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Internet, power and democracy

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Power and Democracy on the Net

Sally Burch

Over a space of barely two decades, the Internet and digital technologies have found a place in the daily routine of a great part of humankind. And around these technologies an endless number of spheres of our societies are being reorganized. They are so convenient – and seductive – that to live without them is almost unthinkable; and this is only a beginning, with respect to the changes that are coming.

Nonetheless, the speed with which all this is happening leaves us no time to fully appreciate their implications in a number of areas, from economic organization to political power, and embracing human rights, cultural development or social structures. But there are some very disturbing signs.

Even though the Internet was originally conceived as an open, decentralized and non-commercial sphere (and indeed, in many ways it has effectively contributed to democratizing communications), in the last two decades of commercialization an unprecedented concentration and centralization has emerged. On the one hand there is technological concentration, illustrated, for example, by the immense international fiber-optic cables[1] that interconnect countries. On the other hand, there is the concentration of content and personal data, whether in the so-called social networks, in the servers that offer data storage in the "cloud" (see Gakuru, p.24), in monopolies such as Google, that track personal data and behavior on the net, or in companies that col-

lect "big data" and establish profiles of users, as well as in security agencies, among others.

The revelations made by Edward Snowden concerning espionage by the US National Security Agency (NSA) confirm the fact that the uses of this information go from spying on diplomats (with even luxury hotels lending a hand) in order to obtain advantages in international negotiations, to manipulating intimate data on political leaders of whatever country, either in order to publically discredit them when convenient, or for blackmail purposes. In addition, it has come to light that there are companies that create profiles of users that include consumers' vulnerabilities, so they can be exploited more effectively[2].

Up to this point, we have been referring to the trails that everyone leaves as they navigate the digital world. But with the next generation of intelligent devices – that are already on their way in – daily life at home or on the street will generate these kind of footprints, beginning with the Smart TV, the intelligent refrigerator, the electricity meter that communicates with the company, the smoke alarm that alerts the fire department, the vehicle license plate readers on highways... only to mention a few. All of these will have the ca-

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1   These cables have made spying by the US National Security Agency (NSA) much easier, since by intervening barely 190 data centres, they can monitor almost all the world's information flows, on Internet, phone lines, etc.

2   A recent enquiry in the Trade Committee of the US Senate on the business practices of the nine largest data aggregators found that these companies collect data ranging from the most anodyne to the highly sensitive (such as health records). With them, they generate user profiles that they sell with little concern to know how they will be used. At least one company recognized that they define categories of people, such as one they call *Oldies but Goodies*, described as "gullible" people who want to believe their luck will change. See http://www.alainet.org/active/72608.

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pacity to track and communicate elements such as consumption, schedules, movements, habits (smoking, insomnia, diets), etc.

It is estimated that barely one per cent of the devices apt to have an IP address (Internet identifier) actually have one at present. In the future, every new gadget will be part of the Network, and it will be increasingly difficult – and inconvenient – to choose to disconnect them. This phenomenon is known as "the Internet of things". In tomorrow's world, unless controls and protections are introduced, almost everything that we do will be copied, stored, analyzed, reprocessed and sold to someone unknown to us. The power that this infinity of data will accrue to the few entities with sufficient capacity to compile and process such a volume of information simply blows the mind.

Concentration on fast track

This phenomenon of concentration, as Robert McChesney explains (p.15 of this edition) is due to the particular characteristics of the network economics (the so-called network effect), which leads to the formation of monopolies, due to the fact that users gravitate to the most successful service, where they can join the crowd. Because of this, the Internet is at present dominated by a dozen megacorporations (all from the United States), that take over their competitors along the way. The majority have been going for less than fifteen years. With the phenomenal power of these corporations, the rest of the world is facing an updated version of neocolonialism, with the consequences of cultural domination, wealth extraction and political interference.

The fact that there is no longer any privacy or security in communications is more than worrying. But even more dangerous is the rearrangement of power, concentrated in the hands of those who control the technology and knowledge. This power allows them to accumulate more wealth, more technological sophistication, and thus even more power, in a vicious circle that is threatening the future of democracy itself. This power is concentrated in security agencies (mainly, though not exclusively, in the "Five Eyes" Alliance of the USA, the UK, Canada, Australia and New Zealand) and in the huge Internet monopolies. And there is a clear collusion between the two, evidenced by the clandestine "back doors" integrated into the hardware and software sold by these companies – or provided "cost-free" – which eases the work of security agencies in obtaining and decoding information.

Many governments are worried by the revelations concerning the scale of spying by these security agencies. But that does not imply that they themselves all have a clear conscience. It is well-known that many governments undertake similar practices, although on a lesser scale. And there are authorities that may be tempted to abstain from criticising the NSA in exchange for receiving data that serves to boost their own power. As Julian Assange (p.6) notes, centralized power seeks to restrict information flows in order to consolidate its dominion.

With respect to citizens, until recently, the majority have been using digital technologies without worrying about who manages or controls them; but with these latest revelations, there appears to be a new awareness that this issue is indeed important. Nevertheless, while digital technology advances exponentially, the legal frameworks, rights and mechanisms to guarantee the rule of law are still moving at the pace of the analogical world. And while some countries do have frameworks of protection that are somewhat more advanced in this matter, such as the European Union, and soon Brazil (which has just approved the Civil Framework of the Internet in the Chamber of Deputies – see p.29), their reach is still limited in the face of an Internet without borders.

The multistakeholder model

What this situation has brought to light is that the mechanisms of management and govern-

ance in the Internet realm are not functioning as they should, or at least not for the benefit of the majority. Here we have one more area – alongside the environment, climate change or the world financial system – where the absence of adequate and democratic mechanisms of global governance is exposing the world to potentially grave consequences.

From the early days of the Internet, and in particular since the negotiations at the World Summit on the Information Society (WSIS, 2003/2005) the US have imposed the "multistakeholder model" as the standard for Internet governance. This model nominally involves the participation of governments, the private sector and civil society; but in practice it is private enterprise that calls the shots in decision-making. In the bodies that control the Internet, the tendency is to prioritize this model over multilateral (intergovernmental) bodies, as if the two were mutually exclusive, without distinguishing between technical areas – where the private sector may have certain competencies – and areas of public policy (rights, resolution of conflicting interests, restrictions on monopolies) that call for democratic legitimacy (see Bollow, p.26).

The World Economic Forum (WEF) has gone so far as to propose that the multistakeholder model should replace the mechanisms of the United Nations, which are regarded as archaic and inefficient. The report of the Global Redesign Initiative of the WEF, entitled *Everybody's Business: Strengthening International Cooperation in a More Interdependent World*[3] proposes "better coordination" between a self-select group of leaders as the best way to address complex problems. Intergovernmental agreements, international frameworks and enforceable hard law are seen as things of the past; the times demand voluntarism, codes of conduct and non-binding legislation. As for democracy... well, it seems we are mov-

3   http://www.weforum.org/reports/everybody%E2%80%99s-business-strengthening-international-cooperation-more-interdependent-world.
See also: http://www.tni.org/article/not-everybodys-business

ing instead towards "post-democracy" (see Gurstein, p.11).

This multistakeholder model is already being implemented in a number of international forums for making public policies related to industry and commerce, but the governance of the Internet may well be where it is most advanced, and its extension looks like an attempt to extend it to other areas, in these times when economic powers are seeking answers to the global economic crisis.

In this context, it is significant to note that the multistakeholder model is at the centre of the proposals for the next NetMundial meeting, convened by the government of Brazil.

NetMundial

It was following the revelations of espionage of the NSA on the Brazilian Government, including on President Dilma Rouseff herself, that she called for a world meeting on the future of governance of the Internet. "NetMundial"[4] is defined as a "Global Multistakeholder Meeting" which will take place in São Paulo the 23rd and 24th of April, 2014. Twelve countries are acting as hosts: Argentina, Brazil, France, Germany, Ghana, India, Indonesia, South Africa, South Korea, Tunis Turkey and the United States.

The meeting will consider two central themes: the elaboration of universal (non-binding) principles for the Internet; and a proposal of a road-map for the future evolution of the governance ecosystem of the Internet. Physical participation will be limited to approximately 700 – 800 people (plus journalists), including representatives of governments, the private sector and civil society, but there will also be facilities for remote participation, both online and through local "hubs" connected by Internet, involving 33 confirmed hubs in 23 countries. In addition, a process was created for the previous presentation of documents by in-

4   http://netmundial.br/

terested stakeholders; over 180 contributions can be consulted online.[5]

Carlos Afonso, member of the Brazilian Internet Steering Committee (CGI.br) and a civil society rep on the executive committee for NetMundial, responded to ALAI's questions on the organization of NetMundial and its relation to other existing processes for Internet governance. He specifies that "The Brazil meeting has been jointly convened by the government of Brazil and a forum of entities of the so-called "technical community" (1net[6]), created by these entities in follow-up to the Montevideo Declaration[7]: a statement motivated by the perception of the massive scale of the espionage carried out by the US and their allies England, Australia, New Zealand and Canada." With respect to participation mechanisms, which have been subject to criticisms on the part of some sectors of civil society, Afonso explains that under the egis of CGI.br and 1Net, a process of selection was set up to establish committees in charge of the whole process of organization, definitions and logistics of the event. He adds

that the multistakeholder executive committee will undertake to seek "the best possible balance of representation employing various criteria: regional, presence of countries "of the South", gender criteria and others for the three sectors (civil society, private sector, and the technical/academic community)."

Concerning the difference between NetMundial and other forums such as the Internet Governance Forum (IGF) or WSIS+10, Carlos Afonso responds that "The IGF is a forum established and controlled by the general secretariat of the United Nations, currently under the coordination of the Commission on Science and Technology for Development (CSTD), following the Tunis agreements at the end of the WSIS process in 2005. Under pressure from the secretariat and with the support of representatives of the private sector and some Western governments, the IGF to date has been unable to make any recommendations. WSIS+10 is part of a process of evaluation of the Tunis agreements that will culminate in an event scheduled for 2015".

With respect to the central elements in play in the global negotiations on Internet governance, Afonso is of the view that they include first: "the coordination of the logical infrastructure of the net: distribution and assignment of domain names and IP addresses; defi-

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5   List of remote hubs: http://bit.ly/1dYRP1m. Documents submitted: http://content.netmundial. br/docs/contribs

6   http://1net.org

7   http://www.icann.org/es/news/announcements/ announcement-07oct13-es.htm

nition of protocols and secure methods in the domain names system; coordination of methods of connection and 'routing' etc. Basically this involves ICANN, [8] their contract with the US Department of Commerce and the control of the root file of names and numbers, in addition to coordination structures such as the IETF and the group of regional registers of numbers (LACNIC among others)".

Other key themes include: "the rights of access to the net and its neutrality at the end-user edge of the network. The protection of rights related to content and applications, especially the right to privacy and freedom of expression on the net. Conflicts or differences between national legislation and policies and the universality of the net: this involves commercial, tax and exchange issues; security, jurisdiction in the case of litigation, etc."

