

Internet Governance and Development Agenda

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The internet is a building block of the information society and as such its governance is an important issue. What are the issues related to internet governance and how can they be dealt with? How may the Internet Governance Forum contribute to participatory decision-making? These are important issues ahead of the next IGF meeting, to be held in India in end-2008.

The United Nations (UN) World Summit on the Information Society (wsis)¹ was a recognition of the rapidly changing times and was held “to explore and exploit the potential of new information and communication technologies (ICTs)...to build a people-centred, inclusive and development-oriented information society, where everyone can create, access, utilise and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life”.²

Seeing the internet as a building block of the information society, wsis signalled an important shift in terms of its governance arrangements. While the internet historically began as an academic-technical infrastructure, over time, its transformation into a socio-economic infrastructure and its exponentially increasing reach pushed for a shift in management towards formal governance that accorded supremacy to non-governmental and business aspects. In 1998, the Internet Corporation for Assigned Names and Numbers (ICANN)³ was set up as a non-profit company subject to us laws under a memorandum of understanding (MOU)⁴ with the us department of commerce, under which ICANN⁵ performs several tasks of internet governance (IG) including managing root servers and allocating top level domain names⁶ and addresses.

At wsis phase 1 in Geneva (2003), the working group on internet governance (WGIG) was established to resolve definitional issues of IG. WGIG’s definition highlighted integral stakes for multiple actors: internet governance is the development of 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 the use of the internet.⁷ As wsis drew to a

close, IG predictably emerged as a bone of contention, with sharp political rhetoric from countries including Brazil and China challenging US control through ICANN.

The wsis closed in November 2005 on a note of compromise, recommending the creation of the Internet Governance Forum (IGF) – a new mechanism for “multi-stakeholder policy dialogue”⁸ and wider international debate on the policy principles of IG – even as the current ICANN regime continued. Two IGF meetings have been held so far in Athens (2006) and Rio de Janeiro (2007).

Multi-stakeholderism

The basic formats underlying IG are quite different from those of other global governance systems. A “multi-stakeholder” format emerged through wsis as an innovation in global negotiations, going beyond the approach of other UN summits⁹ and older forms of consensus-building and comprised practical modalities of participation, including speaking slots in working groups for non-government stakeholders, not available in previous UN meetings. The wsis Tunis agenda exhorted the “full involvement”¹⁰ of the private sector, civil society and international organisations, in addition to governments, in the “international management” of the internet, asserting the need for an innovative approach to its governance embedded within the fundamental principle of multi-stakeholderism. This co-option by “private interests” in wsis itself was a reflection of the growing role of non-state actors in the UN system.¹¹

The significant influence of non-state actors in IG also owes to the particular origins of new technologies in the scientific and academic communities. Freedom from state control is purported to be an indispensable cause of ICT innovations and hence, a private role is perceived as vital for the internet’s stability and growth. Within this tradition of participation, the IGF has been perceived as a pioneering experiment, in paving the way to reconcile political interests through dialogue. Pivoted on the multi-stakeholder principle, the IGF brings together actors – predominantly seen in their identities as governments, businesses, and civil society organisations – to deliberate on specific

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policy themes, viz. access, openness, diversity, security, critical internet resources and emerging issues. A multi-stakeholder advisory group (MAG)¹² also guides the IGF processes.

However, problematising “multi-stakeholderism” is key to understanding the issues arising from the privatised governance implicitly promoted in its current discourse. Multi-stakeholder participation, unsurprisingly, is disproportionately representative of western Europe and North America.¹³ Governmental delegates from the South are few and civil society and business sector delegates are fewer. Participation is thus “deregulated” and engaging hinges on finding the resources to attend the events and on the chimera of “online” participation.

