



Internet Governance and Developing Countries: Implications for India

The internet has created a one world of information and commerce. According to the International Telecommunication Union (ITU) nearly 40 per cent of the world population is currently using the Internet. While in the developed world over 75 per cent of the people use the Internet, only 30 per cent of individuals in developing countries use the Internet. Nations blessed with comprehensive Internet connectivity are privileged and tend to call themselves Internet societies. In less privileged societies not everybody 'enjoys' the Internet and a large number of people are left out of all benefits that the Internet stands for. A natural transformation for these societies would be to aspire and achieve Internet connectivity. However, this process of virtual integration, which is by far the most outstanding character of contemporary human civilization, stands threatened due to unforeseen dangers of covert surveillance by those who are better equipped by history and accident to undertake such attacks on privacy of individuals anywhere in the world. The Snowden revelations have exposed the extent of secret cyber surveillance by a single world power and have rang alarms on violations of basic human rights like online privacy as well as of dignity and sovereignty of nation states. This has suddenly made Internet governance one of the foremost international issues that various nations are seeking to address with a definite urgency.

The Internet by all accounts happens to be the technology that connects people and societies without prejudice and facilitates knowledge exchange without any bias but in itself may be the most centralised institution of our time. The US, which has been the birthplace of the Internet, is also home to key institutions/organisations that have absolute

control over the 'allocation' of the cyberspace and commercialisation of the internet globally. The Internet Corporation for Assigned Names and Numbers (ICANN), headquartered in Los Angeles and incorporated in 1998, allocates unique Internet addresses be it emails or websites and effectively coordinates those to create one global Internet. Before the establishment of the ICANN, the domain system of the Internet was solely controlled by the US Administration through the Department of Commerce.¹ However, the Department of Commerce has never really been hands off the ICANN till date. ICANN is apparently a multi-stakeholder model that brings on board technical experts, representatives of the public and the private sector, activists and individual Internet users from across the world. However, it may not be by any measure an ideal global set up where nations around the world could feel empowered towards collective governance of the Internet. Despite discomfort and desperation, other countries have so far failed to forge an alliance or achieve a multilateral platform; needless to mention the clear disadvantage of the developing world in this regard. The last decade onwards, international community has made some attempts at understanding issues of Internet governance and at evolving public policy debates around shared cyberspace (cross border and jurisdiction issues), intellectual property, access to knowledge, trade and commerce, openness, standards, diversity, rights, etc. One of the prominent forums of policy dialogue is the World Summit on Information Society (WSIS) – a UN sponsored platform. The WSIS Forum is organised every year, hosted by the International Telecommunication Union (ITU, the specialised UN agency for ICTs) and co-organised by ITU, UNESCO,

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UNCTAD and UNDP. The WSIS 2003 (in Geneva) and WSIS 2005 (in Tunis) provided early directions by collating issues of relevance. Notably, the WSIS 2005 agenda is known for introducing Internet governance. The UN sponsored Internet Governance Forum (IGF) since 2006, is meant to promote dialogue on Internet governance following WSIS 2005. The IGF serves as an open discussion forum and is not a negotiating platform and hence does not make formal recommendations to the UN. In December 2010, the UN General Assembly renewed the IGF through 2015 and tasked the UN's Commission on Science and Technology for Development (CSTD) to develop a report and recommendations on how the IGF might be improved. A Working Group on Improvements to the Internet Governance Forum was formed by the UN, which comprised 22 governments (including the United States) and Internet stakeholder groups.²

Initially what the WSIS proposed in 2005 as a definition of Internet Governance was:³

Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

The outcome document of the WSIS 2005 laid much diminished focus on the democratisation of the Internet. It hailed private sector lead Internet governance mechanisms to have been effective in making the Internet a highly robust, dynamic and geographically diverse medium. However, it acknowledged that Internet governance includes “more than Internet naming and addressing”, involving critical Internet resources, security and safety of the Internet, developmental aspects and issues pertaining to the use of the Internet. The WSIS 2005 outcome document is arguably the first and only agreement at the international level that seeks to promote the role of intergovernmental bodies in Internet governance. However, on democratisation of the Internet, it could hardly go beyond sketching a rather vague model. We quote:

“We are convinced that there is a need to initiate, and reinforce, as appropriate, a transparent, democratic and

multilateral process, with the participation of governments, private sector, civil society and international organisations, in their respective roles. This process could envisage creation of a suitable framework or mechanisms, where justified, thus spurring the ongoing and active evolution of the current arrangements in order to synergize the efforts in this regard.”