A draft of the document of agreements of Net-Mundial, leaked by Wikileaks https://wikileaks.org/metmundial-outcome, indicates a central commitment to the multistakeholder model in all governance bodies, although there is also strong emphasis on transparent processes and guarantees for the equitable participation of all stakeholders.

The proposals emerging from NetMundial

will move to other forums, in particular to the next UN General Assembly in September. Meanwhile, in June there will be another high level meeting organized by the International Telecommunications Union – ITU – in the framework of WSIS+10 (See Hill, p.31)

For those who defend democracy and the vision of the Internet as an open space and part of the commons, it is urgent to instigate a widespread and in depth public debate concerning these issues, at both the national and international levels, with a view to seeking solutions within a democratic framework, in which the public interest is at the forefront. Otherwise, the powers-that-be will continue to impose their own solutions.

Confronted with these concerns, and with growing frustration at the marginalization of voices that are critical of the status quo, in bodies such as the IGF, the Coalition for a Just and Equitable Internet (Just Net Coalition) has recently been set up. Just Net is committed to a Net that furthers human rights and social justice. They propose to work for the reconfiguration of Internet governance to make it authentically democratic (see the article of Prabir Purkayastha, p.21). Several members of *Just Net* have written in this magazine, which aims to contribute to these debates. *(Translated for ALAI by Jordan Bishop)* ≪

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8   ICANN: Internet Corporation for Assigned Names and Numbers. http://www.icann.org. For the explanation of acronyms in this publication, see the glossary on p.33.

Information Flow and Power

Julian Assange

Harboured as a political refugee in the Ecuadorian Embassy in London since June 2012, the Australian founder of Wikileaks, Julian Assange, is the target of a "manhunt timeline" of the National Security Agency (NSA), as confirmed by recent revelations of Edward Snowden. The indictment: having published State Department secrets that WikiLeaks had access to, in the name of a free Internet and free journalism. In the following pages, Assange expresses his views in answer to a questionnaire formulated by ALAI on issues such as globalization and Internet governance; surveillance and public safety; government transparency and accountability, and citizen oversight of the authorities. *(ALAI)*

The Internet began its phase of rapid expansion in a global context marked by the "war on terror", increasing restrictions and violation of human rights, especially privacy, and the intensification of State vigilance. What do you see as the main repercussions of this context on how the Internet is evolving?

The internet doesn't just represent one trend, but several. The internet, and along with it mass surveillance, has penetrated the core of international human society, giving the US-led "5 eyes"[1] intelligence alliance global surveillance powers over almost every human being and organization. But the global communications regime created by the internet also means that organizing and trading is cheaper, faster and is not subject to classic geographic boundaries. In the past, the challenge for social justice movements has been how to reach consensus and organize efficiently in order to compete with groups that gain organizational coherency from scale and coercion - such as major corporations and governments. In a world where "code is law" the legislative domain is not restricted to governments or their corporate anchors. This is leading, embrionically, to a free market in semi-states: fluid networks of association with control over the state-like features of currency, intelligence gathering, communications and influence.

Information has always been both a victim and weapon of warfare, but this has increased exponentially in the information society era: manipulation of facts, compliant media campaigns, embedded journalists, media and journalists as targets of attack, etc. But the Internet also offers unprecedented opportunities to counter this manipulation of information, (as Wikileaks itself demonstrated when it broke through the censorship with pictures of the harsh realities of the Afghan and Iraqi wars). How could this perspective be maintained and further developed?

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[1] Ed. The "5 eyes" Alliance is a joint surveillance program of the US, UK, Australia, New Zealand and Canada. The latest revelations from Snowden documents disclose explicit proposals within this group to exploit Twitter, Facebook, YouTube and other social networks as secret platforms for propaganda, with the aim of "using online techniques to make something happen in the real or cyber world," including "information ops (influence or disruption)." (Source: *The Intercept*).

You could develop this perspective by looking at information flow against a backdrop of power relations.

Information flow is not a neutral phenomenon. It is related to the movement of power through a society. For self-determination - either as a group or as an individual - you need true information. The process of being and becoming free is the process of collectively and individually learning new information about the world and acting on it. The same process is one of the foundations of civilization. In communities, that means we have to be able to communicate among ourselves - to pass on our knowledge and to receive that of others. Information is fundamental to our power position vis-à-vis the world around us. A knowledgeable public is an empowered public is a free public.

Centralized power groups try to act against this. A more free public means a less powerful central authority, and central authorities always seek to keep or grow their power. Power will seek to control or influence information flows in order to consolidate its own power position. It will seek to keep information from the wider community, to a small elite which is then able to organize quickly and outmaneuver others, and it will seek to give the wider community false information, so that when the community attempts to act in its own interest, it falters.

Media are just structured information flows. A medium is a structure over which information flows, normally underpinned by a technology which dictates its properties. Depending on the properties a medium has, it can be more or less democratic in its effects.

In the past, we have had forms of media which favour centralized power - one-to-many types of media, like radio and television, what are called the "mass media" in communications theory. Because they are centralized, they are easy to control and so are easily comprised by other powerful groups. For this reason we say these media are inherently prone to betray their stated purpose.

But there are other forms of media which are likely to be more honest. The internet enables lots of different forms of many-to-many communications. It is harder for powerful groups to control although there are many serious efforts afoot.

There are astroturfing campaigns on the internet, and all kinds of misinformation and disinformation and black propaganda. But these things have always existed. Compared to the internet's empowerment of the community, the advantages for manipulating information it presents are minor. Propagandists are at a disadvantage on the internet.

There are many aspects of the internet that are not sufficiently decentralized - its physical infrastructure for instance. That makes it more vulnerable to bulk surveillance, but does not offer the state much advantage at the level of public relations, propaganda or misinformation. The proof is, NSA has dominance

Julian Assange in the Ecuadorian Embassy
Snapperjack, London - UK, http://bit.ly/1hJ0xkN

at the level of infrastructure: it can listen to nearly every electronic communication that traverses the internet, but it is losing the PR battle worldwide.

This context has also seen a new phase of US militarism on the world scene, where cyberwar has become a strategic element of warfare. What do you see as the main threats of this situation for the Internet as a globally interconnected and open infrastructure? What could be done to defend the Internet as an area for peace?

Instead of thinking about how bad it is for global humanity to weaponize software, the US is escalating a global electronic arms race. The network is complex and it interpenetrates

our societies in complex ways. Militarizing such a complex space is reckless. Firewalls for organizations are already here, but firewalls for states are next, as states attempt to enforce some analogue of territorial integrity.

Defending the internet will entail – of course – the creation of a legal framework which is binding on states, and which establishes the internet as an inviolable realm. But states cannot be expected to abide by the law, as we know. So we will also need to re-design the internet, and implement technical reforms ("code is law"). At the basis of this effort will be cryptography. We need encryption from the transport layer up. In the end it will be mathematics that keeps superpowers at bay, just as it was mathematics that permitted their creation via thermonuclear weapon monopolies.

What do you consider the most relevant aspects of Edward Snowden's revelations and their repercussions? What are the implications for the future of the Internet? What steps could developing countries take to protect their communications from surveillance?

The documents Edward Snowden released contain many technical details that are invaluable to software developers, privacy activists and people whose life and safety relies on the integrity and security of their software and hardware – that is where the real value lies for the expert communities that will build the next generation of privacy technology. At WikiLeaks we've been putting our own experience together with information from the documents that have been released to up our game, and our technicians and software developers have been involved in efforts to improve a number of front line technologies, improvements which will in time benefit the general user.

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But the most important thing that Mr Snowden has done is move global civilization to the realization that mass surveillance is real. A year ago journalists would not print that the NSA was surveilling the entire internet. Newspapers refused – to their discredit – to dedicate space to the issue. Mr Snowden was far from the first whistleblower from the NSA to tell us this, but he was the one to finally break the camel's back with up-to-date documentary proof authenticated via the scale of the US government man hunt.

The global south must protect their populations from surveillance. In Latin America, almost every connection to the global internet is through fiber-optic cables that run through the United States. This is a sovereignty and economic competition issue. Countries need to form industrial alliances to create alternative physical infrastructure for the internet, so that their communications do not have to traverse the borders of a surveillance predator like the United States, the United Kingdom or its allies. They must also look at hardening their own infrastructure, by regulating the ISP sector so that it is mandated to employ strong bulk encryption over communications links.

Countries that mean to keep their sovereignty should cancel their contracts with US companies, and refuse gifts of subsidized infrastructure and technology from superpowers like China and the United States. They should not use US controlled encryption hardware, because that hardware has a history of being back-doored. They must mandate the use of free (free as in freedom) hardware and software, where the source is open for everyone to examine, and they must financially support developers and development communities in order to nurture a global software commons in safe, secure technology which all countries can use.

They should lead the way, by passing progressive freedom of speech and data protection laws, and discontinue any NSA-like surveillance policies they have in place. Countries

that do not invade the privacy of customers will be attractive places for privacy-conscious internet companies that are looking to move away from the United States. The global south can attract companies and grow their internet sectors by differentiating themselves from the injurious practices of the United States and its intelligence allies.

On the international stage, they must seek to develop a consensus to outlaw the use of weapons of mass surveillance against populations. There must be an international framework put in place to bring states to justice over mass surveillance. No country can hope to compete with the US in mass surveillance – due to its geographic position: the "spider in the center" of telecommunications flows – so they must starve it. They must seek to leverage their positions on international committees to influence web standards in the right direction. The US must not be allowed to compromise encryption and communications standards to increase its access. All standards being pushed by the US or its allies must be viewed as suspect. Other countries should pressure the United States and other surveillance powers diplomatically, and seek to bring legal action against those countries for violation of the privacy rights of their own citizens.

While digital technologies enormously amplify the possibilities of state and corporate surveillance and data collection, as Wikileaks has shown, they can also increase the possibility of citizens' vigilance over public authorities. What would be your recommendations in terms of legislation and public policy in this matter?

I founded a broad program of law reform in Iceland in 2009 and 2010, geared for exactly this purpose. It was called the IMMI – the Icelandic Modern Media Initiative, and much of it sprang from ideas we had had in the course of our work about the creation of a haven for internet services. It was designed to provide the best protections possible for publishers, honest journalists and internet companies

and to kickstart an Icelandic internet sector, attracting investment and innovation. It includes innovative source-protection laws, protection of archives, and laws to repel attempts to wrongfully sue from another jurisdiction. The full proposal is available online (https://immi.is/). All it takes is one small country to implement something resembling the IMMI, and competitive pressure will see internet companies invest in the jurisdiction. Presently no country is seen as the legislative "beacon on the hill" for placing internet services, although the countries that embrace IMMI-style law reforms now will be seen as not only global leaders, but the best place to put a high tech internet company.

The Internet has shown great potential for broadening access to information and knowledge, and for facilitating democratic participation, transparency, information sharing and public expression. But this is coming under threat, among other things, due to growing corporate control, alongside attempts to legislate restrictively on "piracy" and intellectual property (such as the SOPA and PIPA acts in the US, or negotiation of international agreements such as ACTA or the TPP). What do you consider the most fundamental aspects to address, to avert such threats and ensure that Internet continues to develop as an open public space?