Unpacking ICANN's Model

In the ICANN context, multi-stakeholderism remains a largely privatised and us-controlled phenomenon. A broad section of ICANN's technical community responsible for the creation and maintenance of the internet exerts a strong influence by insisting on the technical and hence, apolitical nature of global IG.¹⁴ They seek to “protect” the internet from state interference, an anathema to internet development and stability.

The fierce debates over an application for a “.xxx” generic top level domain (gTLD), to serve as a domain for pornography are testimony to the contradictions inherent in this stance.¹⁵ The ICANN eventually decided to reject this application, and the episode demolished the myth of apolitical IG. Yet many issues intrinsic to the management of the gTLDs continue to be treated as such.

ICANN and its related structures, such as the Generic Names Supporting Organisation are also dominated by business groups.¹⁶ According to ICANN chair Peter Thrusch, “The mission of ICANN is to build itself into a global organisation that operates using transparent ‘bottom-up’ processes that are industry self-regulated and largely government-free and that it will – as much as it can do – promote competition”.¹⁷ The ICANN MOU with the us laid out the principles underlying the internet's governance: stability of the internet; competition for lower costs,

innovation and “user” satisfaction; private bottom-up coordination with a role for internet users; and representation of the global and functional diversity of the “user” community. These principles basically uphold the role of the market over that of the state.

Thus, the internet now serves as a significant base for business, particularly transnational businesses based in the North, with a dramatic expansion in the role and scope of e-commerce. The skew in favour of private initiative and the vehement opposition to governmental roles and by corollary, public policy thrust, implies an overwhelming neoliberal orientation to IG.

Neoliberalism in Governance

Current structures and processes show a significant absence of commitment to a public policy approach, supporting vigorous global processes indispensable to an equitable and accountable IG regime. This makes global IG weak and ineffective, which is reflected in very slow progress on issues including multi-lingualisation¹⁸ and increasing the availability of internet protocol (IP) number resources. There is also practically no initiative on other crucial areas such as equity in interconnection costs¹⁹ or global funding efforts for extending the internet, among others.

Ultimately, the IGF is no more than a “talk shop” – a multi-stakeholder policy dialogue without any powers to make

formal policy recommendations. Many members have maintained that recommendations will dilute the current “open nature” of IG and lead to greater state control. They have opposed attempts by Brazil and some civil society members to suggest a greater or more formal role for both IGF and MAG, such as a proposal to create a bureau²⁰ to work on building a “coherent set of solutions” and “enhanced cooperation”²¹ in designing and implementing global public policy for IG.

Attempts to bring about greater inclusion are thus frustrated by status quoists' fears of greater governmental control over the internet. Although the only structural outcome of wsis, the IGF has no assured funding support from the UN or member states, relying instead on doles from countries and organisations,²² which can prove to be a risk for its independence and neutrality.

Neoliberalism has negative implications for the equitable diffusion of the internet and ensuing socio-economic development opportunities. For example, IG deliberations often construct the goal for full availability of the internet to all as an issue of “access” to ICT infrastructure to be provided by businesses, which ignores the imperatives to empower marginalised groups to appropriate the internet and become active co-creators, including its technical and information architecture. Merely making technologies available without commensurate investments in

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social processes does not constitute real access nor can the needs of communities be held ransom by market decisions on “commercial viability”.²³ Investment must be for a process of acculturation not so much of the adaptation of the community to internet possibilities but rather of the internet to the needs of the community through its own relevant development. Such investment, especially in the context of developing countries, is not possible without a strong role for the public sector and for communities.

Markets are interested in short-term profits than sustain infrastructure creation. Hence, “markets are sufficient to provide access” promotes a hegemonistic view of the internet as an economic infrastructure and ignores the internet’s role as a socio-cultural and political commons. The view also represents a dangerous oversimplification of the complex structural issues that exclude marginalised sections from the emerging information society. Issues such as the need for proactive public policy or governmental role in setting up public infrastructure and catalysing community-owned public access points drown in vociferous arguments favouring market-led models to meet “customer” needs.²⁴ Though most content on the internet is non-commercial,²⁵ current IG discourse and practice appear to embed society in the market.²⁶ Constructing the internet as a “public good” is critical from a developmental and equity perspective.

