equipped to deal with social policy.

One feature critical to the success of a standard-setting body is unrestrictive membership requirements that allow anyone and everyone to join in the process, creating a truly representative organization. There is validity to the idea that a privately run organization can represent a select section of the community, and push standards through to the detriment of all other users. Such a private organization, furthermore, cannot be easily compelled by outside parties to act fairly. For instance, the fiercest criticism of ICANN was that it was not representative or accountable within the United States or internationally. Despite numerous complaints of ICANN's heavy favoring of commercial organizations, the government was unable to take action because of ICANN's status as a private organization (ACM 12). Furthermore, many of these standards bodies are based in the United States, which has led to complaints that the global community is underrepresented (CBR Online). These flaws can be, to a large extent, ameliorated with a system of open membership and voting as well as internal oversight. Such an open system allows and encourages all interested parties, both within and outside of the United States, to participate, learn about the standards being set and raise their concerns. For instance, the IETF has had no membership requirements since its founding, and continues to allow anyone to register for and attend a meeting. Its open membership policy has seen attendance at meetings grow from 21 participants at its first meeting in January 1986 to 2,500 participants at recent meetings (Harris 4). The IETF has also made gains in representing the international community, holding one in five meetings in Europe or Asia, with a high proportion of international attendees, about half, even at meetings held in the United States (Harris 4). The absence of restrictions on
membership, coupled with the IETF's policy of seeking consensus, creates a truly open and representative organization, and has contributed greatly to its respectability and effectiveness as a standards body. For instance, the IETF's Internet messaging protocol, SIMPLE, quickly gained the support of major industry players (Marsan *SIMPLE*), and developers of OPES, an externally developed communications protocol, sought the approval of the IETF to boost its chances of being adopted as a standard (Marsan *Protocols*). A private organization with open membership is able to represent the general interest without suspicions of special interest or ulterior motives in its policy recommendations and is more likely to have its standards adopted.

Secondly, privately organized regulatory bodies have the ability to produce effective standards as they possess both the necessary expertise and an efficient working structure. The private organizations with open membership attract experts who are able to contribute greatly. For instance, Tim Berners-Lee, the inventor of the Web, is the director of the W3C, and has led the W3C to publish more than eighty recommendations, including the widely popular XML (Jacobs). Additionally, the voluntary nature of such organizations permits members to keep other “day jobs” in addition to being involved in setting standards. This allows professionals in the field, who have great knowledge of the technology and keep up with recent developments, to participate, and develop and recommend standards. For instance, the IETF Internet Area Director, Thomas Narten, is also the IBM technical lead for IPv6 (IBM), and his job expertise allows him to contribute more to the IETF. Although allowing professionals to participate may result in conflicts of interests, organizations such as the IETF require that members serve as individuals, and they are obliged to set aside professional interests (Harris). Furthermore, private organizations, such as the IETF and the W3C, run by rough consensus, which would prevent a single party from dominating the decision making process, ensuring fairness. Thus, there is the
necessary know-how within private organizations to develop, evaluate, and encourage effective standards.

Furthermore, although private standards bodies with unrestricted membership can become large and difficult to coordinate, they are able to gather the members most knowledgeable in certain areas to deal with specific problems. This allows general concerns to be raised by any individual, and solved effectively by those best equipped to do so. For instance, both the IETF and the W3C assign Working Groups to specific tasks, and the Working Groups eventually produce a Request for Comments or a Recommendation regarding their designated topics. The Working Groups are small and agile, and can cooperate with other parties outside of the organization, evidenced by the IETF’s Mail Transfer Agent Authentication in DNS (MARID) Working Group’s willingness to negotiate with Microsoft (Shafranovich). Additionally, there is sufficient oversight to ensure Working Groups stay on task. The IETF’s decision to close the MARID Working Group, after the efforts to recommend a standard for email failed (Shafranovich), shows that the willingness and ability of private standard development bodies to track and evaluate the progress of Working Groups, and make sometimes tough decisions based on such progress. Private standards bodies possess both great range and depth of expertise and well-organized working structure that allow them to handle problems or develop standards effectively.

Lastly, privately-run regulatory bodies are self-sustaining as they continue to receive support from the community, and do not risk irrelevance. For instance, the IETF has been involved with Internet standards since 1986 (Harris 4), and the W3C has been developing Web protocols since 1994 (Herman). Certainly, a regulatory body that is either unrepresentative or ineffective will quickly become irrelevant, existing only in name and grudgingly obeyed if at all. However, a large part of maintaining relevance is possessing a committed group of individuals
willing to work on standards. The seemingly ad hoc and voluntary nature of private standards organizations, coupled with the lack of external enforcement, may lead one to believe that such organizations will wither away as soon as the goodwill of volunteers does. Fortunately, this argument is untrue. Many companies have representatives at regulatory bodies because they stand to gain from understanding the latest developments in standards, or even influencing the direction of those developments. For instance, the W3C counts companies ranging from Microsoft and AOL to Boeing as members (St. Laurent). The benefit to technology companies of understanding standards will certainly persist and contribute to the sustainability of such organizations. Commercial participation does not, at the same time, create bias in the organization, which would threaten its sustainability. A relatively unrestricted membership, together with the adoption of rough consensus has allowed the W3C to operate effectively, despite heavy corporate participation (St. Laurent). Ultimately, the W3C maintains neutrality and is hosted by reputable academic institutions. In the case of the IETF, where Area Directors often work for companies that have vested interests in standards, it greatly values its independence from external influence, and can count on the professionalism of participants to distinguish their responsibilities to their employers and the organization (Harris). As the Internet continues to grow, more individuals and companies will become interested and join these standards boards out of professional or commercial interest. The nature of the Internet, with its many uses and wide appeal, guarantees that there will be a ready supply of volunteers, willing to work toward improving standards, ensuring sustainability of such private standards bodies.

Privately run regulatory bodies are certainly not without their share of problems, as recent criticisms of ICANN have brought to light. However, the truly representative nature of such organizations contribute greatly to the respectability and effectiveness of private regulatory bodies. Furthermore, they often possess the expertise and organizational structure conducive to
the development of effective standards, and are inherently sustainable in the long term. Hence, Internet standards regulation should remain private.
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