

# Response to the questionnaire issued by CSTD Working Group on Enhanced Cooperation

*The following is a joint submission by a group of 46 civil society organizations, 10 of them in consultative status with UN ECOSOC, and many more individuals.*

*List at the end of this submission.*

*Since it involved wide consultations across groups not all of which are into the technicalities of Tunis Agenda and the such, but are very concerned with the issue of 'democratizing global governance of the Internet', we are unable to list this joint submission under specific questions of the questionnaire.*

*However, the submission mostly responds to question 8 which seeks responses on the mechanism needed for 'enhanced cooperation'. The part on IGF can be considered for question 9.*

## ***Why global governance of the Internet?***

Internet governance is seen largely in terms of national sovereignty and security or as pertaining to free speech and privacy. We are of the view that there exist many other equally important issues for global Internet governance that arise from the whole gamut of rights and aspirations of people – social, economic, cultural, political and developmental. The relationship of the global Internet to cultural diversity is one example. The Internet increasingly determines not only the global flows of information but also of cultures, and their commodification. No social process is exempt from the influence of the Internet – from education to health and governance. Social systems at national and local levels are being transformed under the influence of the global Internet.

Instead of decentralizing power, the current structure of the global Internet tends to centralize control in the hands of a small number of companies. Some of these companies have near-monopoly power over key areas of economic and social significance. Therefore, regulation of global Internet business through pertinent competition law, consumer law, open interoperability standards, etc, is becoming a pressing need. Increasing statist controls need to be similarly resisted. With the emergent paradigm of cloud computing presenting the looming prospect of remote management of our digital lives from different 'power centres' across the world, it is inconceivable that we can do without appropriate democratic governance of the global Internet. Post-Snowden, as many countries have begun to contemplate and even embark upon measures for 'digital sovereignty', the only way to preserve a *global* Internet is through formulating appropriate *global* norms, principles and rules that will underpin its governance.

## ***Background of this civil society input***

A group of over 60 civil society organizations and several individuals, made a statement on '[Democratizing the global governance of the Internet](#)' to the open consultations on 'enhanced cooperation'<sup>1</sup> called by the Chair of the UN Commission on Science and Technology for Development (CSTD) on May 18th, 2012, in Geneva. The statement *inter alia* sought the setting up of a CSTD Working Group to address this issue. We are happy to note that such a Working Group has

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<sup>1</sup> The outcome documents of the World Summit on the Information Society, held in 2005, employed this as a placeholder term giving the mandate for further exploration of the necessary mechanisms for global governance of the Internet.

been set up and has now called for public inputs to make its recommendations. This document is an input to the Working Group on Enhanced Cooperation (WGEC) on the behalf of the undersigned .

In the aforementioned [statement](#) of May 2012, the civil society signatories had called for the following institutional developments to take place in the global Internet governance architecture:

*Our demands with respect to 'global' Internet Governance espouse a simple and obvious democratic logic. On the technical governance side, the oversight of the Internet's critical technical and logical infrastructure, at present with the US government, should be transferred to an appropriate, democratic and participative, multi-lateral body, without disturbing the existing distributed architecture of technical governance of the Internet in any significant way. (However, improvements in the technical governance systems are certainly needed.) On the side of larger Internet related public policy-making on global social, economic, cultural and political issues, the OECD-based model of global policy making, as well as the default application of US laws, should be replaced by a new UN-based democratic mechanism. Any such new arrangement should be based on the principle of subsidiarity, and be innovative in terms of its mandate, structure, and functions, to be adequate to the unique requirements of global Internet governance. It must be fully participative of all stakeholders, promoting the democratic and innovative potential of the Internet.*

As the WGEC deliberates on concrete ways to move forward, the time is ripe to propose clear and specific institutional mechanisms for democratizing the global governance of the Internet. We have, therefore, expanded the above demands into specific mechanisms that should be set in place for this purpose.

### ***New global governance mechanisms are needed***

We are of the view that it would be useful to have two distinct mechanisms – one that looks at the global Internet-related public policy issues in various social, economic, cultural and political domains, and another that should undertake oversight of the technical and operational functions related to the Internet (basically, replacing the current unilateral oversight of the ICANN<sup>2</sup> by the US government). This will require setting up appropriate new global governance bodies as well as a framework of international law to facilitate their work, as follows.