The most fundamental aspect to address is at the conceptual level. The concept of 'intellectual property' has come upon hard times in recent years, because it is at odds with the idea of an internet. Certain groups established large centres of power before the internet, all based on the concept of 'intellectual property.' Now that concept is becoming harder and harder to maintain, the way a candle slowly loses its cohesion. These fearful lobbies have pushed an explosion of law aimed at seizing control of conduits on the internet, shutting down certain information flows, trying to prevent monopolies on information from dissolving. Those proposals come from the corporate world, but they are welcomed by some governments looking for pretexts to extend controls over the internet.

But the immediate issue is the TPP, and the proposed globalization of restrictive US "intellectual property" law through mutual trade agreements. The TPP countries cover more than 40% of global GDP. Its geopolitical intent is a US dominated "trade" block to ring China. For example, Ecuador, as a Pacific Rim country, is not yet a party to the TPP, but the effect of that treaty, if passed, will be to effectively copperfasten the radical US interpretation of IP law as a norm in that hemisphere. Ecuador – as a country that has yet to fully embrace the internet – has much to lose by being locked into a legal framework that provides commercial advantages to US incumbents. If the TPP gets through, the same interests will attempt to use that momentum to push those norms into Europe too, through the US-EU counterpart – the TTIP. The traditional IP issues – the lockdown of culture, medicine and other items that are essential to human flourishing – are not the only possible ramifications of this. Expect to see IP law increasingly abused outside of that remit to challenge internet sovereignty for Latin America and the Asian Pacific coast too. We released a recent draft of the Intellectual Property chapter of the TPP last October, and this has had a galvanizing influence on opposition to the TPP. It has already been slowed down on its way through the legislature in the US. Besides activism on surveillance of the network and producing "code is law" alternatives, making sure that treaty is defeated is the most effective use of energy and effort at this time. ≪

Julian Assange is Editor in Chief of WikiLeaks.

The Multistakeholder Model and Neo-liberalism:

"Post-democratic" Internet Governance

Michael Gurstein

One of the truly remarkable recent developments in the Internet area from a civil society perspective is the sudden emergence and insertion of the "multistakeholder model" (referred to here also as multistakeholderism or MSism) in Internet Governance discussions some 2 or 3 years ago. The term of course, has been around a lot longer and even has been used within the Internet sphere to describe (more or less appropriately) the decision-making processes of various of the Internet's technical bodies (the IETF, the IAB, ICANN).

Associated with this is the new and somewhat startling full court press by the US government (USG) and its allies and acolytes among the corporate, technical and civil society participants in Internet Governance discussions, to extend the use of the highly locally adapted versions of the MS model from the quite narrow and technical areas where it has achieved a considerable degree of success, towards becoming the fundamental, and effectively the only, basis on which such Internet Governance discussions are to be allowed to go forward (as per the USG's statement concerning the transfer of the DNS management function). Notably as well, "multistakeholderism" seems to have replaced "Internet Freedom" as the mobilizing Internet meme of choice ("Internet Freedom" having been somewhat discredited by post-Snowden associations of Internet Freedom with the freedom of the USG –to "surveille", "sabotage", and "subvert" via the Internet).

In the midst of these developments there has been a subtle shift in presenting MSism as a framework for Internet Governance consultation processes to now presenting it as the necessary model for Internet Governance decision-making. Moreover it is understood that this decision-making would be taking place not only within the fairly narrow areas of the technical management of Internet functions but also into the broader areas of Internet impact and the associated Internet related public policy where the Internet's significance is both global and expanding rapidly.

Most importantly the MS model is being presented as the model which would replace the "outmoded" processes of democratic decision-making in these spheres–in the terminology of some proponents, providing an "enhanced post-democratic" model for global (Internet) policy making.

So what exactly is the "multistakeholder model"?

Well that isn't quite clear and no one (least of all the US State Department which invoked the model 12 times in its one page presentation to the NetMundial meeting in Brazil) has yet provided anything more than headline references to the MS "model" or examples of what it might look like (but probably wouldn't, given the likelihood of the need to contextualize individual instances and practices).

But whatever it is, a key element is that policy (and other) decisions will be made by and including all relevant "stakeholders". This will of course include, for example, the major Internet corporations who get to promote their

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"stakes" and make Internet policy through some sort of consensus process where all the participants have an "equal" say and where rules governing things like operational procedures, conflict of interest, modes and structures of internal governance, rules of participation etc. etc. all seem to be made up as they go along.

Clearly the major Internet corporations, the US government and their allies in the technical and civil society communities are quite enthusiastic; jointly working out things like Internet linked frameworks, principles and rules (or not) for privacy and security, taxation, copyright etc. is pretty heady stuff. Whether the outcome in any sense is supportive of the broad public interest or an Internet for the Common Good, or anything beyond a set of rules and practices to promote the interests of and benefits for those who are already showing the most returns from their current "stake" in the Internet, well that isn't so clear.

What I think is clear though is that the MS model which is being presented, is in fact the transformation of the neo-liberal economic model which has resulted in such devastation and human tragedy throughout the world into a new form of "post-democratic" governance. (This connection between the neo-liberal economic model and multistakeholder governance is presented most clearly in a document published by the Aspen Institute with numerous Internet luminary co-authors and collaborators–"Toward A Single Global Digital Economy". The paper argues for, outlines and celebrates the dominance of the Internet economy by the US, US corporations and selected OECD allies and provides a plan of action for the implementation of the MS model as the supportive governance structure.)

So, for example, while there are clear and well-regarded opportunities for participation by private sector stakeholders, technical stakeholders and civil society stakeholders in the Internet policy forums (marketplace) there is no one in the process (no "stakeholder")

with the task of representing the "public interest". Thus no one has the responsibility for ensuring that the decision -making processes are fair and not contaminated and that the range of participants is sufficiently inclusive to ensure a legitimate and socially equitable outcome. Nor in the multistakeholder model, as in the neo-liberal economic model, is there any external regulatory framework to protect the general or public interest in the midst of the interactions and outcomes resulting from the interactions between individual sectional interests.

¿What about the public interest?

Similarly, whereas in a normal democratic process (or a non-"liberalized" marketplace) the underlying framework and expectations of participation would be that the actors would be pursuing the "public interest" (with of course, different interpretations of what that might mean) and that there would be some basic social contract to provide a "social safety net" for all the individuals and groups, and particularly those least able to defend their own interests, in the MS model there is no promotion of the public interest. Rather somehow the public interest is a (magical) bi-product/outcome of the confluence (or consensus) processes of each individual stakeholder pursuing their particular individual interest (stake). Government may or may not be an (equal) stakeholder in this model but in any case the overall intention is, if possible, to remove government altogether (even as the protector of rights and ensurer of equitable processes and outcomes).

This of course, has to be seen as an overall "privatization" of governance where for example, major Internet corporations have an equal standing in determining Internet governance matters in areas such as regulation (where such is allowed to occur) alongside other stakeholders. In this model there is no space for the Internet as a common good; or as a space or resource equally available for all as a tool for general economic and social

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betterment (including for example by the marginalized, the poor, those from Less Developed Countries and even those who are not currently Internet "users"). "Stakeholders" get to make and even enforce the rules and anyone who isn't or can't be a "stakeholder"- well tough luck.

Similarly there is a refusal to accept even the possibility of a regulatory framework for the Internet (the argument most forcefully articulated in the course of the Internet Freedom campaign); or that the Internet might be of sufficient importance as a fundamental platform for human action in this period, that it can no longer be seen as a domain of solely privatized action and control.

The now highly visible damaging effects of neo-liberalism are very well known. These have become evident through its promotion of the privatization of public services such as education and health care in Less Developed (and Developed) Countries, with the consequent significant increases in non-schooling and deterioration in health among the poor, the marginalized and the rural; the undermining of the social contract and social safety nets in Developed Countries with the associated increases in child poverty, homelessness, and hunger; the "Washington Consensus" and externally imposed austerity regimes, which many countries around the world are only now recovering from (and which the International Monetary Fund - IMF - itself has recognized as a serious and highly destructive mistake); the actions of the IMF and World Bank in insisting on privatization and deregulation and thus decimating numerous local enterprises in favour of multi-nationals; and overall, through providing the ideological drivers (and models) for a significant social and economic attack globally on the poor and vulnerable.

This is the mode of governance which through multistakeholderism, its counterpart in global (Internet) governance and beyond, is to be the basic governance model for the Internet promoted quite unsurprisingly by the corporate

sector and the US Government, but equally and astonishingly by wide elements of civil society and the technical community as well.

The real significance and ultimate target for this neo-liberalization of governance is, of course, not with narrow technical Internet Governance matters, but rather with issues such as taxation of Internet-enabled commerce and ultimately of the need for revenue sharing with respect to Internet-related economic activity, in a world where income inequality is growing at an unprecedented rate on an Internet and global digitization platform.

An uneven playing field

The current context, where global Internet giants such as Google or Amazon are completely free to transfer/allocate revenues and costs anywhere they choose within their multinational empires, so as to minimize tax exposure, is rapidly reaching a critical point where some sort of intervention is likely. On the longer-term horizon, the significance of both global and internal national income polarization – much of it having some linkage to digital technology and the Internet – will at some point need intervention and rebalancing if social unrest is to be avoided.

In a multistakeholder governance regime, Internet giants such as Google or Amazon will presumably be equal partners/stakeholders in the determination of matters of Internet regulation, taxation, and the possible allocation/reallocation of overall benefits, i.e. those matters which are of direct financial concern to themselves and their shareholders/owners. And these determinations will be taking place in policy contexts where there are no obvious champions/stakeholders representing the broad global public interest. That such an arrangement is directly supportive of US and other Developed Country interests and the interests of dominant Internet corporations, i.e. those most actively lobbying for the multistakeholder model, is clearly not an accident.

Equally of course, the Less Developed Countries will be at a distinct disadvantage. Their governments lack the knowledge and often the resources to act as effective stakeholders in MS processes. Their national Internet corporations are either sub-units of global corporations or too weak to be effective in such environments; and many of their Civil Society organizations have been captured by means of the cheap baubles of international travel, the flattery of "participation" in discussions with Internet luminaries, along with the crumbs of localized organizational benefits. The citizens of these countries (as with the disadvantaged populations in Developed Countries) will be completely at the mercy of elites in the Developed Countries, and in those small segments of their own countries who have already achieved success in the global Internet sphere and stand to benefit enormously in prestige and otherwise through the dominance of multistakeholder governance processes. ◁

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Interview with Robert McChesney:

How can Internet be De-monopolized?

Sally Burch

"Left on their current course and driven by the needs of capital, digital technologies can be deployed in ways that are extraordinarily inimical to freedom, democracy, and anything remotely connected to the good life. Therefore battles over the Internet are of central importance for all those seeking to build a better society", writes researcher **Robert McChesney** in the conclusion of his book *Digital Disconnect: How Capitalism is Turning the Internet Against Democracy*[1]. Professor at the University of Illinois at Urbana-Champaign, McChesney studies the history and political economy of communication. He is also co-founder of Free Press, a national media reform organization in the USA. In the following interview with ALAI, he summarizes the arguments of his book, with emphasis on the tendency of the Internet economy to promote monopolies.

