

Where did the mysterious CIRP come from – A short alternative (almost sub-altern) account of its history¹

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The famous *multistakeholder* (MS) Working Group on Internet Governance (WGIG) identified 'unilateral control by the United States Government' of root zone files and system as one of the highest priority issues that needed attention. Incidentally, US, the shining beacon of MSism today, refused to join this MS initiative on global IG, I mean, the WGIG. WGIG also identified a set of global Internet related public policy issues that needed to be addressed. It gave four possible alternative institutional structures to deal with global IG imperatives for the consideration of the Summit on the Information Society (WSIS). Of these, three alternatives sought a new inter-governmental global Internet policy body, with non government participants in advisory or observer roles. The fourth alternative was more or less staying with the status quo, except for creating an IGF (a common feature of all the four alternatives), which, significantly, was supposed to inter alia issues analysis and recommendations on key global IG issues.

WSIS mandated the creation of an IGF, and, due to inconclusive negotiations, gave somewhat unclear recommendations on the needed mechanism for global Internet related policies. Basically, the unmistakable mandate was to discuss this issue further, with specific assertions that something that addresses the imperative of global Internet policies is certainly needed. The Tunis agenda is clear to this extent.

Now comes one of the central questions of the present inquiry - as to who, since the WSIS, sought wider public discussions on the placeholder called 'enhanced cooperation' (representing the undeniable imperative of developing the needed global Internet policies) and who resisted such discussions, contrary to the explicit directions from the WSIS.

Developed countries, business, technical community and, unfortunately, also a good number of people from the dominant civil society in the IG space, wanted that somehow everyone should just forget that there were these recommendations of the multistakeholder WGIG, and the significantly multistakeholder WSIS, about the urgent need for a mechanism for global Internet policy development.

On the other hand, IT for Change has sought a wide public discussion on this subject since the very first IGF, in 2006 in Athens, when we held a workshop on 'framework convention on the Internet'. Continuously since then, we have sought discussions on this subject on the IGC list, at IGFs, in the IGF MAG, and every other place we could do so. The dominant actors in the IG space mentioned above were almost unanimous in receiving these efforts with active dis-interest. We tried to have a workshop on enhanced cooperation at the 3rd IGF and we were officially refused (when almost no workshops are normally refused), with the active connivance of the very same players, which now, when

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the CIRP call has been made etc, want to take a discussion on enhanced cooperation to the IGF, many of them with no other motive than to stall things. Such blatant and deep hypocrisy, but obviously, there isn't none, no civil society no media, to ask these powerful the obvious questions!

Anyway, despite being officially refused by the IGF establishment to hold a workshop on enhanced cooperation at the IGF, IT for Change [continued its efforts](#) and roped in Brazilian government's support. Finally we were able to get more than a workshop on enhanced cooperation; we got the subject treated in a main session.

Normally not very well organized or informed to promote and defend their strategic interests in global spaces, around 2010, developing countries did begin to get a bit impatient on the lack of progress on enhanced cooperation at the CSTD annual meetings. (Yes, we too had been coaxing them, and very openly so, but I will try to keep IT for Change's role, which could have been catalytic here and there, largely out of this analysis which is about much bigger things.) Consequently, a one day [open meeting on enhanced cooperation](#) was called by UN DESA in New York in Dec 2010. It is here, in an [open and widely publicized statement](#), that IT for Change first asked for a UN CIRP like body but with a somewhat different membership structure and name than what India finally demanded last year at UN general assembly (GA). IBSA (India, Brazil, South Africa) also made a joint statement at this UN DESA meeting and demanded the creation of "a formal platform under the U.N" for enhanced cooperation. It recommended setting up of a CSTD Working Group that "should recommend on the feasibility and desirability of placing the Enhanced Cooperation mechanism within an existing international organization or recommend establishing a new body for dealing with Enhanced Cooperation, along with a clear roadmap and time frame for the process ". With 'an existing international organization' in the present context I would generally understand ITU. Both statements were made in an open forum with many civil society participants, including from IGC, present. They were also circulated on the IGC list, but did not attract much discussion.