***A new UN body for Internet-related public policy issues:*** An anchor global institution for taking up and addressing various public policy issues pertaining to the Internet in an ongoing manner is urgently required. It can be a committee attached to the UN General Assembly or a more elaborate and relatively autonomous set up linked loosely to the UN (as a specialized UN body). It should have a very strong and institutionalized public consultative mechanism, in the form of stakeholder advisory groups that are selected through formal processes by different stakeholder constituencies, ensuring adequate representativeness. (OECD's [Committee on Computer, Information and Communication Policy](#) and India's recent proposal for a [UN Committee on Internet-related Policies](#) are two useful, and somewhat similar, models that can be looked at.)

This 'new body' will stay abreast of global Internet-related issues; where necessary, develop international level public policies in the concerned areas; seek appropriate harmonization of national level policies, and; facilitate required treaties, conventions and agreements. It will also have the necessary means to undertake studies and present analyses in different policy areas.

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<sup>2</sup> Internet Corporation for Assigned Names and Numbers, the US based non-profit that manages much of technical and logical infrastructural functions related to the Internet.

Most Internet-related public policy issues are of a cross-cutting nature, and involve overlaps with mandates of other existing global governance bodies, like WIPO, UNESCO, WTO, UNDP, UNCTAD, ITU and so on. Due to this reason, the proposed new 'body' will establish appropriate relationships with all these other existing bodies, including directing relevant public policy issues to them, receiving their inputs and comments, and itself contributing specific Internet-related perspectives to issues under the purview of these other bodies.

***A new 'Internet Technical Oversight and Advisory Board':*** This board will replace the US government's current oversight role over the technical and operational functions performed by ICANN. The membership of this oversight board can be of a techno-political nature, *i.e.* consisting of people with specialized expertise but who also have appropriate political backing, ascertained through a democratic process. For instance, the board can be made of 10/15 members, with 2/3 members each from five geographic regions (as understood in the UN system). These members can perhaps be selected through an appropriate process by the relevant technical standards bodies and/or country domain name bodies of all the countries of the respective region. (Other mechanisms for constituting the techno-political membership of this board can also be considered.)

The Internet technical oversight and advisory board will seek to ensure that the various technical and operational functions related to the global Internet are undertaken by the relevant organizations as per international law and public policy principles developed by the concerned international bodies. With regard to ICANN, the role of this board will more or less be exactly the same as exercised by the US government in its oversight over ICANN. As for the decentralized Internet standards development mechanisms, like the Internet Engineering Task Force, these self organizing systems based on voluntary adoption of standards will continue to work as at present. The new board will have a very light touch and non-binding role with regard to them. It will bring in imperatives from, and advise these technical standards bodies on, international public policies, international law and norms being developed by various relevant bodies.

For this board to be able to fulfill its oversight mandate, ICANN must become an international organization, without changing its existing multistakeholder character in any substantial manner. It would enter into a host country agreement with the US government (if ICANN has to continue to be headquartered in the US). It would have full immunity from US law and executive authority, and be guided solely by international law, and be incorporated under it. Supervision of the authoritative root zone server must also be transferred to this oversight board. The board will exercise this role with the help of an internationalized ICANN.

This board will also advise the afore-mentioned new public policy body on technical matters pertaining to the Internet policy making, as well as take public policy inputs from it.

***Framework Convention on the Internet:*** An appropriate international legal framework will be required sooner than later for the above bodies to function properly. Accordingly, one of the early tasks of the proposed 'new body' dealing with Internet-related public policy issues, discussed above, will be to help negotiate a 'Framework Convention on the Internet' (somewhat like the [\*Framework Convention on Climate Change\*](#)). Governance of the Internet concerns different kinds of issues that are ever-evolving. It is, therefore, preferable to formulate an enabling legal structure as a 'framework convention' rather than as a specific treaty or convention that addresses only a bounded set of issues. It may also be easier to initially agree to a series of principles, protocols and processes that can then frame further agreements, treaties etc on more specific issues.

Such a Framework Convention will thus enable appropriate and ongoing global policy responses to various opportunities and challenges that the fast-evolving phenomenon of the Internet throws up. It will also formalize the basic architecture of the global governance of the Internet; *inter alia* recognizing and legitimizing the existing role and functions of the various bodies currently involved with managing the technical and logical infrastructure of the Internet, including the ICANN, Regional Internet Registries, Internet technical standards bodies and so on.

