It does not, however, cover bribes to private sector companies. Nevertheless, it should act as a very real deterrent leading to the identification of both the one who demands or receives and the one who pays a bribe.

There is surely a case to be made for all significant commissions to be fully disclosed, either in the official annual report and accounts of a company, or through the growing practice of Social and Ethical Accounting, Auditing, and Reporting (SEAAR). This would attract the attention of all stakeholders including the media. It would become an invaluable deterrent. ■

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WHO GOVERNS THE NET?

Internet users who register their addresses and passwords, so called domain names, in the World Wide Web (www), are looking possibly for snappy, easy to remember names. Many internet users who search for suitable domain names suffer unexpected set backs. Nearly all the words in a regular-sized English dictionary have already been reserved. An attempt to creat an economically viable identity on the web might well be frustrated even before it has began.

Who Determines how Domain Names are Distributed any Way?

Possible answers to this question may be an internet regulation authority, perhaps a government. In most cases, the Internet Corporation for Assigned Names and Numbers (ICANN), based in USA, has a hand in the matter. One thing is certain: the internet is by no means as anarchic and uncontrollable as it is often made out to be. In 1998, the US Department of Commerce undertook a decisive step to creat a little order in this innovative Information and Communication System, which is undergoing constant change and was also threatening to become increasingly chaotic.

In the five years prior to that date, thanks to its exponential growth rate, the internet had not only become a household word but had also created a whole range of conflicts involving such issues as:

(1) Who determines the technical infrasturcture of the internet and the way it functions,

(2) Who has the right to assign domain names, and

(3) Who should decide the growing number of legal disputes between brand name owners in the real world and domain name owners in the virtual world.

As the internet has grown into a mass medium, the need for regulation has increased. Historically, as the internet continued to develop, the American government, that played such a decisive role in the creation of the internet in the fifties, assumed the role of a de facto internet government.

However, as the internet evolved from a government-financed scientific experiment to an international market place and a global information forum, other groups (for instance other sovereign states, private businesses and individual internet users throughout the world) began to express varied interest in the network's stability and in the process of assigning domain names. At the same time, the role of the American government as the real power behind the internet was increasingly resisted by other governments around the world.

In the autumn of 1998, at the latest, it was clear from the large number of disputes over brand name, copyrights, and the assigning of domain names that changes would have to take place in the way the internet was being managed or not managed. Clearly, it was unacceptable for one government alone to regulate the global use of the internet on its own.

The internet's dynamics seem to preclude its being regulated by conventional supranational

organisations, such as the United Nations. The lengthy process of inter-governmental negotiations, which is typical of the United Nations makes it an unsuitable body for regulating the internet. If neither national governments nor established supranational organisations can do the job, the question still remains as to who should govern and who should regulate the internet.

In view of its technical infrastructure (its archtecture), the internet often ignores traditional constants of social interaction such as space and time. This makes it a catalyst for social, cultural, and economic revolution. This new system of co-ordinates has given rise to new regulatory mechanisms. Driven by the dramatic success of the web, the community of internet users – initially nearly all based in the USA – was forced to regulate the development of the technology itself. The need to standardise and regulate the internet in the absence of existing regulatory bodies forced this community to set up its own informal regulatory agencies. Thus, the technical standards that pertain to the internet have been developed "from the bottom up" by self-regulatory agencies.

The Internet Engineering Task Force (IETF), founded in 1986, is responsible for all the internet's basic technology and has, for instance, developed standards for transfer protocols – the famous Internet Protocols or IP's. The standards are determined by the World Wide Web consortium (W3C). The consortium's strength is the broad technical knowledge base of its members, who currently number more than 1,000 and who are active in industry and research. Every member organisation has one seat and one vote on the W3 C's Advisory Committee.

Bodies like the IETF and the W3C have no sovereign authority. They were created by the members of the internet users' community in response to problems that have arisen- mostly problems of a technical nature. A high level of technical competence is an essential prerequisite for participating in these bodies. The biggest technical problems that the growth of the internet brought with it in the eighties could be solved only by pooling of global technical knowledge. We should never forget that without the technical achievements of the IETF and its members, the internet would never have been the success that it has become today.

