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India's proposal will help take the web out of U.S. control

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Unnerved by the Indian stand, IT monopolies are propagating the myth that a multilateral governance structure will kill the decentralised, multi-stakeholder nature of the Internet and lead to 'government control'

Last year, in a statement to the U.N. General Assembly, India sought the creation of a U.N. Committee on Internet-Related Policies (CIRP) in order to democratise global Internet governance, which at present is either U.S.-controlled, or subject to the policies of rich country clubs like the Organisation for Economic Co-operation and Development (OECD).

Global Internet governance can be seen in two parts: technical governance which prominently includes the governance of what critical Internet resources, and wider public policies concerning various economic, social, cultural and political issues. The two most critical Internet resources are the authoritative root zone server and Internet names and addresses system, which are managed by the Internet Corporation for Assigned Names and Numbers (ICANN), under contract with the U.S. Department of Commerce. ICANN, as a U.S. non-profit body, is subject to U.S. laws in every possible way. To give a simple illustration, some time back ICANN allowed the .xxx domain space over the objections of most governments. However, now some U.S. companies have taken ICANN to court alleging anti-competition practices in allowing the .xxx domain. The fact that a U.S. court has taken cognizance of the matter makes it at least possible that the ICANN decision on instituting .xxx will be struck down, whereby ICANN will have simply no option other than to shut down this domain space. This simple illustration makes a mockery of ICANN's claim to be an independent globally accountable governance system.

Kill switch legislation

In any case, ICANN's role is completely dependent on the will and pleasure of the U.S. government and the relationship, according to existing contract documents, can be annulled any moment by the U.S. government. With increased securitisation of the Internet, the single point control issue has become even more severe for developing countries. Importantly, the U.S. has been mulling what has been called the Internet kill switch legislation, which could have application across the world. The U.S. has not hesitated to use the domain name system services for extra-territorial enforcement of its intellectual property laws. In this background, the concerns of other countries about U.S. control on the critical infrastructure of the Internet are quite legitimate.

The other area of global governance relates to wider public policy issues like the role and responsibilities of Internet intermediaries (like search engines and social networking sites), e-commerce, cross-border data flows, intellectual property and access to knowledge, trade and tax, online media, cultural diversity, privacy, security, human rights, etc. At present, it is either U.S. law

which applies globally by default as most monopoly Internet companies are U.S.-based, or the policy frameworks are developed by rich country clubs like the OECD. There is no reason why such policy principles and guidelines should not be developed by all countries sitting together in the first place, which is what is proposed the U.N. Committee for Internet-Related Policies (CIRP) will do.

Developed countries, chiefly the U.S., are using the power of their monopoly Internet companies and other kinds of strategic advantages to shape the Internet as per their narrow interests — economic, political, security and cultural. At the same time, the North has managed to keep developing countries away from the seats of governance of the Internet. For this purpose, they use many different strategies. To many developing countries, they sell the proposition that poorer countries should focus on the immense developmental potential of the Internet, rather than the "esoteric" question of its global governance. To global civil society, the North has somewhat successfully been able to sell an image of itself as the protector of freedoms and liberties on the Internet, chiefly freedom of expression, and that of developing countries as anti-democratic and retrograde, thus arguing that the latter should not be allowed anywhere near the levers of Internet governance. To the technical experts, a powerful constituency in the early days of the Internet, the global North sells the illusion of a bottom-up, user-driven and built Internet, while the fact is that it is the policies and practices of the North, as for example through its active complacency concerning "net neutrality" (a key egalitarian architectural principle of the Internet), and non-enforcement of competition law vis-à-vis the unprecedented monopolisation in the Internet business, that are rapidly eroding the bottom-up nature of the Internet.

Two misconceptions

There are two main misconceptions about the Indian CIRP proposal, which no doubt have been actively propagated by the interested parties, whose control over the global Internet is threatened by any proposals for democratisation of the Internet.

The first is that the Indian proposal seeks to take over or fold up the existing decentralised model of technical and critical Internet resources governance. India's proposal seeks to do nothing of this sort. It is largely comfortable with the present system, but certainly not with America's oversight over this system, which alone it seeks to get shifted to a body with equal representation of all countries. It is rather strange that when the U.S. exercises oversight over the technical governance system, it is said to be of no significance. However, when exactly the same oversight, nothing more nothing less, is sought to be transferred to a body where not only the U.S. but all countries are represented, an alarm is raised about a deep "government" conspiracy to take control of the Internet.

The second misconception is that India's CIRP proposal is not multi-stakeholder. The fact is that it is perhaps more multi-stakeholder than any global governance body which deals with substantive policy issues (and not just technical matters). In this regard, the Indian CIRP's design is rather innovative and progressive, whereby four advisory committees will meet back to back with the inter-governmental core committee and give regular inputs to it. Additionally, the CIRP is supposed to have organic connections with the multi-stakeholder open U.N. Internet Governance Forum. In fact, the U.N. CIRP takes from the multi-stakeholder model of the OECD's Internet policy mechanism and further improves it, including in terms of its multi-stakeholderism. It is once again inexplicable why the same structure within the OECD, which undemocratically makes Internet policies for the whole world, is not criticised on the multi-stakeholderism front, but the more multi-stakeholder model of CIRP faces such intense criticism.

The Internet is becoming an instrument of further entrenching the geo-economic and geo-political powers of the North, chiefly the U.S. Developing countries urgently need a global forum that could work towards democratising the Internet's governance, and developing principles and policies for shaping the Internet as a democratic and egalitarian force. In fact, while not willing to publicly disassociate with their geo-strategic partner, the U.S. and European countries are also very uncomfortable with the status quo, and are looking for dialogue-opening moves and proposals from developing countries. Most countries have been looking to India's leadership position in opening the dialogue on "enhanced cooperation." In fact, the CIRP proposal gives a viable alternative to developing countries over the more authoritarian proposals floated by countries like China and Russia, and the politics of technical control that plays out at the International Telecommunications Union.

It appears that the U.S. has been trying to bring all kinds of pressures over the Indian government, including through the IT industry in India, and also appealing to activists involved with freedom of expression over the Internet. The latter is an issue that all progressive actors must actively engage with at the national level. At the same time, it is important not to ignore the grave risk at the global level posed by the further concentration of economic, social, political and cultural powers with Northern political entities (mostly the U.S.) and a few global monopoly Internet companies. Most important is to watch out for the manner in which these economic and political powers are coming together in a new digital-political complex, which is well on its way to becoming a principal global challenge in the near future.

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