How would you characterize the evolution of the Internet over the past two decades?

To summarize I would say that the Internet began as a function of the public sector. It was started by government subsidies and was non-commercial, even anti-commercial, in its earliest days. The vision that developed of it was always of an egalitarian, nonprofit sector where people would come together and share. But the process starting in the early 1990s, especially after the development of the World Wide Web, has been towards its intense commercialization on one hand, and on the other hand, of an aggressive interest in the importance of the Internet by military, national security, intelligence and police agencies. Those

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1 The New Press, New York, 2013.

two forces have really made the Internet their own in the last 20 years in a way that I think very few people, as recently as 1993 or 1995, thought possible.

At the global level, what do you see as the main implications of this evolution?

One of the great claims about the Internet was that it was going to spur economic efficiency, growth, competition. It was going to open up the economy for new players, especially for small businesses and new entrepreneurs to get in the game and be able to compete with larger entrenched corporations and businesses, because the Internet would allow them to make an end-run around the barriers to entry that kept them away from consumers and markets. It also was regarded as the place where consumers would be suddenly empowered because they'd have more choice, and they'd have more leverage using the Internet to get lower prices and better service from companies.

Unfortunately almost none of this has come true in any meaningful sense, and one of the great ironies of the Internet is that is has become the greatest generator of economic monopoly ever known, in any economic system, certainly under capitalism. Instead of producing competitive markets and lots of successful entrepreneurs, Internet has done just the opposite, because of network economics, where basically it's winner-takes-all economics. Once someone gets in first place, there's tremendous incentive for everyone to use that service, such as search, for example, or E-Bay or You-Tube. You use the same search because

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you want to be on the network that everyone else is on, and you get what's called a "natural monopoly" through the network effects.

When we look at the Internet, it is filled with these monopolies, there's no "middle-class" of 20 or 30 competing companies in an area. It's usually one company that dominates it with maybe one or two others that have a little bit of the action. And it has really accentuated and aggravated the problem of monopoly in modern capitalism, which is one of the great problems, of course, of the world economy.

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ROBERT W. McCHESNEY

DIGITAL DISCONNECT

HOW CAPITALISM IS TURNING THE INTERNET AGAINST DEMOCRACY

Now this is especially true outside of the US because – perhaps not coincidentally – the dominant monopolies of the global Internet – and it is a global phenomenon– are American based. Google, Microsoft, Apple, Amazon, EBay, Facebook, are US-based firms. So these are companies that have inordinate power outside of the US, and I think for people living in countries outside the US, their dominance is of particular concern.

And what are the repercussions of these dynamics in terms of democracy?

Democracy has a lot of components, and one of the great claims of the Internet was that it was going to make it possible for average people, those without property, to participate in politics in a way that never was thinkable prior to the Internet. That you could have access to all the information that only elites used to get. You could communicate with like-minded people inexpensively and establish networks that would be very powerful, that would shake that power and force it to either leave power or to respond to the democratic aspirations of the people. And it has had an element of that, let's be clear; there have been many positive aspects of the Internet for enhancing the power of those at the bottom against the top. But when those claims were made, it was forgotten that those at the top also owned computers. In fact, they own computer companies, they own the networks, and they too know what they're doing, and they're doing it to win, they're not playing by the rules. And what they're doing is to neutralize the threat of the Internet as a democratic force that can arrest or challenge elite power.

Now one of the crucial areas this takes place – one that I study and
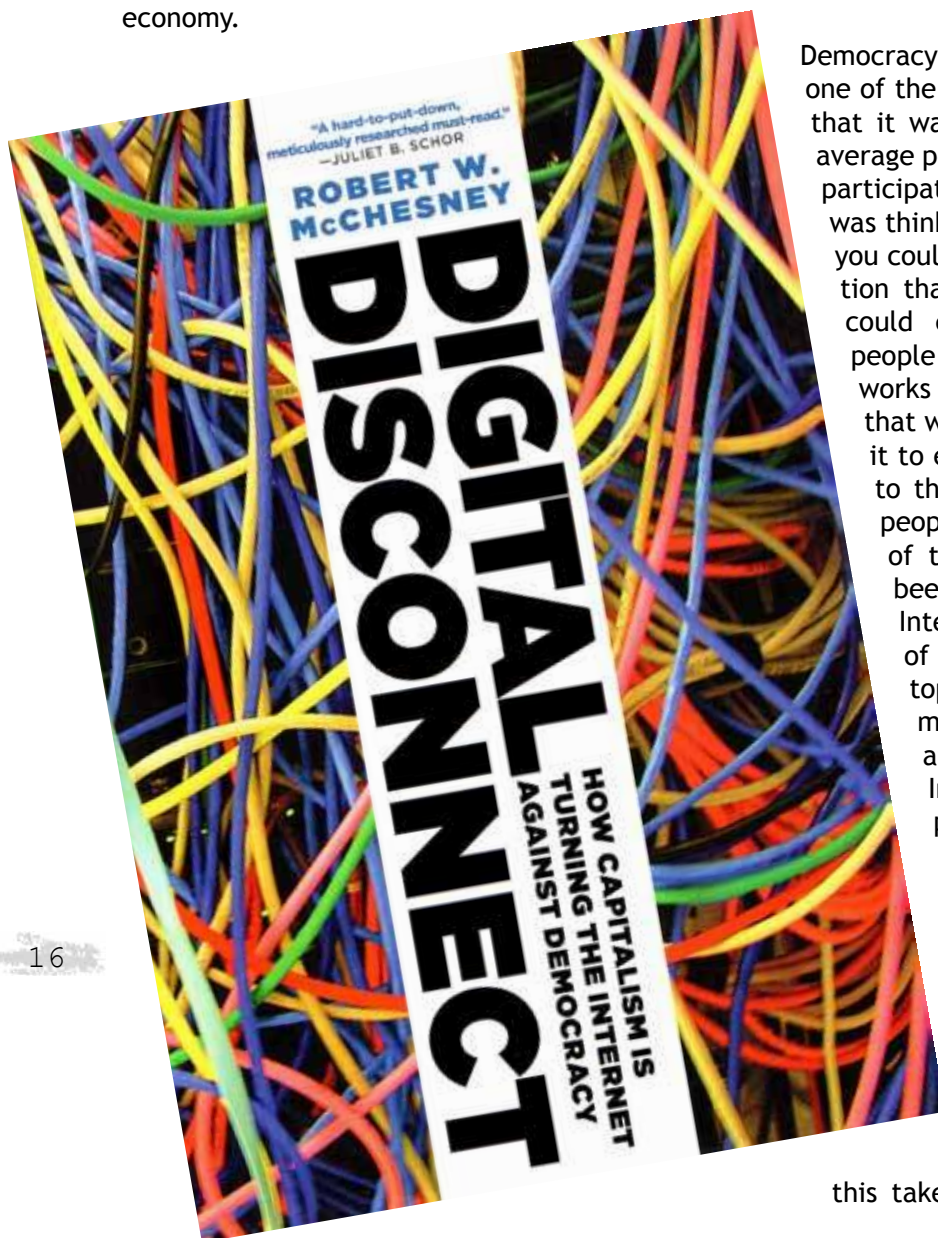
write a great deal about – is the great crisis of journalism worldwide and in the US. As you go increasingly into the digital world, there's no way for journalism to be supported anywhere near a satisfactory manner, to have sufficient reporters covering people in social life, keeping tabs on people in power and what they're up to.

In a nutshell, the reason for this is that advertising in the digital era operates very differently than it did before the Internet. Before we had the Internet, the advertiser would buy an ad and the newspaper would use a significant amount of money from that ad to pay for the content; that's how they paid journalists. Advertising provided most of the revenues to most commercial news media in the world. In the digital era advertisers no longer need to pay for the content. They have found a more efficient way to reach final consumers. They can simply go to one of the big ad networks like the ones run by AOL, Google, Microsoft or Yahoo, and they say: we want to reach 30 million women aged 18 to 25, who might be in the market to buy new shoes in the next three months. They'll find those 30 million women right away, wherever they are on the Internet, because those companies know everywhere you go, there's no such thing as privacy on the Internet. So the advertisers don't need to pay a website for anything more than the cost of the one person they're trying to hit there. The website gets much less money and that's why online journalism is basically not solvent commercially. The advertising money has gone, and that accounted for well over half the revenues that paid for journalism over the years. This is causing an enormous crisis worldwide.

By this, I'm not saying that journalism was great before. Much of my work has been on the severe limitations of commercial journalism, which is true in Latin America as in North America, if not more so. But the starting point of journalism is that you've got to have someone who can do it, and eat. Someone who has time and the expertise to cover sometimes complicated stories about national security, or the environment, or economics.

Ideally, you want competing news firms, so if someone misses a story someone else will get it. All that is all disappearing now. Commercial interests are jumping ship; they say we can't make money doing journalism. And that leaves us very far short of a democratic society. It should be Mission A, Job No. 1 for people committed to democracy, to set up institutions and resources to provide media and journalism, and ultimately culture, to communities that the market is no longer interested in. I think these all have to be non-profit and non-commercial entities to be effective. The market simply has given up on journalism and it should go its way now.

That means, if we're going to have credible, independent, competitive news media – and it will be digital – the resources are going to have to come from the public. The great challenge we face in democratic societies is how do we do that? All countries need to be looking at that very seriously.

> *Coming back to the issue of monopolies… in a globalized economy, global political agreements and institutions are needed to establish the necessary rules, controls and checks on its functioning, in the public interest (as most nation states have to limit monopolies at the national level). But these international spaces are increasingly captured by the same global corporations that they should be controlling. With respect to the Internet, what do you see as the key issues to take on in terms of global governance?*

I think your question is so good that it has part of the answer, because global trade, economic and governance arrangements are crucial, especially for the Internet. Unfortunately, because there is so much money now in the Internet, these governance arrangements are dominated by huge monopolistic companies that are so wealthy and so powerful that they can call on the US government to be their private police force. The global function now of the US government is to protect the interests

of these private monopolies. It never does anything against their interest. That means that the ability of nation states in Europe, Latin America, Africa or Asia to countermand these pressures, to set up their own autonomous digital realm, is much more difficult without effectively taking on the entire economic structure of the world.

You have been involved in some of the big battles taking place in the US around freedom, rights, democracy and the Internet. What do you see as the main issues at present?

In my view the big issues in the US, and I think to varying degrees worldwide, are threefold. First, on the issue of getting serious funding for independent, non-profit, non-commercial, uncensored and competitive news media institutions, at the local and national level, we are working with colleagues on the idea of having a US$200 voucher of federal money that anyone can give to a news medium of their choice. So you'd have a huge public subsidy of non-profit news media, but the government wouldn't control who gets the money, the people would.

