

Internet Governance - Locating Power and Politics

The Internet plays a key role in defining emerging social structures and systems, and therefore, the issue of its governance becomes paramount. The Internet is inherently global, and thus its governance has important global dimensions. In the past, global political and economic domination was maintained largely through military force, and later, by control over capital. Over the last few decades, creating and asserting intellectual property has become the mechanism of choice for this purpose. The information society is characterised by a shift of control in the direction of shaping and managing the socio-technical architecture, which increasingly underpins our interactions. Through such control, the basics of social life are sought to be influenced, and those who are able to exercise the socio-technical levers of such control gain phenomenal social, economic, cultural and political advantage. Internet governance is about these controls, and about the required political agency of the global and sub-global publics in this regard. IT for Change works for establishing legitimate democratic political institutions in the area of Internet governance.

2011-2012 was an important year for IT for Change, both for contributing to possibilities of actual institutional shifts in the global Internet governance arena, as well as influencing the discourse from a Southern perspective.

Democratising Global Internet Governance – Key Steps Taken

Over the past year, IT for Change helped define new contours of the debate on institutions of global governance of the Internet. This was a vital contribution to the overall discourse. Currently, the global governance of the Internet takes place in four ways: (1) Decisions taken by the major global Internet companies that have global application. These companies do keep an eye on the laws of the country of their incorporation, chiefly the United States (US), but, as can be expected, their decisions are mainly motivated by their business interests. Developing countries have very little leverage on the architectural decisions made by these companies. (2) An extra-territorial application of US law, mostly achieved through the global reach of mega Internet companies, as was done in the case of WikiLeaks. (3) A private sector led system of the governance of what is referred to as critical Internet resources. This includes the management of the root of the Internet, the domain name system and various other addressing protocols, as well as setting the technical standards. The apex body of this system is the Internet Corporation for Assigned Names and Numbers (ICANN), which is subject to the oversight of the US government. (4) Plurilateral treaties among countries of the North on various Internet related policies and policy frameworks, with Organisation of Economic Cooperation and Development (OECD) and Council of Europe being important sites for such policy development work.

While the World Summit on the Information Society (WSIS) laid down some broad guidelines on how to make global Internet governance more democratic and public interest oriented, little has happened since. IT for Change has been working with IBSA (India, Brazil and South Africa) countries to look at the possibility of these three democratic developing countries providing a new, Southern, leadership to break the stalemate in the global Internet governance debate. This debate seems to be highly polarised between the US led Northern hegemonic drive and the interests of a few authoritarian countries of the developing world whose main lens to look at the Internet is with regard to the avenues for dissent and political uprising that the Internet seems to open up. In May 2010, on the sidelines of the meeting of the United Nations (UN) Commission on Science and Technology for Development (CSTD), it was at the initiative of IT for Change that IBSA representatives met for the first time to discuss the global Internet governance agenda and the practical possibilities of working together on it. This relationship resulted in a joint IBSA statement in 2010 to the UN through which a clear demand was made for setting up a new or existing agency of the UN to systematically deal with global Internet governance and policy issues. Our role in encouraging and supporting cooperation among the IBSA countries continued at the May 2011 meeting of the CSTD, when an initial plan was proposed by IT for Change along with

a Brazilian civil society organisation and government representative, to hold a workshop in Brazil on 'Global Internet Governance', inviting government and civil society representatives from the three IBSA countries. IT for Change helped organise this workshop which was held in Rio de Janeiro in September 2011 (http://itforchange.net/IBSA_Multistakeholder_meeting_on_Global_IG). Two days of

discussions on global governance issues were followed by an inter-governmental meeting, which came up with what has been called as Rio Recommendations. This document, for the first time, unequivocally called for a new UN agency to look into global Internet governance and policy issues, and also described in brief what the remit and functions of such a body would be. This was the first moment of reckoning of the last year in the global Internet governance arena, which shook the establishment. The powers that exercise control over the global Internet but cover it up with invocations to private sector led governance, multi-stakeholderism and the need to save freedom of expression from the authoritarian instincts of many countries in the developing world, felt extremely threatened.