Appropriate mechanisms for crisis response and dispute resolution in relation to the global Internet, and the social activity dependent on it, will also be required to be set up.

### ***Relationship with the IGF***

The UN Internet Governance Forum (IGF) was established as a multistakeholder 'policy dialogue forum' by the World Summit on the Information Society. The proposed global Internet policy mechanism, especially the new UN based body, will maintain a close relationship with the IGF. IGF affords a very new kind of participative mechanism for policy making, whereby the participation realm is institutionalized, and relatively independent of the policy making structures. The IGF should preferably pre-discuss issues that are taken up by this new policy body and present diverse perspectives for its consideration. A good part of the agenda for this new body can emerge from the IGF. Whenever possible, draft proposals to be adopted by this new body should be shared with the IGF.

To perform such a participation enhancing role, the IGF must be adequately strengthened and reformed, especially to address the dominance of Northern corporatist interests in its current working. It must be supported with public funds, and insulated from any funding system that can bring in perverse influences on its agenda and outcomes. Other required processes must also be put in place to ensure that the IGF indeed brings in constituencies that are typically under-represented, rather than provide further political clout to the already dominant.

A participative body is only as good as the policy making mechanisms that feed off it. To that extent, the meaningfulness and effectiveness of the IGF itself requires a strong policy development mechanism, as suggested in this document, to be linked to it. Investing in the IGF is useful only if its outputs and contributions lead to something concrete.

### ***Funding***

An innovative way to fund the proposed new global Internet policy mechanisms, and also the IGF, is to tap into the collections made by the relevant bodies from allocation of names and numbers resources pertaining to the global Internet (like the fee that ICANN collects annually from each domain name owner). These accruals now run into millions of dollars every year and could be adequate to fund a large part of the needed mechanisms for democratic governance of the global Internet.

In the end, we may add that there is nothing really very novel in the above proposal for setting up new mechanisms for global governance of the Internet. Similar models, for instance, were proposed in the report of the Working Group on Internet Governance that was set up during the World Summit on the Information Society, back in 2004.

We hope that the Working Group on Enhanced Cooperation will fulfill its high mandate to lead the world towards the path of democratic governance of the global commons of the Internet.

### *Organizations supporting the above proposal*

1. Action Aid International (ECOSOC status)
2. Bangladesh NGOs Network for Radio and Communication, Bangladesh (ECOSOC status)
3. Third World Network, Malaysia (ECOSOC status)
4. Consumer Unity and Trust Society, International (ECOSOC status)
5. Development Alternatives with Women for a New Era (ECOSOC status)
6. Isis International (ECOSOC status)
7. IT for Change (ECOSOC status)
8. Women's Global Network for Reproductive Rights (ECOSOC status)
9. Asia Pacific Forum on Women, Law and Development (ECOSOC status)
10. The Third World Institute, Uruguay (ECOSOC status)
11. SIYAFUNDA CTC - Community Technology Centre, South Africa
12. ONG SÍTIO DO EQUADOR, São Tomé and Príncipe
13. Pakistan IGF, Pakistan
14. SchoolNet Foundation, Bangladesh
15. Cad-Central (Advisory Centre for Democracy), Costa Rica
16. Women for Women's Human Rights -NEW WAYS, Turkey
17. All India People's Science Network, India
18. Gulf Center for Human Rights, Bahrain
19. Media Rights Agenda, Nigeria
20. Free Software Movement of India, India
21. Centre for Community Informatics Research, Development and Training, Canada
22. Cooperation for Peace and Development, Afghanistan
23. Agencia Latinoamericana de Informacion (ALAI), Argentina
24. Centre Detudes De LA Synergie Inter-Reseaux (CESIR), France
25. EUROLINC, France
26. Phillipines Rural Reconstruction Movement, Phillipines
27. SchoolNet Foundation, Bangladesh
28. Knowledge Commons, India
29. K-link, Kutch Nav Nirman Abhiyan, India
30. Jan Jagaran Shakti Sangathan, India
31. Comet Media Foundation, India
32. Centro de Tecnologia e Sociedade (CTS/FGV), Brazil
33. Thoughtworks, US
34. GNU/Linux Users Group (GLUG) – Calcutta, India
35. Anti-Poverty Information Centre, Bulgaria
36. Funredes, Dominican Republic
37. Godly Global, Switzerland
38. Intenational Modern Media Institution, Iceland
39. Other News, Italy
40. Fundacion Ambio, Costa Rica
41. ANGIKAR, Bangladesh
42. Madhyam, India
43. Indigenous ICT Task Force, Switzerland
44. The Centre for Advocacy and Research, India
45. VOICE, Bangladesh
46. Agentura.Ru, Russia