--Para 61, Tunis Agenda for the Information Society

WSIS Forum has adopted an Action Line approach which was proposed in the Geneva Plan of Action. Accordingly, the Tunis Agenda for the Information Society states that the WSIS implementation mechanism at the international level should be organised taking into account the themes and action lines as laid out in the Geneva Plan of Action, and moderated or facilitated by UN agencies when appropriate. It also states that ITU, UNESCO and UNDP should play a leading facilitating role in the implementation of the Geneva Plan of Action. The Internet Governance Forum, which held its 8th Meeting in Bali, Indonesia in October 2013, discussed, in the backdrop of recent revelations about government-led Internet surveillance activities, the need to ensure better protection of all citizens in the online environment and to strive for a proper balance between actions driven by national security concerns and the respect for internationally recognised human rights, such as the right to privacy and freedom of expression.⁴ However, none of the forums – WSIS or IGF – has so far proposed any fundamental course correction in debating Internet governance and over the years has endorsed existing multi-stakeholder models that rely on informal processes among technologists and the business community. Western interests have so far prevailed upon management and ownership of the cyberspace and associated public policy. The US, European Union and some other Western nations have favoured status quo.⁵ Emerging consciousness again has gone only a few steps in encouraging debates around balancing interest of the government and the private sector, between unilateral control of the US and legitimate global aspirations, and between sovereignty and human rights – way short of recommending a new structure of Internet governance that could replace existing mechanisms, often considered messy and chaotic.

¹ This was because the US government was uniquely responsible for development of the Internet since the 1970s.

² See Kruger (2013).

³ ITU (2005).

⁴ Chair's Summary IGF, Bali (December 2013).

⁵ The very recent (October, 2013) *Montevideo Statement on the Future of Internet Cooperation* by ICANN and its partner organisations called for strengthening the current mechanisms for global multi-stakeholder Internet cooperation.

Historically, strategic alliances for security or multilateral engagements for free trade have been prominent. Only in multilateral trade forums, the developing world was somewhat empowered to push forward their agenda of fair bargain. Internet and its existing structure of administration has been a *fait accompli*, until in the recent past when people started questioning its legitimacy. Latin America led by Brazil resorted knee jerk political opposition to the US surveillance programme. Brazil plans to host an international summit of governments, industry, civil society and academia in April 2014. Germany too has registered strong protests and is keen on proactive UN interventions.⁶ Recently, World Economic Forum 2014 has announced an Independent commission to investigate the future of the Internet in the wake of revelations on Internet surveillance. Ideally, a multilateral institution of Internet governance, unlike the existing private sector based Internet governance institutions should better serve the purpose of a progressive world order. It is important that Internet governance is democratised internationally to prevent it from getting caught in arbitrary regulations at the level of sovereign states. Strong Internet governance at the national level could mean end to unencumbered knowledge flows and throttled public opinion, as is feared under authoritarian regimes.⁷

India's contribution towards deliberations on Internet governance is mature but lacks consistency and coherence. India along with the US, EU and Japan did not sign the International Telecommunication Regulations (ITR), to come into effect from 1 January 2015, at the World Conference on International Telecommunications (Dubai, 2012) which was signed by 89 out of 144 members including Russia, China, South Korea, countries of Africa, Middle East and Latin America. In doing so India largely subscribed to the view that the new set of rules⁸ allows greater government control of the Internet. If we scan through India's statements at UN General Assembly (over the recent years) it is clear that initially India never proposed to change existing multi-stakeholder models promoted by private interests and supported by the US, notwithstanding India's intentions of forging a greater international cooperation in management of Internet related policy matters. Earlier in

2011, India had proposed a United Nations Committee for Internet Related Policies to be constituted of multiple members.⁹ Naturally, this could have meant future regulation of the Internet by national governments within a broad framework of UN policies. However, in 2013, at UN General Assembly India unambiguously advocated following up on the Tunis agenda for a multilateral structure of Internet governance and called for a UN initiative in policy making towards the use of cyberspace and ICTs for sustainable and inclusive development. Demand for multilateralism was also raised by India in a Joint statement of IBSA in 2010. It states:

“Although there is a positive movement towards improving transparency and accountability in the activities of the Internet Corporation for Assigned Names and Numbers (ICANN), its legal status remains problematic. The fact that only one country, instead of the international community of States, is the provider and guarantor of the management of names and numbers of the Internet in all countries contravenes established UN principles and universally accepted tenets of multilateralism.”

Despite having one of the largest numbers of Internet users in the world and having a strong base in ICT services, public opinion in India is ill-formed and government departments have not engaged in wider consultations in the process of formulating India's stance on Internet governance. India's response towards intimidating digital surveillance has been rather weak. However, India is slowly moving towards creating its own infrastructure to protect critical digital resources and institutionalise security surveillance to neutralise terror threats.