The basic business model spirit of IG is also reflected in the ICTs for Development (ICTD) sector and national e-governance priorities for deploying ICTs for development. Current policy vacuums both at national and global levels result in relying on markets to fund ICT infrastructure and mean the exclusion of those who cannot pay. Even civil society actors in the IG arena who strongly support negative rights, such as freedom of expression and privacy, offer little support for positive rights that are distributive in nature and require affirmative action from the state and other actors. If on the other hand, ICT is seen as basic socio-economic infrastructure, the affirmative role of public policy and public investment (both from government and community initiatives) becomes stronger.

Another significant concern for development relates to the obfuscation of the global nature of public policy issues – such as cyber security, spam, privacy and cultural diversity – in the IG arena and their relegation in discourse to national or sub-global territories. “No policy is the best policy” is by and large the dictum adopted in North-based public policy scholarship that dominates the debates around “global” IG,²⁷ and it remains largely unchallenged, given a lack of authoritative, pro-South work in the field of IG. Of the many political economy aspects concerning development and IG, the discursive and ideological vacuum is fundamental; it reinforces the policy vacuum in relation to the internet, thereby perpetuating the dominant policy-averse conceptions of IG.

Perhaps the most problematic issue relates to the distinction between “users” and “non-users” in determining the stakes in IG. The benefits reaped through access to information, services, communication and social relationships severely disadvantage those who do not have access. Hence, non-users also have a stake in the internet’s equitable availability and comprise part of the internet community that should have a voice in determining its direction and design. However, IG discourse tends to valorise the “individual internet user” and largely restricts its conception of “bottom-up processes” to participation by such users. Such processes are further institutionalised through the creation of a group that represents “individual users” at ICANN – the At-Large Advisory Committee (ALAC), which is typically neoliberal and negates the role of the collective that is critical in developing contexts. The bottom-up ALAC processes ignore the bottom 85 per cent of the world population that is not currently online! As Parminder Jeet Singh argues,

A user based governance structure... is appropriate...for the early internet, which was a mutual platform of communication between a set of users. We need to understand that internet has come a big way since, and is redefining almost every social structure – at global and local levels – in a major way. And each and every person in the world is impacted...the governance systems have not kept up with this change, and mostly refuse to acknowledge this fact. A good part of it is

just the natural tendency of people and “interests” not to give up the power they have... Therefore, the non-user interest is as important as of the user, if not more.²⁸

Future of Internet Governance

Clearly, the present governance regime introduces critical questions on the political and socio-economic implications of the emerging global communications and information architecture. More importantly, IG issues are in fact intrinsically tied to definitional issues of the internet. What the internet is and who it does or should serve comprise a contested terrain, necessitating policy frameworks that can politically mediate competing claims. Emerging imperatives for a development agenda in IG suggests that the IGF must reconcile divergent interests to set forth principles of IG coming not just from technical but ethical and political world views.

Within the current regime, multi-stakeholderism as a political instrument for public policy falls short in locating IG within global justice tenets. Multi-stakeholder participation may allow for the politics of recognition but not redistribution.²⁹ Furthermore, the rules of the game do not privilege processes for inclusiveness, especially Southern civil society engagement. Even within global civil society, a persistent asymmetry in the democratisation of participation³⁰ means that inclusion of the vast constituencies beyond individual online users is a critical issue. Marginalised development perspectives must permeate the IG space to highlight the particular relevance of public investments in developing countries to build an information society. Many governments of developing countries, notably Brazil, see the IGF as a space as critical as the World Trade Organisation or the World Intellectual Property Organisation.