The second great issue in this country – and probably everywhere – is that control over access to Internet and to cellphones is limited to just three companies: Comcast, Verizon and AT&T. There are a few other companies in the game, like Sprint and T-Mobile, but the big three set the terms and everybody else follows. They have divided up the market like a cartel, they don't compete with each other, their prices are high so Americans pay an incredible amount of money for cell phones and Internet access for a very mediocre service. It's really outrageous. We need a campaign in the US – or internationally – to take Internet service provision out of the hands of private monopolies, and make it like the post-office. Internet access should be a human right; the government should run it and then the costs would come tumbling down. It will be a difficult fight, because these com-panies are world-class lobbyists, they own all the politicians, but their existence is really illegitimate. They do nothing of value, except gouge us for super-monopoly profits to give us lousy service.

The third area –and this brings us back to the question of natural monopolies – is that there comes a point where you have three choices in a democratic society about how you deal with monopolies. Now, the way economists use the term monopoly basically means a company that has so much market share that it can set prices on the whole industry and it can determine how much competition it has. If it wanted to rub everyone out of 100% of the market, it could probably do it, but that would hurt its profits, so it settles for a lower percentage of the market and less people stay on the margins, but it gets the maximum profit it can in the industry. That's the sort of monopoly world we're looking at. John D. Rockefeller, at the peak of his Standard Oil monopoly, did not have 100% of the oil market in the US, I believe his peak percentage was in the low 80s, but he was in a situation where if he wanted to, he had the power to lower the price to drive people out of business. It just wasn't in his interest to do so. Google, Apple, Amazon, Facebook, eBay and Paypal all have Standard Oil type of monopolies, and as a rule the only competition they face in their core monopoly markets comes from the other companies. So Google has a successful search, then of course Microsoft will have a competitor one. There are no independent companies competing with them, as they all get bought up along the way.

So what are we going to do about these monopolies that are completely antithetical to democratic theory? This isn't even a progressive notion. Milton Friedman – the right-wing conservative economist, whose legacy in Latin America, thanks to the Pinochet era, is quite dark – was the first one to argue that the defense of capitalism in a democratic society was that the people who ran the economy didn't run the government. Power was diffused and that allowed freedom to prosper,

unlike feudalism, unlike existing communism then, where the people who ran the government also ran the economy. The key to Friedman's argument was that the economic market had to be competitive. If it was dominated by a few giant firms, those giant firms would invariably and inevitably take over the government, and then that whole premise of democracy collapses like a house of cards. That's why, in democratic theory, from both the right and the left, monopoly economic power has always been a crisis.

In that context, there are three choices of what society can do. One, you can keep the private monopoly power and then try to regulate it in the public interest. In the US we did it for a long time with the telephone company AT&T and we still try to do it a little with our phone and cable companies. But the evidence is that it doesn't work. These companies are too big, they capture the regulators, they own the government and the regulation is largely ineffectual; so you still have monopoly gouging you and the monopolists run the government. That's really not a good solution.

The second solution is to try to break up the monopoly into smaller units that would actually compete. So instead of having one oil company, such as Standard Oil, you would break it up into 5, 10 or 15 that would compete with each other and give you the benefits of market competition without having the detriments of monopoly control of the government. Unfortunately, in the case of the Internet that's really not possible. Because of network effects, they become monopolies very quickly because that's the logic of the technology. There's no way to have competing search engines because people would gravitate to the best one and all the others would go out of business.

So with natural monopolies, you have only one course left, and it was Milton Friedman's mentor who actually said this. He said, even if you have free market capitalism, you need to socialize and nationalize the monopoly companies, because otherwise they will steal profits

from smaller businesses and charge them and consumers higher prices, and they will corrupt market economics from working efficiently, just to their benefit. So even those who truly respect and desire market economics should want to socialize those larger monopolies that are impossible to be competitive.

Might that mean nationalizing or socializing Google or Microsoft...?

Well, that's the conversation we've got to have, ultimately. We can start now, or we can wait for 20 years and talk about it then, but eventually we'll have to do something along those lines. If you look at the 30 most valuable companies in the US today, in terms of their market value, 12 of them are Internet monopolies; the ones I've just named and a few others. They completely dominate the American political economy (if not the world political economy); they are the vibrant force, such as it is, of capitalism today. This sort of economic power translates into complete control over the government. In America, we always talk about the too-big-to-fail banks that got the huge bailout. As senator Dick Durbin from Illinois said, they frankly own the government. They own Congress, they get their way with whatever they want. Well there are only two or three of those banks among the 30 largest firms in America, but there are 12 Internet monopolies. So if we're serious about addressing monopoly power as a threat to both the economy and to political democracy, if we're serious about reinvigorating democracy, even if one's a free-market person, then sooner or later we're going to have to address this issue of monopolies and I would say the sooner we start having that conversation the better.

In the case of global monopolies, would that mean looking at the possibility of having global public companies?

These are really interesting questions, and I think that in America we haven't had that debate anyway near enough, because our mar-

kets are so enormous and the companies are based here. We think in terms of national solutions being sufficient, since we have the companies here that we need to deal with. I think, though, as soon as one crosses the border to any other country in the world, the debate has to change, because then, clearly, purely national solutions have real limits to them, even in theory, and international or regional solutions become much more important. But at this point of the discussion I become a student, not a teacher.

So, coming back to our starting point, the evolution of the Internet: between digital utopia or Big Brother nightmare, what's the present balance?

It's moving to Big Brother nightmare. Those are loaded words, its pejorative and you might dismiss what I'm saying with 'this guy's a whacko'. (Those weren't the terms I picked – I want to make that clear – but at the same time I'm not going to run from them). One of the things that I came upon when I was doing the research for Digital Disconnect, that I didn't fully appreciate just two or three years ago, was the extent to which everything we do online is known to commercial and government interests. You must start from the assumption that everything you do is recorded, it's tapped, it's monitored and it's available to some people, somewhere, in some manner. I was shocked by that when I did the research; but as soon as the book came out, then the Snowden revelations came out about the NSA and there was a lot more general awareness of this whole process.

But I just had a new shock. The former head of NSA's surveillance program has recently left, and he's done some interviews in which he said that the NSA has access to everything and can track everyone everywhere globally. They really have that power and they're using it. So what do they do now if they want to arrest someone? It's very easy, they can put together a case on someone (and they can always find a law you've broken somewhere, it seems) and take their illegally gathered information to the police and say to them, piece together whatever information you said get, come up with legal documentation. Then they can arrest that person if they want; they have that capacity. As this former NSA head said, that's the definition of a police state. Now that might not always be exercised, but it's that very threat, the very notion that that's looming in the background, that creates exactly the Orwellian world that I don't think anyone wants to live in. ≪

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Towards a Just and Equitable Internet

Prabir Purkayastha

A number of groups and people have been extremely uncomfortable in the way an artificial "consensus" for the existing status quo – the control of the Internet by big corporations and the US in the name of the multistakeholder model – has replaced any meaningful discussions on Internet Governance. It is with this context that a group of organisations and activists met in New Delhi, India, on February 14th and 15th, 2014 to form the Coalition for a Just and Equitable Internet – Just Net Coalition. It addressed two key questions:

(1) A progressive vision of the Internet

(2) An Internet that promotes the public good and evolves as a 'global commons'.

The Coalition, in its submission to the NetMundial Meeting taking place in Sao Paulo on April 23-24, 2014, pointed out:

> Opportunities for the many to participate in the very real benefits of the Internet, and to fully realize its enormous potential, are being thwarted by growing control of the Internet by those with power – large corporations and certain national governments. They use their central positions of influence to consolidate power and to establish a new global regime of control and exploitation; under the guise of favouring liberalization, they are in reality reinforcing the dominance and profitability of major corporations at the expense of the public interest, and the overarching position of some national interests at the expense of

global interests and well being.[1]

The Just Net Coalition has also made clear in its Delhi Declaration, as well as its submission to NetMundial, the need to radically change the way the Internet is governed, centre-staging human rights and social justice.

The revelations from Snowden documents on the NSA's drag-net surveillance have shaken the world. While privacy concerns have been very much in the news, this is not the most important part of the Snowden revelations. The far more important issue is that of economic and political domination.

The governance of the Internet

The governance of the Internet is not simply one of running the Domain Name System (DNS) and other critical Internet resources. With the Internet increasingly becoming the global marketplace, repository of knowledge, global media and an essential means of communications, its governance has enormous economic, social and political implications.

Originally, the US government had argued for private sector led Internet governance, which at some point became "transformed" into the "multistakeholder" model. What such binary formulations – multistakeholder versus multilateral – miss is that while some issues such as technical protocols, etc., can be worked out (global standards are created in this way) between various "stakeholders", the issues change when public policy is involved. Essen-

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1   See the Delhi Declaration on p.34.

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tially, in policy issues, there are conflicts of interest between various parties, which need a concept of public good to be introduced, even if it is against the interests of certain stakeholders. We still do not have an instrument of redistributive justice apart from the nation states.

The relationship of multistakeholderism with the neoliberal paradigm is obvious, as underlying this model is that there should be no global regulations or laws. The fundamental assumption of the multistakeholder model is that all players -- operating on equal footing and through consensus -- can take decisions on all issues that will be beneficial to *all* the stakeholders. It does not take into account that groups have differing interests, for example, corporations and consumers, global North countries and global South countries, etc. This model, in effect, gives veto power to private companies, thus protecting their existing monopolies and the status quo.

Critical Internet Resources

On domain names (the DNS system), we need to understand that it is high-value real estate, even if it is in the virtual world. The Internet has the potential to create an unlimited number of such domain names and IP addresses, it is a part of the unlimited global commons that has been or can be created. ICANN's powers to control this digital commons is by virtue of the US enclosing this commons and handing it over to ICANN. Currently, there is no framework that gives legal rights – to g-TLD's, cc-TLD's – to any of the regional or national registers. All the legal rights are derived through private contracts with ICANN, various registers, and the existing contract that ICANN has with the Department of Commerce – the IANA contract.[2]

The US has now proposed that ICANN take over this function and it will allow its IANA contract with ICANN to lapse, provided

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2   For an explanation of the acronyms, see the glossary on p.33

- no multilateral body is created for this purpose

- it remains in the US, therefore under the US juridical control (assurances presented to the US Congress by Lawrence Strickling, NTIA administrator and in-charge of the IANA contract).

There is a need to discuss – without any such preconditions – what kind of structure is most appropriate for managing such critical Internet resources. Let us not forget that we are talking about hundreds of billions of dollars of virtual real estate, if not trillions. It is not an accident that the bulk of this "real estate" is "owned" by registers in the US and other developed countries.

Competition / Monopolisation

The combination of intelligence agencies and large, global corporations help concentrate economic power and create large global monopolies. The US stewardship of the key Internet organisations (I* or I-Star organisations) has meant that the US has been able to implement its neoliberal vision of having no regulation and an unfettered growth of its Internet companies. This has led global monopolies to emerge in this space within a short time.

The absence of any regulation of the Internet has meant that global Internet companies have been able to build Internet platforms that allow bundling of various services – horizontal monopoly – (Google, Microsoft), while others bundle access and services together (Telcos offering Internet services).