As a result of the markedly technical orientation of regulatory competence, it is difficult for internet users, who have no technical background, to participate in this self regulatory mechanism. The often cited potential of the internet for creating more democracy is in danger of being stifled by technocratic structures. For this reason, internet self-regulation cannot be a matter for the technicians alone but must include other groups of internet users, such as econnomic, political, and social experts. The more the internet becomes a mass communication medium, the broader this co-regulatory base must be. The more computer networks grow and the more they penetrate social structures, the more their technical potential must be used to serve social needs, such as protecting society for network time.

"Netiquette" as an Instrument of Regulation

One well-known self regulation mechanism on the net is "Netiquette". This functions without the active intervention of politicians or the authority of a central body to regulate communication and interaction on the internet. Netiguette is codex of unwritten ethical and moral norms, the flouting of which leads to public criticism and collective ostracism of the offender by other network users. Although Netiguette is simply a collection of informal mechnisms, in practice, it has been sactioned as an internet norm that has the force of law. Another completely new form of transparent and informal regulation on the internet is the Request For Comment (RFC) System. Under RFC, solutions to technical problems are discussed via mailing lists according to established RFC procedures until a "rough consensus" as to the technically best solution has been reached.

RFC's subsequently become "legally binding" simply by being published in numbered sequence, creating what might be called an internet constitution; a digital loose-leaf folder of agreed upon norms. In establishing new regulatory procedures, mistakes are often made and setbacks must be expected. What is important is the

willingness of all those concerned to work with the regulatory structures that correspond to the structure of the Net itself and that are just as dynamic and, flexible and sometimes, even as experimental as the internet.

With regard to the ICANN, under President Clinton, the American government commissioned the National Telecommunication and Information Administration (NTIA) under the Department of Commerce, with the privatisation of the Domain Name System (DNS). The NTIA in turn commissioned ICANN, a new non-profit organisation under Californian Law, with the daily running of the DNS. In addition, ICANN was given the task of arbitrating in disputes over brand names.

The challenges facing ICANN involve exercising a narrowly defined technical mandate, solving a wide range of problems that had been plaguing the internet community for years, and fulfulling of the expectations of internet users, whose numbers) have swelled to several hundred milion. In order to allow internet users to participate in ICANN decision making processes, an "at-large" membership status was created for private individuals to elect five members of the board of directors.

The first global election took place in October 2000. In theory, all internet users were entitled to vote: anybody with an email address and a "real postal address could register as a member of ICANN and request an electronic "ballot paper." In the final analysis, only some 34,000 "netizons" participated in the election. This indicates that the election process clearly needs to be improved.

Productive Pluralism

The ICANN experiment is the first attempt to date to deal with an elementary question of internet regulation using a supranational co-regulative institution created specifically for this purpose. The goal of the ICANN experiment was to ensure legitimisation through the broad participation of internet users, intrerest groups, and government institutions in the decision making process. The fact that administration of domain names is not the most acute internet problem that has to be solved is not the most important point at issue here,

What is important is the way in which regulatory and Co-ordinatory tasks on the internet are institutionally anchored, and how many internet related issues, such as data protection copyright issues, and freedom of expression, might be solved using similar structures. There are different perceptions as to how far ICANN has proved a successful example of supranational and participative co-regulation.

Regulation mechnisms like ICANN have shown that global internet co-regulations is indeed possible. At the same time, the process of legitimising ICANN has nevertheless revealed significant weaknesses. If one is to transfer the ICANN principle to other institutions, the following basic constitutional elements must be guaranteed:

(1) A clear and unambiguous difinition of the institution's duties and adequate scope for its activities;

(2) Transparent work processes;

(3) The inclusion and representation of all those affected in the institution;

(4) The avaialability of an adequate platform for public debate; and

(5) An obligation to render public account.

Just as the ICANN experiment has at least prompted discussion on one single relevant theme, there must exist a public forum for discussing other similar themes. In addition, we need a public forum to discuss the basic issues of internet regulation; forum in which constitutional questions relating to this global communication medium are globally discussed. If one were to set up autonomous individual regulatory institutions separate from one another, one would be ignoring the interdependency of the problems they deal with.

It is clear from the above that the entire system of