Meanwhile, the dominant forces in IG (developed country governments, business, technical community and, unfortunately, also a good part of North based civil society active in the IG space), when they saw that their game of trying to make the concept of 'enhanced cooperation' simply disappear from our collective memories was no longer working, found another, even more devious, strategy. They began to say, yes enhanced cooperation was necessary, and it was already taking place - at the IGF! This was simply ridiculous - a simple straight forward reading of Tunis agenda will show it. But who will question the powerful, even they do such completely inexplicable flip flops! Not the compliant civil society, not the media. That is raw power!

Anyway, developing countries did a smart thing at this stage. They managed to get a phrase into the CSTD resolution of 2010, and through it into the UN GA resolution, to the effect that enhanced cooperation and the IGF were 'distinct but complimentary' processes. US only later realized what it saw was its folly in letting the resolution pass - vis a vis the new strategy of positioning IGF as enhanced cooperation. When the 2011 CSTD resolution was being negotiated, US simply dug its heels to not allow this phrase to be

repeated. The stalemate went to almost midnight of the last day of negotiations and was finally resolved in a complicated UN-ish way which I would not go into here. No one seems ready to question why US objected so strongly to the separation of enhanced cooperation from the IGF (which is very evident from Tunis agenda), and, even more, about the complementarity of the two processes, which simply ensures a stronger role of the multistakeholder policy dialogue of the IGF in any future global Internet policy related body.

It was obvious that the US, and other dominant powers, were not only not ready to get on with actually developing globally democratic institutional systems for global Internet public policies, they were not even ready to sincerely discuss the issue. This is the original problem that backgrounds the CIRP proposal. In fact, they had begun to use the worst possible way to avoid a sincere discussion- they were creating new meanings and new obfuscations around the agreements reached at WSIS. They were reinventing terms like enhanced cooperation to mean what could easily be shown to be completely opposed to what was intended by documents that were agreed consensually at the WSIS. (It was not just 'enhanced cooperation' part that they were going back on. They also resiled on the clear WSIS direction that the IGF was mandated to issues recommendation - something the multistakeholderWGIG also specifically sought. This happened as India, and also IT for Change, were working the hardest possible through the WG on IGF improvements to strengthen the IGF, including vis a vis recommendations giving power and processes, an effort which was successfully resisted by the mentioned dominant actors. In this light it normally would not be difficult to assess who is for multistakeholderism in global IG space and who is not, but well, again, it is the issue of questioning the powerful!

In this background, I cannot see how anyone can fault them if some developing countries thought that they need to have better coordination among themselves and take a proactive stance on global IG. (Out of humility, and perhaps also discretion, that any small NGO must espouse, I repeat that I am largely cutting out IT for Change's role in this and many things described above.) Well, the first contact in this regard was made between IT for Change and a Brazilian diplomat, and we were later joined by another civil society person from Brazil, Marilia Marciel from Centre for Technology and Society. We thought it befitting that some kind of IBSA workshop be arranged on global IG. It so happened that the Brazilian Internet Steering Committee agreed to put some money into it, and the initiative begun to take off. It was decided that the IBSA workshop will be held in September of 2011.

There was limited money available and we sought to support travel for 2-3 civil society participants each from South Africa and India. Brazil sent official invitation to the 2 other governments. While government participants were to fund their own travel, they were also encouraged to bring along other stakeholders, from civil society, business etc. However, as mentioned, travel support from Brazil was limited to 2-3 civil society participants each from South Africa and India. However, neither of the two governments brought along any private sector or technical community members which could be because of funding issues. I do know that Indian government officials in Delhi were in contact with 2-3 members from business/academic community but I think funding could not be worked out. In fact, we the

organizers were quite unsure till very late if even government official from these two countries will turn up. (That reminds of the almost funny innuendo contained in the Daily Mail article, which wonders why was India's Ministry of Foreign Affairs so keen to get someone from IT for Change to Rio, when IT for Change have been trying to get this kind of a meeting going for about a year before Rio, and in fact, as mentioned, we were unsure till quite late if Indian official will turn up for the Rio meeting. But let us not get distracted.)

Finally, government participants from South Africa and India did come (both Geneva based and capital based) and 2 civil society participants were able to make it from each country. From South Africa it was Anriette Esterhuysen from APC and another academic-activist very involved in the community informatics space. From India it was us, and Pranesh Prakash from the Centre for Internet and Society. There was of course a good sprinkling of Brazilian officials and civil society and technical community participants. And we had discussions on global IG issues.