Google today enjoys a monopoly never seen before – even the AT&T and Standard Oil monopolies fade in comparison. As data acquires value, companies that mine data through their services – search tools, email services, etc., – use the subscriber data to monetise their services. Subscribers become "products" to be sold to advertising agencies. Every user of Facebook was worth $4.84 in advertisements

per year (at the time of the initial public offering).

Without a regulatory framework there can be no level playing field in the online economy. This brings us to important issues such as platform neutrality and net neutrality, without which the future of Internet will be dominated by monopolies. For the consumers, the effect of monopolies is obvious.

Cultural Hegemony / Digital Colonialism

There is a direct correlation between development, Internet access and content, which means the marginalised in 'global' society barely produce any content. What this means is that the story of the marginalised is written by people in the first world. The global south can be users of Internet services, knowledge, software and hardware, but will not be its creators. However, they will pay for it, as the Internet payment model is based on the user pays principle.

A survey conducted in 1999 by the Economic Commission for Africa shows that the continent generates only around 0.4 percent (1:250) of global content. Excluding South Africa, the rest of Africa generates a mere 0.02 percent (1:5000)![3]

Given most content is generated in the global North, this will have long-term adverse effects on local cultures and language. While there are 6,000 surviving languages in the world at present, most of them may disappear as the Internet, largely in English, takes over most of world's media and content.

What Kind of Internet We Want

What should have been a public good/public utility has been privatized by the rich and wealthy countries and their corporations. What was originally conceived of and should have been a global commons or a public utility, is fast becoming private property. Right now, it is broken; people are under surveillance; and our data is being monetised and sold.

If we are to change this, we need a different form of Internet Governance. Not just cosmetic changes to the existing institutions but deep rooted changes that expand democracy, social and economic justice; that preserve the rights of people as well as the sovereign rights of countries; an Internet that is used for peace and not war.

Internet is too important to be left to technical specialists who run the Internet. This is what the Just Net Coalition stands for. ⟪

Prabir Purkayastha, Knowledge Commons (India). Co-convenor of the Just Net Coalition.

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3   http://213.55.79.31/adf/adf99/codipap3.htm

Interview with Kenyan Alex Gakuru

Cloud Computing and Legal Labyrinths

ALAI

One of the fast evolving trends in cyber-space is the use of what is known as "cloud computing", that is remote servers where individuals and organizations can store their data and content. Web-based e-mail accounts were one of the first applications but the phenomenon is now far broader, offering users the convenience of being able to access their data from wherever they are and from whatever device they are using.

The problem for the user is, how do you know who else may be using your data and for what purposes? And ultimately, is it clear who the data belong to? And so, should that be a cause for concern? For Kenyan consumer rights advocate **Alex Gakuru**, the answer is definitely Yes. The Executive Director of Content Development Intellectual Property Trust (IP Trust-Kenya) explained, in a dialogue with ALAI, that cloud computing "transfers control of the data and application from your computer into somebody else's hands. It means issues of confidentiality and privacy, and controlled access, which you had locally on your computer, but you have forfeited or surrendered for somebody else to control."

So then, how are these companies using the data they house? Gakuru gives examples of typical uses, such as "when your data is in the 'cloud', they look at every document you access, your interests; they look at the frequency, maybe even typing skills because you're no longer typing locally on your computer. So they can profile you remotely; they're gathering a lot of human intelligence about you which are bonuses for them. If they find you

in a certain city, they start advertising – hotels or anything else from a company that has goods to be sold there. So you become a bigger good to be sold and marketed to the world. And even if the services may be for free (most of them are actually paid for), you are becoming more of a product that is being sold to the advertising agencies, and the problem is you're not even aware." So his advice is: "Any time you get a free service from any company, just ask: if it's free, then what are they getting out of me."

Moreover, the problem is not just advertising. It is that these "clouds" in fact consolidate ownership of data. When all the data contained simply on a mobile phone (SMS messages, contacts, IP address, GPS location, search words, preferred news services or games) "is put in one location it can mean too much of your data being held by somebody who is not accountable to anybody, because they are 'global' and your laws don't apply to them... If you run a script on that data, you can come up with interesting new solutions, and you can call yourself innovative," claims Gakuru. "But what you're doing is prying on people's private data and working backwards. It's like the research where you start with the volumes of data and then you come up with hypotheses. That's a new methodology called 'grounded theory'. And the clouds are achieving the same thing in our online connectivity." To give a hypothetical example from his home country, Kenya, Gakuru asks: "What if somebody from a pharmaceutical firm wanted data on the medical health of all our citizens? Then they can hike the price of drugs when there's

an increase in malaria... So the dependency syndrome has become cross-border and who controls that has the power of data."

User rights?

To further clarify his argument, Alex Gakuru emphasizes that the "cloud" is a fiction. "There's no cloud of servers. It's a business concept and construct they came up with for marketing. The truth of the matter is that the servers reside in a certain part of the world, in a certain country, governed by that country's laws. There could be several servers, one for back-up in a different part of the country or continent, but each is governed by that country's laws on how data can be accessed officially or by law-enforcement, and by this we mean that people are authorized to access it with a legal mandate, or even without due process."

Users might assume, though, that the laws of the country they live in will protect them. But it is not that simple, as Gakuru points out, since for certain companies "by the very nature of where they are incorporated, their home country's law applies even in the foreign land where the company operates. So even if your country's laws protect you, you're not safe if the company is actually international and the home country allows them to access your data. So you then have a problem of a conflict between two nation states and servers in different locations. Which law prevails? Obviously it's the foreign one. For the first time, we get a situation where foreign laws are now being used in local countries and people don't know." A further danger is that, as the data transits between continents and nations, it may pass through countries with inadequate data laws. "Europe has very good ones, but certain countries, whether in Latin America, Africa, Asia, even North America, do not have the sort of agreements such as the EU normally requires."

For the ordinary Internet user, simply understanding this situation and how the technology works is an enormous challenge. So what can they do about it, apart from taking care of how far they will rely on cloud computing? The Kenyan consumer rights defender considers the first thing is to call for user rights: "The right as an individual to know exactly what is being done with my data. It is a principle that is embedded in freedom of information laws, that you have the right to have your data corrected when it is held by State agencies. We need a similar law, but this time for users of technologies and online platforms, where users have the right to be told everything that is being done with their data by the private corporations. They cannot refuse to do this as we already require our governments around the world to hold that as a principle of the freedom of information. So now we need another one called a consumer or a user rights principle, where every company that wants to use my information for whatever purpose only does so with my awareness and consent; and it doesn't have to wait for me to ask, it should ask me in advance."

The consumer rights advocator also considers that services operating under a given legal jurisdiction should only be allowed to be offered in that country, which would be feasible because they could block IP addresses of people from countries where their legislation doesn't apply. A further issue is what happens to people's data in the cloud when they die. Who does it belong to? Say if a researcher has all her research deposited in the "cloud", can the company claim to take possession of it?

Gakuru is concerned that the current Internet governance debates are concentrating only on the complex "nuts and bolts" of the technology, such as IPV6, "when the real subject-matter now is the current war of consolidation of content and its so-called intellectual property... he who controls that, controls the future of the conversation," he stresses.

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Root Causes of Internet Social Justice or Injustice

Norbert Bollow

The Internet is not only useful; it is also dramatically transforming our societies. In this respect, I expect that some decisions that will be taken in the very near future will have a profound long-term impact on the future of human society. I feel that we are at the threshold of some kind of defining constitutional moment for the future of humanity. By this, I mean that just as the overall political structures of a country are to a large extent determined by its constitution, some important aspects of the future of humanity are going to be determined by how certain technical matters regarding the Internet are decided.

Mass surveillance, as documented by the Snowden disclosures, is a good example of this. As long as at least some of the world's intelligence services have significant funding and no respect for the internationally recognized human right to privacy, it is inevitable that international mass surveillance will continue for as long as it is technically feasible. But why is it feasible? The reason is that those who have been making the relevant technical decisions have not considered it a requirement to prevent mass surveillance. From a technical perspective, adequately protecting the privacy of communications (including some reasonable degree of protection of the so-called metadata, which includes in particular information about who communicates with whom) is not an easy task. But it is not impossibly hard either. It is surely an easier task than to design an airplane which allows us to travel from one continent to another in less than a day.

From a political economy perspective, international mass surveillance is primarily about power. It represents a huge concentration of power. Since among the political leaders of just about any country, there will be some who have an embarrassing secret in their life, the power of mass surveillance implies the power to topple just about any democratic government. Or maybe the intelligence agency which holds this power would prefer to use it for blackmail. It is absolutely scary to consider what a Hitler 2.0 would do with the kind of surveillance capability that the NSA is now known to possess. Hence ICT systems which are not adequately designed to protect communications privacy are a form of social injustice. In fact, undermining democracy in foreign countries is one of the worst kinds of large-scale social injustice that I can imagine.

In the realm of political institutions, concentrations of power are of course also a potentially serious problem. However, the constitution of every democratic country has been carefully designed to prevent dangerous concentrations of power. There is a careful division of powers between the different institutions, and there are checks and balances. Similarly, we need to insist that the power that any government or company can have on the global Internet must be limited. For example, Microsoft, Facebook and Google are each unreasonably and unacceptably powerful.

On governance

Unfortunately, the current system of what is often grandly called "Internet governance" lacks any mechanism to effectively diffuse such concentrations of power. This is, however, not generally recognized as a problem. Quite

on the contrary, the upcoming "Netmundial"[1] meeting is intended to enshrine "multistakeholder governance" as a fundamental principle of Internet governance. For all intents and purposes, this would be a constitutional principle for the Internet, and by implication also for the worldwide information society. Multistakeholder governance is an ideology which implies the belief that democratically elected governments and parliaments should not exercise any power to make decisions in relation to the Internet, but rather all governance decisions should be made by a multistakeholder consensus process, in which all stakeholders, including representatives of governments, civil society and private companies, can participate fully and equally.

I am not at all opposed to multistakeholder consensus processes being used for decision-making whenever it is possible to reach a consensus. My objection is against effectively adopting it as a kind of constitutional principle that consensus processes are the only kind of decision making processes that can legitimately be used in regard to the Internet. This principle would imply that no decision could ever be taken that would solve the problem that some companies are overly powerful, because the powerful companies could simply oppose and thereby prevent such a decision from being taken. Of course, when no explicit decision can be made in regard to conflicts of interest between particular commercial interests and some aspect of the public interest, such a lack of a decision-making process is a decision in itself. In that kind of situation, powerful profit-oriented companies are automatically able to do whatever they want, to the full extent of what the market will allow them to get away with, with no chance for public interest oriented regulation.

The alternative which I would propose[2] in situations where there are genuinely conflicting interests (i.e. conflicts which persist after a

reasonable attempt has been made to resolve the issue by means of a consensus process), is that the best approach will be to develop competing proposals, corresponding to different perspectives on the issue, and to then have national parliaments make the perhaps difficult decision of choosing between these options. Clearly the set of proposals should be designed for making it as unproblematic as possible for different countries to adopt different options.