The Tshwane declaration (http://itforchange.net/IBSA_Dialogue_Forum_Tshwane_Declaration) of the IBSA summit in South Africa in October 2011 took note of the IBSA Workshop on Global Internet Governance convened in Rio de Janeiro on 1-2 September 2011 and resolved to "jointly undertake necessary follow-up action". It was a proud moment for IT for Change when an initiative that was almost single-handedly triggered by us got such a strong mention in a Summit document, along with a clear commitment to follow up on its outcomes. In its annual meeting in October 2011, the UN General Assembly was supposed to discuss the issue of 'enhanced cooperation' (the term used in the outcome documents of the WSIS, as a placeholder for new global institutions for Internet policy). In the short time available after the Rio meeting, the three IBSA countries could not develop a common substantive proposal for a new institutional framework for global Internet policy. However, India went ahead and made a proposal to the UN for a new 'UN Committee on Internet Related Policies', further expanding on a similar demand made in the Rio Recommendations. India also asked for a CSTD Working Group to be set up to consider its proposal. IT for Change worked closely with the Indian government in developing its proposal. Notably, the demand for a UN Committee on Internet Related Policies was, for the first time, made by IT for Change (though with a few differences) in its submission to the UN in December 2010, when we also demanded a CSTD Working Group on Enhanced Cooperation.

India's proposal for the UN Committee on Internet Related Policies, which came to be called as the CIRP proposal (http://itforchange.net/sites/default/files/ITfC/india_un_cirp_proposal_20111026.pdf) was the second moment of reckoning in the global Internet governance landscape that seems to have altered the terms of the debate unequivocally. The clear mandate from the WSIS for new institutional developments in the area of global Internet policies, which was quite successfully being diffused by the Northern countries and big businesses, once again got sharply focused, six years after Summit in Tunis in 2005, where it was the hottest topic.

At the UN Commission on Science and Technology for Development

As has happened in the past few years, IT for Change was one of the most active civil society players at the 2011 annual meeting of the UN CSTD. At the time of drafting the resolution, the US did not want the inclusion of the phrase describing 'enhanced cooperation' and the Internet Governance Forum (IGF) – a multi-stakeholder policy dialogue forum – as two 'distinct but complementary' mandates from the Tunis Summit. This phrase was introduced on IT for Change's suggestion into the CSTD resolution of 2010, which then also figured in the UN General Assembly resolution. Such an assertion went against the US strategy to conflate the enhanced cooperation and IGF platforms. A multi-stakeholder dialogue forum was thus sought to be presented as also

“ IT for Change has contributed remarkably in the past few years to the analysis of Internet governance structure and functions, as they could be thought out in a multi-polar and equitable relationship between States, international organisations and stakeholder groups. It should be desirable to benefit from more such voices in the continuing debates on Internet governance.

Louis Pouzin, one of the founding fathers of the Internet

“ *Public discourse on global Internet governance issues is strongly dominated by a kind of deterministic faith in the capacity of the Internet's technical community, with its strong links to certain governments and corporations, to adequately represent the public interest through legacy administrative structures, technical standards and lightly-regulated markets. IT for Change regularly and effectively challenges this status quo by pointing out how it entrenches the power of privileged actors, and proposes reforms by which Internet governance structures could become more globally democratic and accountable. There are few if any other civil society voices speaking out on these important issues with such trenchant clarity.*

Dr Jeremy Malcolm, Senior Policy Officer, Consumers International

organisations, to subvert democratic institutions of global governance. This is done in the name of giving non-governmental stakeholders a 'voice'. The recent move for an industry association led 'India IGF', which we were successful in resisting, can also be seen as an attempt to capture the emerging participatory spaces in the information society by neo-liberal forces. In the same spirit, we also actively argued against the, so-called, Asia Pacific Regional Internet Governance Forum, which is led by the technical and business sector and has similarly sought to capture the space of public participation by a few groups with a narrow business-technical view of the Internet governance arena. We seek truly participatory IGFs at the global, regional and national levels, and will continue to strive towards building the innovative institutions of IGFs on solid democratic grounds.

the place where policies actually get developed, without any need for a legitimate and democratically representative body for this purpose. To understand its deeper implication, one may try to imagine what if, in India, an 'open' multi-stakeholder platform 'decides' that it represents the community's voice and is henceforth entitled to develop policies instead of the parliament!