The IGF, even as a process fraught with imperfection, may portend the future of governance arrangements and provide lessons for democratic and representative processes in global governance. Therefore, while traditional governance systems are undergoing changes to encourage participation and involvement of non-governmental and private entities, multi-stakeholderism in the IGF context is an

interesting case to study. The IGF as a discussion space essentially comprises workshops, plenaries and dynamic coalitions – wherein different stakeholder groups share perspectives. The format of the IGF mandates that all stakeholder groups be represented in every event. The dialogue mode breaches traditional governance modalities that are closed to non-government participation and can enable diverse perspectives to inform policy debates. It is thus, an interesting attempt to move closer to alternate policy frameworks, beyond the current ICANN regime, through the complementing visions of different actors.

Notwithstanding its structural limitations, the IGF as an evolving institution can be steered towards collaboration – allowing a dialogue among stakeholders – for establishing a basic framework of principles, including those of human rights, justice and equity, to govern and guide policy design and implementation. These could include nuanced divisions of roles, authority and accountabilities across global, regional and national/local players. The internet itself is a powerful resource to foster newer such possibilities in this space.

As the internet's importance becomes more pronounced over time, its governance processes and structures will also impact overall global governance processes. While economic globalisation processes have matured, political processes and structures to govern globalisation are still at a nascent stage. Challenging the neoliberal foundation of and slant in IG is, therefore, a critical development agenda. There is also a need to institutionalise funding and support for the IGF and to balance representation in IG processes through formal mandated contributions, so that global policymaking is not held ransom by dominant interests.

Within a relatively simple schema, two divergent paths lie ahead. One is of an IG arena that is at its heart neoliberal, believing in a diminished role for the state limited to supporting the private sector (through appropriate deregulation), with underlying principles of competition and private initiative. In such a space, mere dialogue amongst multiple stakeholders without consensus seeking

on substantive ways forward will only continue the status quo.

The other path seeks affirmative public investments and policies that will allow collaborative and non-competitive efforts in building a “commons” of infrastructure, access and content (which may for instance be conceived in the creation of a rich public domain where information is available without any intellectual property restrictions on use and sharing), on the same plane as public schools or public health centres. In addition, it will also mean concerted efforts to support use and appropriation of ICTs by larger populations, through understanding their developmental needs and allowing those needs to lead technology design and deployment. This is essential if we are to look beyond the next billion³¹ for real inclusiveness by treating the internet and its use as a public good. Quicker movement forward on issues such as multilingualisation of gTLDs and resolution of the internet number depletion³² is required. At a global level, there needs to be a recognition of commons as a crucial complement to competition and public investment as critical and irreplaceable by private finance.

Inclusion is not a simple process and even at wsis, voicing the concerns of civil society required persistent effort. The

ideals of democracy need more than an admission of representativeness; they require new legitimacies that derive from how we see the internet serve development priorities, equity and justice to inform discourse. The recent meeting of ICANN in Delhi³³ did not give much reason for hope on this front. For example, the discussions on the IGF in the ICANN meeting continued to accept the nature of IGF as a “town hall meeting” where anybody can come and speak. While this in itself may be interpreted to suggest the open character of the IGF space, how such openness will translate into specific action for equitable governance of the internet is a moot point given the structural deficit within the present IG establishment. Though in this session, the chair of IGF, Nitin Desai did call for “universalisation of the internet” through its use by six billion people, and also the involvement of “local civil society” in IG, the IGF workshop did not even have a single speaker from civil society. It is only through the larger involvement of the civil society from India and the developing world as well as closer coordination amongst the governments from the South³⁴ that the next IGF session in India in December 2008 can be a venue for moving the direction of IG towards the vision enshrined in the wsis declaration of principles.