On-going initiatives

Meanwhile, there are existing multistakeholder processes which can be used to solve real problems (problems where there is no reason why, for example, existing standardization processes would not work to develop a solution), while at the same time preventing new dangerous power concentrations from emerging.

One very interesting example of this is the work on "web payments" at W3C, the World Wide Web Consortium[3]. Technically this initiative is based on advances in cryptography, which allow for secure implementation of payments without relying on a middleman such as PayPal or Western Union. The technology can be implemented to be usable everywhere where a web browser can be used, from TV sets over PCs to mobile telephones, and this has in fact already been done in the Firefox OS smartphone operating system.[4]

Importantly, the goal here is to create a technical standard that can be freely implemented by anyone. In this regard, the planned "web payments" are going to be like email rather than like WhatsApp or Facebook or PayPal. That however is not sufficient to ensure that the technology will positively contribute to social justice, and avoid contributing to social injustice. If implemented without consideration of fairness, non-discrimination and con-

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1   http://netmundial.br

2   For the specifics of a concrete proposal along these lines, see http://WisdomTaskForce.org

3   http://w3c.org

4   https://web-payments.org/

sumer protection concerns, a "web payments" technology could easily result in new social injustices. Removing the payment processing service as a middleman is good, but there is a need for flanking measures to prevent it from creating problems.

There are several reasons why it is good and important to create a payment processing service that does not rely on a middleman. Two of these reasons are related to the fees which a payment processing service levies: these do not only cost the users of the service money, they also tend to prevent some applications involving very small amounts of money, so called micropayments. Then there is also the risk of monopolization: if no standardized web payments solution is available, chances are that the kind of network-effects-driven winner-take-all economics which are so often seen in the online realm would concentrate most of the market for online payment processing in the hands of a single company. Such a dominant market position would represent a huge concentration of power that could be abused easily.

On the other hand, when web payments are processed without a middleman, that creates a difficulty, because the payment processing service is removed as a point of possible regulation for the benefit of consumers. For example, the payment processing service cannot then be given a role of acting as a gatekeeper to protect consumers from fraudulent merchants.

Due to the international nature of the Internet, there is also no straightforward way to rely on the traditional legal system to ensure that the consumer can get a refund if an online merchant acts fraudulently. One solution to this problem might be to build a refund mechanism into the web payments system, which would allow consumer courts in the consumer's country of residence to initiate a refund, and a requirement for online merchants to have a bank guarantee that ensures that such authorized refunds will actually get paid out.

Hence, seemingly technical topics on web payments are actually very much of a kind where the design decisions need to be made primarily on the basis of consumer protection and other social justice concerns. This cannot simply be left to technical experts! It is important for a variety of civil society organizations, with a range of perspectives from different cultural and economic contexts, to engage in this area. Not engaging at the current stage when this technology can still be shaped could quite possibly end up being a root cause of social injustice within a couple of years. ≪

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Brazil Approves One of the Most Advanced
Internet Laws in the World

The Civil Framework
for the Internet

Bia Barbosa and Pedro Ekman

March 25, 2014 will be remembered, and not only in Brazil, as the day of the Civil Framework for the Internet. On this date, after three years of debates, the Chamber of Deputies approved a law that, in addition to putting limits on powerful economic interests, guarantees the rights of citizens and treats communication as a fundamental right rather than a commodity. This is an unprecedented perspective in Brazilian history and one of the few laws in the world that creates mechanisms to protect those who use the Internet.

In this sense, the Civil Framework for the Internet, which was born from a proposal made by civil society and was put together in a collaborative way, with broad popular participation, can serve as a model for all democracies that look to strengthen freedom and human rights.

Among several guarantees in the text, the most significant are found in articles 9, 19 and 7 of the law bill.

Article 9, the heart of the project, protects net neutrality. This ensures an equal treatment of data, regardless of their content, origin and destiny, service, terminal or application. It means that those who control the infrastructure of the network have to be neutral regarding the contents carried over it. This prevents, for example, economic agreements between companies from asserting which contents have priority with respect to others. It also prevents Internet access from becoming subject to controls, such as happens with cable television in which only those who have previously paid can access specific content, thus imposing toll fees for the network.

It is no surprise that the biggest telecommunications companies in the country were against the project, fighting for a total freedom for their business models and the imposition of asymmetric conditions for consumers, which would have meant one network for the rich and another for the poor. Their main representative in the Chamber of Deputies, Congressman Eduardo Cunha, leader of the *Partido do Movimento Democrático Brasileiro* (PMDB), prevented the text from being voted for several months. Fortunately, net neutrality was maintained, preserving the continuity of the Internet as a space in which all are equal, regardless of their economic power.

Another achievement of the Civil Framework is the guarantee of freedom of expression of network users. At the present time, the censorship that formerly terrorized Brazil during the military dictatorship has become a recurrent private practice on the Internet. Due to fear of responsibility for the content published by third parties in their pages, providers would simply eliminate it from the network. Similarly, authorities who are averse to public criticism would threaten to sue providers for defamation, for hosting certain blogs. The same is true for cultural industry corporations that notify You Tube that they should withdraw content protected by copyright.

It may seem just to punish those guilty of libel or who unduly use protected works, but the

evaluation of published contents should not be done unilaterally. Under the Civil Framework, there will no longer be room for this kind of private censorship that respects no legal process or the right of defence of those who have published questionable content. This is due to the fact that article 19 of the legislation eliminates the responsibility of web sites for content posted by third parties, putting an end to juridical insecurity. Providers will only be responsible if they fail to comply with a judicial order against specified content.

Finally, the bill involves real progress in the protection of the privacy of network users, guaranteeing the inviolability of their intimacy, their private life and the confidentiality of information flow and of private communications in the network, that have come under threat. Unfortunately, today, privacy has become a commodity on the Internet. In general, in many free services found on the web, the product commercialized is, in fact, the Internet user and his or her most intimate data. The platforms use the personal information and the data generated by the behaviour of the users, which is then sold to companies interested in consumption patterns of the population, or to governments that monitor political action in their own or other countries. The former NSA agent, Edward Snowden, for example, revealed to the world that the US spy agency monitors private communications on a massive scale, with the full collaboration of technological and infrastructure enterprises.

With the Civil Framework of the Internet, Brazilian companies that operate in Brazil will have to develop mechanisms that ensure that what we write in our emails can be read only by ourselves and those to whom our messages are addressed. The same article 7 of the law guarantees that third parties will not be given personal data or addresses without our consent, thus making it illegal for Internet providers to cooperate with State espionage departments. The bill does not prevent Google or Facebook from selling information, but establishes that this must be freely and expressly authorized by the users, who must be duly informed.

These and other measures for the protection of privacy are weakened by the only important problem in the Civil Framework: Article 15, which compromises intimacy, by requiring that Internet providers, in view of future investigations, must save all application data (resulting from navigation on the network) for a period of six months. This article infringes the constitutional principle of the presumption of innocence by practically intercepting all users' communications. This obligation to guard data also involves the requirement to maintain it under secure conditions, overburdening sites and providers with economic obligations. The high costs could lead to the commercialization of such data.

Civil society organizations opposed to this article will now seek modification of this part of the bill, which must still be approved by the Senate and then by the President. After all, if Dilma Rousseff went to the United Nations to demand sovereignty and privacy of all communications, she should not permit a flaw of these dimensions for surveillance of Brazilians. It should be noted that Dilma's Government was a strong ally of the project. Without its support, the project would have remained on the long list of important legislation still awaiting Congressional approval.

Considering the successes and errors in the text, the overall balance is definitely positive. But that is also why the users and defenders of freedom of expression, who drew up the Civil Framework of the Internet and acted persistently, on the networks and in Parliament, to get the bill approved, will remain alert. Economic pressures from telecommunication operators, as well as political interests aroused by the presidential elections in Brazil, scheduled for next October, could jeopardize this achievement. Democracy is not a system where things are easily resolved. But now, Brazil finally has a law that creates the conditions for us to remain free. And this is no small matter. *(Translation from the Spanish by Jordan Bishop for ALAI).*

Bia Barbosa and ***Pedro Ekman*** are coordinators of Intervozes, Brazil

WSIS+10: The Search for Consensus

Richard Hill

What is WSIS+10

The World Summit on the Information Society (WSIS) was a meeting of heads of state that took place in 2003 and 2005. It was initially intended to focus on agreeing ways and means to facilitate the development of the information society, in particular how to facilitate the rollout and implementation of information and communication technologies (ICTs) in the developing world. But, due to the unwillingness of developed countries to contribute funds towards that end, and due to the unilateral US decision to maintain control of the management of Internet domain names and addresses, much of the discussion turned to the question of Internet governance, which is a contentious topic.

Despite the differences of opinions regarding Internet governance, agreement was reached on a number of topics related to the development of ICTs. These agreements are embodied in the 2005 Tunis Agenda.

It was always foreseen that there would be a review of the progress made, and indeed proposals have been presented to the UN General Assembly to convene another summit, perhaps in 2015, to review formally the progress made and perhaps to agree on another declaration. However, the initial discussions in the UN failed to reach agreement and a new discussion is expected later this year.

Separately from that, UNESCO hosted a WSIS+10 Review Event in February 2013and the International Telecommunication Union (ITU) is hosting a High-Level event in June 2014. The outcome of the ITU event is expected to be a statement, outlining progress to date, and a vision, outlining future steps to be taken within the context of the Tunis Agenda.

Why is WSIS+10 important?

The formal outputs of the WSIS meetings are consensus documents. Like most consensus documents, they tend to be long (so as to accommodate differing views), high-level, generic, and at times ambiguous (so as to reach consensus). Despite these shortcomings, the documents are useful because they present an outline of topics and actions on which there is general agreement. Since the WSIS process is quite open, inputs from non-government actors (the private business sector and civil society) are accommodated, so the documents represent a general agreement amongst various types of actors.

More importantly, the discussions allow airing of differing points of view and the resulting discussions are typically positive even if, in the end, no agreement can be reached on specific text. That is, it is better to have an open and frank discussion, rather than pretending that there are no differences of opinions.

The main topics in which there are differences in views are Internet governance (as mentioned above) and how best to foster the continued deployment of ICTs in developing countries. The second topic is of course the most important one, but it tends to get overshadowed by the first one. The differences of views regarding the second topic are essentially the differences of views concerning development in general that have been aired in various forums for many different types of issues: the one side holds that deregulation and privatization is the best solution; the other side holds that, absent

appropriate government regulation, deregulation and privatization may simply increase corporate profits without bringing corresponding benefits to citizens.

Thus, the WSIS debates reproduce the debates that occur in other forums, and the split in views can be characterized as North/South: developed countries versus developing countries (with the BRICS being aligned with the developing countries).

As already mentioned, much of the debate focuses on the Internet, which developed countries view as an enabler of growth (whereas mobile is in fact more important, at present, in developing countries) a growth whose continuation—the argument goes—will be ensured only if governments continue to refrain from intervention, (except of course the interventions that are favored by developed countries, such as strict enforcement of intellectual property rights).