IT for Change did present background cum position paper to the participants of the Rio meeting called the '[Development Agenda in IG – Outlining Global Public Policy Issues and Exploring New Institutional Options](#)'. As the name suggests, the paper did a survey of key global Internet related public policy issues that were needed to be addressed, especially from a developing country point of view, as also explored some institutional options going forward. Here, formation of a UN Committee for Internet Related Policies was proposed. Most of the text in this regard directly lifts from [IT for Change's contribution](#) to the UN DESA open consultations on enhanced cooperation that were held in December 2010. This contribution is an open document still available on the UN DESA website. It was also shared on the IGC elist. Similarly, the 'Development Agenda in IG' paper is an open document which is and has been available on the web-page for the Rio meeting maintained by Centre for Technology and Society. It was also shared on the IGC elist. And of course, all these documents have always been available on IT for Change's website along with short summaries on their role etc in overall developments on 'enhanced cooperation' and other IG processes.

It may be important to note that it was never the intention of organisers to seek a set of recommendations from the meeting, much less a specific one on how to operationalise enhanced cooperation. We, the organising team, did not know anything about it till the second and the last day of the meeting. Although, it may be mentioned that a slot was kept in the meeting for delegates of the three governments to confer among themselves. What came to be known as Rio recommendations got worked out among IBSA officials during this end of the meeting inter-governmental consultation. I understand that it was a spur of the moment thing. IBSA had been coordinating for about a year before on the imperative to operationalise enhanced cooperation, and they seem to have seen here a good opportunity to work out a simple draft and take it back to their capitals for further work. Diplomats, especially the more capable and dedicated ones, are trained for such concrete move-forward steps and not as easily content just with doing workshops as civil society may often be.

The Rio Recommendations sought creation of a new UN body for operationalising enhanced cooperation. I take this to be a significant positive step forward from the joint IBSA declaration in Dec 2011 which spoke about either forming a new body or using an existing body (read ITU) to take up the enhanced cooperation role. The Rio Recommendations for the first time showed a clear desire or commitment to go beyond traditional UN spaces like ITU to entirely new body, which could perhaps be more open and participative, more in keeping with current times. (The possible structure for this new body was further detailed in the CIRP proposal that came about 7 weeks later.) This great positive step forward has almost not at all been noted about the Rio Recommendations. The functions of the proposed new body were listed hastily, mostly taking from the WGIG report. Here there was an unfortunate use of the term 'integrate' vis a vis technical and standards functions being carried out by concerned IG bodies (the ICANN plus systems) and not just 'oversee' or 'oversight' which in fact has been the traditional stand of developing countries, certainly the IBSA countries. I am sure use of the term 'integrate' was inadvertent, and it was corrected in the CIRP proposal made a few weeks later.

A few weeks after the Rio meeting, an IBSA summit took place in South Africa, with all three heads of governments present. The Summit's Tshwane Declaration "reiterated the urgent need to operationalise the process of 'Enhanced Cooperation' mandated by the Tunis Agenda ". It also took specific note of the recommendations of the Rio meeting and "resolved to jointly undertake necessary follow-up action". All these are of course widely publicized open documents.

Within 2 weeks or so of the Tshwane declaration, the discussion on enhanced cooperation came up in the UN General Assembly (GA). It is important to note here that developing countries had been seeking such a discussion for a very long time, and also seeking concrete movement forward on enhanced cooperation. It were the developing countries that had asked for the earlier mentioned UN DESA open meeting on enhanced cooperation which was held in Dec 2010, and the report of which was now to be discussed at the UN GA. It was in this Dec 2010 meeting that IBSA had formally sought creation of "a formal platform under the U.N" for enhanced cooperation. Now, when the body that could take formal action to move forward in this regard, i.e. the UN GA, was considering the report of the Dec 2010 UN DESA meeting on enhanced cooperation, it is my impression, and I understand it must also have been of the concerned Indian officials, that to just say sheepishly, "well, we have still not made up our mind about what kind of thing are we really looking for (and have been asking for almost a decade now)", would have looked rather silly for any serious developing country participant in the discussion. For Indian officials considering the issue, they had behind them the statements made by India and other developing countries since at least 2003. Then they had the 2010 IBSA statement, the Rio recommendations, and the IBSA Summit's strong exhortation. More fundamentally there was the Tunis agenda, and the WGIG report before it, which were quite clear and explicit in the concerned regard.