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NOTES

- 1 WSIS was organised by the UN's International Telecommunications Union (ITU) in Geneva (2003) and Tunisia (2005).
- 2 <http://www.itu.int/wsis/docs/geneva/official/dop.html>
- 3 <http://icann.org/>
- 4 <http://www.icann.org/general/icann-mou-25nov98.htm>
- 5 <http://www.internetgovernance.org/pdf/ig-sop-final.pdf>
- 6 <http://en.wikipedia.org/wiki/TLD>.
- 7 WGIG Report, para 10, <http://www.wgig.org/docs/WGIGREPORT.pdf>
- 8 Tunis Agenda, para 72, <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html#fui>
- 9 <http://www.itu.int/wsis/basic/multistakeholder.html>
- 10 Tunis Agenda, para 29, <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>
- 11 The UN Global Compact is a milestone marking the involvement of corporations and NGOs in global policy processes.
- 12 http://intgovforum.org/ADG_members.htm
- 13 At Rio, excluding Brazilian participants, participation from Asia, Africa and Latin America, was around 29 per cent of the total while that from North America and Europe was around 40 per cent http://www.intgovforum.org/rio_stats.htm.
- 14 For example, discussion about critical internet resources at IGF was discouraged on the grounds of being a purely technical issue and that would undermine the stability and security of the internet if politicised. The unstated goal was to avoid discussing issues of representation and accountability in governance.
- 15 <http://en.wikipedia.org/wiki/xxx>.
- 16 <http://gnso.icann.org/council/members.shtml>.
- 17 <http://www.stuff.co.nz/stuff/4269683a28.html>.
- 18 The majority of people who are yet to connect to the internet neither speak English nor use the Roman script so forcing ASCII labels on the Domain Name System is an unjust imposition (http://www.ciracleid.com/posts/internationalizing_the_internet/).
- 19 The lack of internet backbone in many developing countries means that their access to the internet needs to be through developed world infrastructure, adding to their access cost.
- 20 http://www.intgovforum.org/May_contributions/Propositions-Rio-V10.3.pdf
- 21 Tunis Agenda, para 69, <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>
- 22 Funding is in part from ICANN and business entities like Verisign and Siemens.
- 23 IT for Change research suggests that revenue models making long run investments in technological processes – rather than short-term financial sustainability – have succeeded in getting the community to appropriate the infrastructure on a sustainable basis (http://www.itforchange.net/media/WSIS_TFFM_Inputs_from_ITfC.pdf).
- 24 Note the strong belief of the Global Alliance for ICTs and Development on business models and business plans as the solution (<http://www.un-gaid.org/en/about/ict4d>).
- 25 <http://www.oecd.org/dataoecd/57/14/38393115.pdf>
- 26 Karl Polanyi, *The Great Transformation – The Political and Economic Origins of Our Time*, 1944.
- 27 An Internet Governance Project (IGP) paper on network neutrality suggests that information flow must only be restricted at national levels, if at all. Interestingly, it does not oppose the “right” of business to regulate the speed of data flow over the internet (<http://internetgovernance.org/pdf/NetNeutralityGlobalPrinciple.pdf>).
- 28 <http://lists.cpsr.org/lists/arc/governance/2007-04/msg00435.html>
- 29 Paula Chakravartty, ‘Who Speaks for the Governed? World Summit on the Information Society, Civil Society and the Limits of ‘Multi-stakeholderism’, January 21, 2006, *Economic & Political Weekly*.
- 30 Françoise Massit-Folléa, ‘E-Groups, knowledge-building and Politics’, French-German Workshop – Berlin, April 27-28, 2007; <http://www.voxinternet.org/spip.php?article102&lang=>
- 31 http://intgovforum.org/Rio_Meeting/IGF2-Access-13NOV07.txt
- 32 Each internet computer/device needs to have a unique identifier, currently this is a 4-byte address used in Internet Protocol version 4 (IPv4). These addresses are being depleted, see <http://en.wikipedia.org/wiki/Ipv4#Exhaustion>
- 33 <http://delhi.icann.org/>
- 34 India, Brazil, and South Africa (IBSA), for example, or even the G77 + China.

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