While it is important for India to carefully align itself under difficult geopolitics of the World Wide Web, India should also buckle up for host of other issues of the global Internet that affects its economics. For example, with cloud computing, which is increasingly making its way into global businesses, it is expected that firms would be able to make use of virtual servers without having to incorporate additional physical infrastructure thus significantly reducing costs for new businesses. However, in the absence of global regulations for emerging digital technologies, responsibilities may be hard to assess and penalties ill defined for

⁶ As per reports, political leadership in both the countries, i.e. Brazil and Germany were victims of sweeping electronic surveillance by the US security agencies.

⁷ Chinese Internet censorship is a case in point. China often receives negative publicity for arbitrary internet standards and aggressively promotes censorship on all private information on the internet. It has always filtered all information and content originating elsewhere particularly the US – this has come to be known as the *Great Firewall of China*.

⁸ Earlier ITR was signed way back in 1988 in Melbourne of which India is a signatory.

⁹ India's proposal was for provisions that allow national governments to regulate the Internet. It could have been a significant deviation from multi-stakeholder mechanisms (largely overseen by the US government) that was user centric with little role for governments across the world.

human errors leading to data losses. We also note that most cloud computing vendors are US based suggesting continued dominance of US interests in network technologies. Although there is a widespread recognition that cyber crimes and spam dampen prospects of online business transactions resulting in significant loss of revenue, it is not clear if censorship, firewalling and government control of the Internet would act as a barrier to trade and if so to what extent. Online espionage has substantially vitiated international business atmosphere and would potentially invoke greater FDI regulations, given ownership concerns. These may be regarded as new forms of protectionism where tariffs are replaced with security regulations. The US has been particularly suspicious of country specific regulations for digital companies that require making use of local servers even as it pushes for more open markets for its leading Internet companies like Amazon, Facebook, Google and Microsoft that earn substantial export revenue. Media reports suggest that India is now planning to deviate from a US centric approach and would ensure control and management of servers located in India. It will also seek greater autonomy for storing data for all domain names originating from India.

Unsettling revelations of Internet surveillance and scrutiny in the recent past have thrust upon drastic changes in the way multilateral Internet governance was being discussed and deliberated. The sense of urgency in setting records straight on all means and tools of Internet administration in the first place is discernible. Unwarranted plans of Internet surveillance on citizens of the world in the name of security have not only generated strong public response but has also put governments across the world under intense pressure to act fast towards resisting such onslaughts and also come clean themselves. So far it has been easier for the US intelligence agencies to collude with their own Internet companies to execute such programmes of internet surveillance. The priority therefore,

is to check such unholy designs and instate a multilateral structure of international Internet governance. Unfortunately, the world seems to be grappling in the dark, appears directionless and caught in confusions of insurmountable proportion in this regard. Moreover, one feels that till date policy debate on Internet Governance has been preoccupied with technical issues around cyber-security and firewalling and to some extent making use of the Internet in promoting UN programmes on development. The dialogue neither has mandate nor scope to accommodate legitimate aspirations of the developing nations in so far as the larger issue of Internet governance is concerned. Talks of equity and inclusion sound hollow in the absence of proactive participation by the constituency of developing countries. Control of the Internet is in a few hands – its administration challenges norms of democratic institutions and lacks any form of multilateral character. The challenge for developing countries therefore, is to propose their framework and agenda of alternative multilateral Internet governance institutions that would be fair towards them and are run democratically.

References

- IGF. 2013. Chair's Summary, IGF, Bali. Available at: <http://www.intgovforum.org/cms/Chair's%20Summary%20IGF%202013%20Final.Nov1v1.pdf>
- ITU. 2005. "World Summit on Information Society Outcome Documents (Geneva 2003 – Tunis 2005)". International Telecommunication Union (ITU), Geneva.
- Joshi, S. 2012. "MP seeks shift in India's stand on global Internet governance." *The Hindu*, 17 May.
- Joshi, S. 2013. "India to push for freeing internet from U.S. control." *The Hindu*, 7 December.
- Kruger, L.G. 2013. "Internet Governance and the Domain Name System: Issues for Congress." *Congressional Research Service (CRS Report for Congress)*, 7-5700, R42351.
- South Centre. 2006. "Internet Governance for Development." *South Centre Analytical Note*, August.

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Research and Information System
for Developing Countries

Core IV-B, Fourth Floor
India Habitat Centre
Lodhi Road, New Delhi-110 003, India.
Ph. 91-11-24682177-80
Fax: 91-11-24682173-74-75
Email: publication@ris.org.in
Website: www.ris.org.in