What I hear is that it is in this background that India decided to go ahead and make a concrete proposal to the UN GA, even as they would have surely realized that it really

would only be an opening gambit in what was certainly going to be long drawn process. North was successfully creating a complete stalemate with regard to progress on enhanced cooperation, and refusing even a formal discussion on the issue, continuation of which was a very clear mandate from the WSIS. It had even begun a campaign to completely distract from the clear and specific meaning with which the term and mandate of enhanced cooperation was construed by Tunis agenda. It is important to call their bluff, which they seem to be getting away with. (Even as I labor these explanations there is the painful realization about how defensive the less powerful must always be, even in taking such a clearly principled and justified stand!) However, and perhaps quite understandably, there was not enough time to do a joint IBSA statement. So, India went ahead, and made the now famous [statement asking for a UN Committee on Internet-Related Policies \(CIRP\)](#). IBSA had already, in clear terms, sought a 'formal platform under the UN' in Dec 2010. Indian proposal was only giving that platform a formal name and shape which was indeed required to make any specific proposal to the UN GA, that could be expected to be treated with any kind of seriousness. India cannot be faulted just for getting really serious and concrete about what it had been asking for all these years. I think the concerned officials need to be congratulated for putting the act together - an act that was languishing and begging to be put together. But it is just this thing, of getting serious and focused about the task on their hand, that these officials seem to facing flak for in the referred article by Daily Mail, as also in another recent article in the same newspaper. This is of course instigated by the dominant powers in global IG space (I have good amount of information of how such things are right now being engineered in the India's so-called 'multistakeholder IG space' and the media space, but I do not wish to add further intrigue to this drama and am happy to consider matters on merit). Now, these dominant forces did hope and expect that developing countries like India would keep waffling about, making some noises here and there, but not be able at all to match the well-oiled and resourced machinery that today dictates what happens in the global IG space. They are rather in disbelief and stung by the fact that a few officials (there are others not named in the article) took up the cudgels in the right earnest and did what was needed to be done. Go and ask any of the civil society activists fighting for issues like access to knowledge at WIPO in Geneva what the two Geneva based officials named in the Daily Mail article have done for this cause. You would not hear anything less than the most profuse praise for their capability and dedication to progressive causes - and also what all they have helped achieve. But here they are up against not just the developed country governments but a much larger and well organised machinery of protecting and promoting the dominant interests. Maybe this is something that they may not have expected; not that they would have acted in any other way than they did. Not only civil society in Geneva, you may also want to check with Geneva based diplomats about the standing and capability of these mentioned officials, and I repeat, it is way out of the ordinary. They would simply laugh off any suggestion that these seasoned practitioners of their craft allowed themselves to be hoodwinked by a small NGO, and its motivated rabid positions. One would need to get a bit more real here.

When India, IBSA and other developing countries were making general statements after public statements on the need to operationalize enhanced cooperation, and then even seeking setting up of a working group to consider this issue, no one seemed interested. There was almost no response from the other side; just deafening silence and non-engagement. No response not only from the haughty governments of the North and the business as well as technical communities; no response even from the civil society, which otherwise is considered to obtain its legitimacy from deliberative processes. It appeared that these statement were not to even be given the dignity of being responded to. These dominant groups would much rather lambast the patently authoritarian proposals coming from a China or Russia or Iran, which was of course easy to lambast, and one could also look so morally superior in doing so. The really reasonable statements and proposals like those issuing from IBSA were rather more difficult to do something about. Therefore, a stance of superior indifference was the strategy employed. What do you expect these developing countries, especially the more capable, upright and purposive officials in these countries faced with the issue, to do. To cow down, having been shown their place? Well, they did not do it. They went ahead and put in concrete terms what developing countries had been talking about and demanding all this while, and sought a working group to look into how to proceed further on the subject.