In the information society arena, the strategy of the North for perpetuating its hegemony is to use the support of big business, the so called 'technical community' and compliant civil society

Improving the UN Internet Governance Forum

IT for Change has been one of the five civil society members of the CSTD Working Group on Improvements to the IGF. Over 2010-2011, we presented our own extensive proposals for IGF improvements (http://itforchange.net/UNCSTD_WGIIGF_input_papers) and also worked closely with the Indian government to develop what came to be called as the 'India proposal' (http://itforchange.net/india_report_wgiigf). This was a very elaborate proposal for improving the IGF to become a path-breaking global institution of deliberative democracy, ensuring very broad public participation in global Internet policy making. Much of the discussions of the Working Group revolved around the 'India proposal'. In May 2011, the CSTD extended the life of the Working Group. During 2011-2012, the group met thrice and in all the meetings IT for Change was very active. Unfortunately, while developing countries had strongly pushed for strengthening the IGF in the first round of meetings of the Working Group, an effort resisted by developed countries and the business community; in the second round, developing countries became rather restrained. They had serious misgivings about the role of the IGF in supplanting rather than supporting democratic global governance systems. This rather justified feeling unfortunately added to the already strong fear among the more authoritatively inclined countries that the IGF will mostly be used to fan human rights issues.

The second round of meetings of the Working Group saw a surprising degree of consensus among government representatives from across North and South, and also business members, for not rocking the status quo with regard to the IGF. Most developing countries had strongly resisted the primacy of a capacity building role for the IGF at the debates before the Tunis Summit, most graphically described in the words of a developing country diplomat, "We don't want developed countries to set up a school for developing countries". Very interestingly, the same countries were now found to insist on a primary capacity-building role for the IGF at the Working Group meetings. They also now joined the developed countries to speak against public funding of the IGF, and against having its outcomes formally communicated to bodies dealing with Internet governance. No one seemed interested in strengthening the IGF; one side (developed countries) did not want to lose its hegemonic positions,

and the other side (developing countries) was not sure of the new role of non-state actors in global governance. This shows how much developing countries have lost confidence and trust in the IGF over the years.

This left the few civil society members of the group in a rather difficult position to try and salvage at least some possibilities of improvements to the IGF. The Working Group meetings became a rather lack-lustre affair with little desire for real change among the overwhelming majority in the room. If the final report still has some useful recommendations, it largely goes back to the first round of meetings of the Working Group, which contributed the basic structure of the final report and gave some meaty language to the draft (The 'India proposal' by far made the largest contribution in this regard). Though most of it got whittled down, what survived constitutes the most important part of the final report of the Working Group.

The final report focuses on 'outcomes' from the IGF, a term that had become contested in the post Summit years. This recommendation, if sincerely followed, should provide avenues of some improvements in the IGF. The report also asks for focus on clear policy questions, with the results of the discussions on these questions required to be reflected in the 'outcome' documents. In fact, one of the most important contributions of the report is its re-affirmation of the primacy of the policy dialogue role of the IGF over its capacity building role. While the mandate from the Tunis Summit is clear in this regard, in the subsequent years, very strong, and somewhat successful, efforts have been made to undermine the primacy of the policy dialogue role.

The report also makes some useful contribution on how the Multi-stakeholder Advisory Group of the IGF should be constituted, especially with regard to making sure that (1) it is not captured by a few powerful stakeholders, and (2) there is an improvement in the representation of the hitherto under-represented groups. The report also stresses the need for complete transparency vis-à-vis the income and expenditure of the IGF. IT for Change will try to monitor closely how the recommendations of the Working Group are carried out.

Annual Internet Governance Forum in Nairobi

IT for Change participated in two pre-events of the Annual Internet Governance Forum in Nairobi in November 2011. A pre-event on 'Internet Rights are Human Rights: Development, Empowerment and Access to the Internet' was co-organised by IT for Change along with Association for Progressive Communications (APC) and the Internet Rights and Principles Coalition. We also participated in another workshop on 'Internet Governance and Women's Rights' organised by APC. IT for Change co-organised a workshop on 'A possible framework for global net neutrality' (http://itforchange.net/IGF_Sep_2011) where we sought to explore various perspectives on the foundational principle of net neutrality and how a global view can be developed on it. We participated in workshops on 'Improving the IGF: how can we get the most out of IGF improvements processes?' and another on 'Global Internet related public policies – Is there an Institutional Gap?' IT for Change also helped organise a workshop on 'Reflections on the Indian proposal towards an IGF 2.0.'