### ***Individuals supporting the above proposal***

1. Lidia Baltra, Journalist, Chile
2. Uzochukwu Amakom, Lecturer in Economics, Nnamdi Azikiwe University, Nigeria.
3. Ravi K Subramaniam, Professor, Tata Institute of Fundamental Research, India
4. Sejal Dand, Right to Food activist, India
5. Tracey Naughton, ICT Consultant, Australia
6. Roberto Palea, President, Centre for Studies on Federalism, Italy
7. Federico Nier-Fischer, University of Salzburg, Austria
8. Andrea Cornwall, Professor of Anthropology and Development, University of Sussex, UK
9. Gurveen Kaur, Centre for Learning, India
10. Rajaram S. Sharma, Joint Director, National Council of Education Research and Training, India
11. Abhilash, Action Aid, India
12. Grace Githaiga, KICTANet, Kenya
13. Nnenna Nwakanma, IG Consultant. Côte d'Ivoire
14. Vidyut Kale, blogger and commentator, India
15. Paula Chakravarty, Associate Professor, Gallatin School and Department of Media, Culture and Communication , New York University, United States
16. Louis Pouzin, Internet pioneer, France
17. Daya Thussu, Professor of International Communication and Co-Director of India Media Centre Department of Journalism and Mass Communications, University of Westminster, UK
18. Narendra Ch, Vice President, People's Union for Civil Liberties (PUCL), Andhra Pradesh unit, India.
19. Amman Madan, Professor, Azim Premji University, India
20. Chaitanya Dhareshwar, IT professional, GiveIndia, India
21. Geetha Nambissan, Professor, Zakir Husain Centre for Educational Studies, India
22. Anjali Bhardwaj, Member of National Campaign for People's for Right to Information, India
23. Ravindrakrishna YJ, Education Consultant
24. Shalini Shekhar , 3 Rivers Publishers, India
25. K Anvar Sadath, Director, Eram Scientific Solutions, India
26. Sehjo Singh, Action Aid, India
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34. J.W. Jaap van Till, Professor – emeritus, Computer Network Infrastructures, Internet and social media, Netherlands
35. Carlos Vera Quintana, ICT Consultant, Ecuador
36. Cynthia Stephen, Independent Writer and Researcher, India
37. Ermanno Pietrosevoli, Fundacion EsLaRed and International Centre for Theoretical Physics, Italy
38. Anusha Ramnathan, University of Mumbai, India
39. Claudia Padovani, University of Padova, Italy
40. Diego R. Canabarro, Centre for International Government Studies, Universidade Federal Do

RioGrande Do Sul, Brazil

41. Dan Maitland, Canada
42. Andrew Walpole, Camden Society for People with Learning Disabilities, UK
43. Thomas Lowenhaupt, .NYC, (New York city domain name) United States
44. Jayati Ghosh, Professor, Jawaharlal Nehru University, India
45. Jacob Tharu, Professor (retired), Central Institute of English and Foreign Languages, India
46. Suparna Diwakar, Centre for Leadership and Management in Public Services, India
47. Sunil Batra, Educationist, India
48. Deirdre Williams, Internet governance specialist, St Lucia
49. Marie Georges, Independent international expert in data protection, France
50. Ian Peter, Ian Peter and Associates, Australia
51. Daniel Iga Mwesigwa, Deputy Board member, World Network of Users and Survivors of Psychiatry
52. Simon Ontoyin, Director, Exigency Ghana Limited, Ghana
53. Ravi Shukla, Jawaharlal Nehru University, India
54. Sonigitu Ekpe, Ministry of Agriculture and Natural Resources, Nigeria