Coming back to the CIRP proposal, other than giving a name and location to the 'formal mechanism under the UN' that IBSA had in any case asked for in Dec 2010, the proposal took a set of tasks straight out of the WGIG report's four models and put them against the proposed new body. Nothing new or particularly reproachable I can see in this too. Meanwhile, it removed the term 'integrate' while referring to the interface of the proposed new agency with the Internet's technical coordination system (ICANN plus), and stuck to terms that connoted the generally and commonly spoken of 'oversight' function. Nothing radical was done in making the CIRP proposal, other than stating in concrete terms what was being sought for years. The proposal clearly stated "those familiar with the discourse on global Internet governance since the beginning of the WSIS process at the turn of the millennium, will recognize that neither the mandated tasks of the CIRP, nor its proposed modalities are new". And in good humility it did add that 'we are open to the views and suggestions of all Member States....'. (Try catching US's or other Northern government's proposals showing such humility!)

With a well established background of what India, and other developing countries, had been seeking regarding the WSIS mandate of enhanced cooperation expressed in many public statements over many years (and steadily ignored by all including civil society), it was not such a big step to make the CIRP proposal as it is made out to be. As a civil society organisation, IT for Change, is always for more discussion and more consultation than less. And our efforts to get a larger discussion going on enhanced cooperation, as also the attitude in this regard of other actors in the global IG space, has been discussed in detail above.

As said, India's CIRP proposal did not state anything really new, the way it is being made out to be. In fact, when one looks back at it, if there was something completely new, as

seen from a government's perspective, it was the extra ordinary length that the proposal goes to in suggesting a concrete model for multistakeholder involvement in policy development process. There is no institution in the UN which has close to the kind of multistakeholder participation model as has been suggested in CIRP. It is perhaps in proposing this path-breaking innovation, very unusual for officials to do without taking a hundred clearances, that the concerned officials went out on a leg, and could have faced problems about. I say this as a matter of fact, and I challenge anyone to point me to any institution making substantive public policies in the UN system that has close to such a system of multistakeholder participation as CIRP proposes. In fact, I will even go one step beyond, I am almost sure that there is no institution anywhere dealing with global or even plurilateral public policy making which has such a system of multistakeholder participation as proposed in the CIRP. The system proposed by CIRP is certainly a significant improvement over the multistakeholder participation system of OECD's Internet policy mechanism. Incidentally, this OECD's Internet policy making model has been greatly appreciated by many civil society members who refuse to speak of CIRP other than in terms of utter contempt. This is just locational power, nothing else. Power of being located in countries and / or classes which are being well served by the present lopsided and undemocratic global IG system.

So to close, if CIRP indeed did something really dramatic, perhaps it was the bravery of proposing a model of stakeholder participation in substantive global public policy making the like of which does not exist anywhere at present. It therefore is a most extraordinary sleigh of hand to be able to construct a criticism of CIRP based almost entirely on the issue of multistakeholderism (besides the related allegation of seeking control over the Internet). But it really is no magic, it is just naked power. If anyone thinks that this model of multistakeholder participation is indeed not path-breaking, try suggesting to the developing countries to employ it at WTO and WIPO and just watch their reactions, if indeed they dignify any such request with any reaction at all. On the other hand, I am also happy to hear if there is any other institution doing substantive public policy work (no, not technical coordination) which has a better model of stakeholder participation than what CIRP proposes. If the problem of the detractors of CIRP is really about multistakeholder participation, why do they not propose a model of stakeholder participation that they find right and appropriate, and if possible, also give instances of places where such a model is practiced. I have thrown this challenge often, including on this e-list, without any engagement.

I fear that the real problem of most detractors of CIRP, the currently dominant actors in the global IG space, is not about multistakeholder participation. It is the fact that a new more democratic global forum is being proposed to shape global Internet related policies when at present these dominant actors are currently able to dictate the techno-social architecture of the Internet as per their interests. If only they can hold back the progressive forces for a few more years - especially by cajoling, confusing or co-opting many actors in the developing countries - the basic or foundational architecture of the Internet, and information society's social structures, will be set beyond any significant possibility of being changed afterwards. This is the principal war being waged here; multistakeholderism and

'developing countries out to control the Internet' are the two main diversionary bogeys used in this cleverly fought war for supremacy in the information or network society world order.