Shaping the Discourse

While this year saw significant outcomes from IT for Change's work in real institutional terms as discussed earlier, our considerable contributions to shaping the global discourse on Internet governance continued. IT for Change is recognised as a key voice presenting a distinctively Southern perspective in this

“When I first got involved in Internet governance, I started out with a very techno-centric viewpoint that was totally blind to the problem that a far too great share of power is in the hand of people with a US perspective. It was primarily contributions from IT for Change that made me realise that this lack of equity in the international distribution of power in Internet governance is a serious problem in itself and an obstacle to sustainable development. Clearly IT for Change is also very influential among governments. For example, recently an expert for Internet governance of a European government gave me his perspective on who is very influential among government representatives, internationally, in this area. He mentioned three civil society persons, among them a director of IT for Change.

Norbert Bollow, representative of the Swiss Open Systems User Group in international standardisation and Internet governance

area, that seeks to place issues of economic, social and cultural rights at the same pedestal as civic and political rights. Being foremost a medium of communication and expression, freedom of expression does become a very important right with regard to the Internet. However, Internet is as much a means to redistribute economic, social and cultural advantages, and impacts the right of communities and countries to their self-determined paths of development. As we continue to closely support groups working on freedom of expression issues, our work has also always focused on a political economy perspective on Internet governance.

The primary venue where we contributed to shaping the discourse has been the e-list of the Civil Society Internet Governance Caucus. This is a vibrant global space for discussion of Internet governance issues, perhaps the only one with a global participation of people with both technical and non-technical backgrounds. It is subscribed to by a lot of very influential global Internet governance actors, including among the governments. IT for Change has almost single-handedly helped pull away the veneer of what is projected as a broad civil society consensus on perspectives that simply condone, if not actively support, hegemonic positions of the US and big business. Our interventions, along with those of a few others, have made the debate much more balanced. Since hegemony greatly depends on theoretical and discursive constructions, we have been able to make the debate more balanced by contributing the necessary language, ideas and concepts as well as outlines of alternative institutional and policy models. Often the struggle is at the level of worldview, and against very organised and well-resourced groups, which requires painstaking engagement over a long period. Today, IT for Change is associated with having a relatively clear set of original ideas and positions that frame the debate on most key global governance issues vis-à-vis the Internet.

Informing the Rights Debate

IT for Change was called to be a part of the experts' meeting on 'The Right to Enjoy the Benefits of Scientific Progress and Its Applications' organised by the UN Special Rapporteur on Cultural Rights in Geneva in December 2011. We were specifically requested to contribute perspectives on Internet and other Information and Communication Technologies (ICTs). Apart from informing the general discussion, two of our contributions find mention in the final report; one, concerning the need to protect the open architecture of the Internet and another, insights from a case study from Taiwan as a part of our CITIGEN-ASIA project, arguing why access to mobiles should be considered as a basic right from the standpoint of migrant domestic workers.

Looking Ahead

The arena of global governance of the Internet is expected to get even hotter over 2012-2013. The key areas of intense activity and contestation are going to be the meeting of the upcoming International Telecommunication Union, which will review its constitutional provisions, and the annual sitting of the UN General Assembly, around the same time, towards the end of 2012. In addition, the special meeting on 'enhanced cooperation' called on the sidelines of the annual 2012 meeting of the CSTD, and the regular meeting of the Commission, may see interesting developments. IT for Change plans to associate closely with all these events.

We will continue to work closely with key actors in the global Internet governance arena, both from civil society and governments, to try and make progress towards democratic institutions for Internet governance. During the next year, we specifically seek to develop a network of progressive civil society groups, at the global and national level, which can share information and perspectives and together take up causes for advocacy. We also plan to work closely with South Centre, possibly to bring out a newsletter with informed Southern perspectives on global Internet governance issues.

IT for Change also seeks to increase engagements at the national level on Internet governance issues. Apart from developing a network of progressive groups, we seek to specifically make progress on issues like net neutrality, competition issues in the digital space, freedom of expression and need for public interest regulation of global mega Internet companies operating in India. We will also work for an India IGF.