The points of views can be summarized by citing two contrasting views. The first is that found in the current draft (not yet approved) of the proposed challenges section of the WSIS+10 High Level event statement, the second is based on a contribution made by the newly-founded Coalition for a Just and Equitable Internet to the NetMundial meeting in Brazil, at which Internet governance will be discussed.

The need for further developing the openness and multi-stakeholder character of the Internet development which has underpinned the remarkable growth to date; maintaining free access of the Internet for all citizens, ensuring its innovative capabilities and capacities for development, which drive economic and social wellbeing amongst peoples of the World; and reaching consensus on how to enhance cooperation among all stakeholders on issues related to Internet, but not the day to day technical issues. [1] *[In this context, the reference to "multi-stakeholder" is intended to convey the*

intent of limited government intervention]

The Internet is reorganising public institutions, including for governance, welfare, health, and education, as well as key sectors such as media, communications, transport and finance. It has transformed the way we do many things but the benefits promised for all have not been adequately realized. On the contrary - we have seen mass surveillance, abusive use of personal data and their use as a means of social and political control; the monopolization, commodification and monetisation of information and knowledge; inequitable flows of finances between poor and rich countries; and erosion of cultural diversity. Many technical, and thus purportedly 'neutral', decisions have in reality led to social injustice as technology architectures, often developed to promote vested interests, increasingly determine social, economic, cultural and political relationships and processes. Opportunities for the many to participate in the very real benefits of the Internet, and to fully realize its enormous potential, are being thwarted by growing control of the Internet by those with power - large corporations and certain national governments. They use their central positions of influence to consolidate power and to establish a new global regime of control and exploitation; under the guise of favouring liberalization, they are in reality reinforcing the dominance and profitability of major corporations at the expense of the public interest, and the overarching position of some national interests at the expense of global interests and well being. [2]

Obviously it is important to try to find a consensus way forward, and the discussions in WSIS can help to achieve that. ≪

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1   Draft WSIS+10 Statement on the Implementation of WSIS Outcomes, 2013, http://www.itu.int/wsis/review/inc/docs/phase5/r/wsis10-4-6.docx

2   Just Net Coalition, *Towards a Just and Equitable Internet for All*, February 2014. http://content.netmundial.br/contribution/towards-a-just-and-equitable-internet-for-all/110

Glossary of Acronyms

ACTA Anti-Counterfeiting Trade Agreement

BRICS Brazil, Russia, India, China and South Africa

CGI.br Comité Gestor de Internet (Brazilian Internet Steering Committee)

DNS Domain Name System

IAB Internet Architecture Board

IANA Internet Assigned Numbers Authority

ICANN Internet Corporation for Assigned Names and Numbers

ICTs Information and communications technologies

IETF Internet Engineering Task Force

IGF Internet Governance Forum

IP Internet protocol.
  IP address: the number that identifies each device connected to the Internet.

LACNIC Latin America & Caribbean Network Information Centre

MS Multistakeholder

NSA National Security Agency (USA)

NTIA National Telecommunications and Information Administration (USA)

OECD Organization for Economic Cooperation and Development

PIPA Protect Intellectual Property Act (USA)

SOPA Stop Online Piracy Act (USA)

TLD Top level domain.
  g-TLD geographic TLD.
  cc-TLD country code TLD

TPP Trans-Pacific Partnership

TTIP Transatlantic Trade and Investment Partnership

W3C World Wide Web Consortium

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Delhi Declaration for a Just and Equitable Internet

Just Net Coalition

The Internet has become a vitally important social infrastructure that profoundly impacts our societies. We are all citizens of an Internet-mediated world whether as the minority who uses it or the majority who does not. *In this, our world, the Internet must advance human rights and social justice. Internet governance must be truly democratic.*

The Internet is reorganising public institutions, including those related to governance, welfare, health, and education, as well as key sectors such as media, communications, transport and finance. It has transformed the way we do many things; however the benefits promised for all have not been adequately realized.

On the contrary - we have seen mass surveillance, abusive use of personal data and their use as a means of social and political control; the monopolization, commodification and monetisation of information and knowledge; inequitable flows of finances between poor and rich countries; and erosion of cultural diversity. Many technical, and thus purportedly 'neutral', decisions have in reality led to social injustice as technology architectures, often developed to promote vested interests, increasingly determine social, economic, cultural and political relationships and processes.

Opportunities for the many to participate in the very real benefits of the Internet, and to fully realize its enormous potential, are being thwarted by growing control of the Internet by those with power - large corporations and certain national governments. They use their central positions of influence to consolidate power and to establish a new global regime of control and exploitation; under the guise of favouring liberalization, they are in reality reinforcing the dominance and profitability of major corporations at the expense of the public interest, and the overarching position of certain national interests at the expense of global interests and well being.

Existing governance arrangements for the global Internet are inadequate. They suffer from a lack of democracy; an absence of legitimacy, accountability and transparency; excessive corporate influence and regulatory capture; and too few opportunities for effective participation by people, especially from developing countries. The situation can be remedied only through fundamental changes to the current governance arrangements.

The governance of the Internet must proceed from the position that interconnectivity cannot serve human rights and social justice unless it leads to and supports distributed power, particularly to the grassroots but also across

the various Internet divides—social, economic, political. Ensuring that the Internet does not in fact lead to greater centralisation of power will therefore require appropriate interventions at all levels of Internet governance. Building an effective framework to achieve these objectives is the greatest challenge today in terms of global governance of the Internet.

In this light, we put forward the following principles. These should underpin the emergence of an Internet that advances human rights and social justice globally, and the reconfiguration of Internet governance into a truly democratic space. As technical architectures increasingly determine social, economic, cultural and political relationships and processes, technical decisions about the Internet have significant bearing on such concerns.

Internet as a global commons

1. The Internet is a key social medium and, in crucial respects, a global commons. It is a site for global exchange of information and knowledge, a space for free expression and association, a means for democratic deliberation and participation, a channel for delivery of essential social and public services, and a scaffold for new models of economic activity. Therefore, all the world's people, including those not at present connected to the Internet, must be able to collaboratively shape the evolution of the Internet through appropriate governance processes that are democratic and participatory.

2. The Internet must be maintained as a public space. Where a divergence emerges between the utility of the Internet for public interest purposes and the particular interests of Internet service or technology companies, the public interest must take priority, and the service must be subjected to regulation as a public utility.

3. The Internet's basic or essential functionalities and services, such as email, web search facilities, and social networking platforms, must be made available to all people as public goods.

4. Community-owned and not-for-profit infrastructure, applications, services and content, must be encouraged and enabled including through access to public funding and by other means.

5. The Internet must be used only for peaceful purposes and this must be recognised by states in a binding and enforceable instrument.

6. The Internet and the overall digital economy have become highly significant elements in the distribution and re-distribution of wealth, employment and opportunities for economic well-being both within countries and globally. Measures must be taken to ensure economic justice such that the overall benefits of increased Internet-driven economic efficiency and innovation are generally distributed, as for example through; decentralization of digitally based enterprise and employment opportunities; investment in the use of ICTs for locally based economic development activities; opportunities for self-development, personally directed employment and work based training; and enhanced direct contributions to public welfare, both within nations and globally.

7. The Internet economy, like other areas of the global economy, must be subject to fair

and equitable collection and distribution of tax revenues around the world, recognising that the concentration of global North based international e-commerce is a threat to the tax revenues of the global South.

Democratizing the architecture of the Internet

8. Recognising the global commons nature of the Internet, all layers of Internet's architecture must be designed with a view to safeguard against concentrations of power and of centralized control.

9. Net neutrality, and similar 'platform neutrality' in higher layers of the Internet, must be enforced so as to preserve online diversity and to prevent monopolies in either content or in the provision of essential public services, in mobile as well as fixed network architectures.

10. An open and decentralized Internet requires strict enforcement of open and public standards. Open standards allow fully interoperable implementation by anyone in any type of software, including Free and Open Source Software (FOSS). The trend towards privatisation of digital standards must be stemmed and measures must be introduced to ensure that standards are publicly owned, freely accessible and implementable.

11. The architecture of cloud computing should enhance digital functionality and efficiencies without reducing user control and choices. It should also allow users to have adequate legal protections either through domestic jurisdictions or effective international agreements.

12. Personal and social data must belong

respectively to the relevant individuals and social groups. Necessary policy frameworks to operationalise effective control and ownership of digital data must be developed.

Internet and Rights

13. All people have the right to basic digital enablement, being the right to: access the Internet, and its content and applications; participate in content and applications development; and, to receive the necessary training and capacity-building for effective use of the Internet and other digital tools.

14. The right to access and contribute to the development of the Internet, including its content, particularly of marginalised groups, minorities and indigenous peoples, is essential to maintaining cultural and linguistic diversity, and must be secured through protective discrimination and affirmative action.

15. All people have the right to freedom of expression and association online. Any restrictions, on grounds of security concerns or otherwise, must be for strictly defined purposes and in accordance with globally accepted principles of necessity, proportionality and judicial oversight.

16. All people have the right to privacy, and to use the Internet without mass surveillance. Any surveillance, on grounds of security concerns or otherwise, must be for strictly defined purposes and in accordance with globally accepted principles of necessity, proportionality and judicial oversight.

17. People must be able to enjoy all their rights and entitlements as citizens, even if they choose not to have Internet access. Access to and use of the Internet should not be-

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come a requirement for access to public services.

Governing the Internet in the Public interest

18. Globally, there is a severe democratic deficit with regard to Internet governance. It is urgently required to establish appropriate platforms and mechanisms for global governance of the Internet that are democratic and participative. These must be anchored to the UN system, and include innovative methods for ongoing and deep participation of non-governmental actors in policy making processes. Participating non-governmental actors must in turn be subject to appropriate transparency requirements, in particular regarding sources of funding as well as membership and decisionmaking processes.

19. The right to make Internet-related public policies lies exclusively with those who legitimately and directly represent people. While there is a pressing need to deepen democracy through innovative methods of participatory democracy, these cannot include – in the name of multistakeholderism – new forms of formal political power for corporate interests.

20. Governance systems must be based on the recognition that the Internet has an impact on society that the technical community, with its singular focus on technical issues, lacks the legitimacy to independently determine.

21. The laws of any one country or one group of countries cannot control or constitute international technical and public policy governance structures for the Internet. Management of critical resources of the Internet must be internationalised. Current control by one country of the DNS/root zone must thus be replaced by a new transparent, accountable and internationally representative institution responsible for the oversight of critical Internet resource management functions.

22. Every country must have the right to connect to the Internet. No country can have the unilateral ability to disconnect another country or region from the Internet.

23. The rights of individuals and states must be articulated and protected with regard to the Internet including through the creation of appropriate means of enforcement. Such mechanisms are required at both the domestic and international levels, and should include dispute resolution mechanisms.

Coalition for a Just and Equitable Internet.
Declaration adopted following the meeting
in Delhi in February, as the founding
principles of the Coalition.
http://www.justnetcoalition.org/