

JUST NET COALITION

Delhi Declaration

Foreword

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Norbert Bollow

Richard Hill

Interview with

Robert McChesney



JUST NET COALITION

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Power and Democracy on the Net
Sally Burch

The Multistakeholder Model and Neo-liberalism: "Post-democratic" Internet Governance
Michael Gurstein
(Originally appeared with minor differences at <http://gurstein.wordpress.com>)

Towards a Just and Equitable Internet
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Root Causes of Internet Social Justice or Injustice
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WSIS+10: The Search for Consensus
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Interview with Robert McChesney: How can Internet be De-monopolized?
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Foreword

■ Louis Pouzin

The collection of following articles relates primarily to human and societal aspects of Internet Governance (IG). As stated by President Dilma Rousseff in her speech to the UN General Assembly,

“The right to safety of citizens of one country can never be guaranteed by violating fundamental human rights of citizens of another country. “

“In the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy. In the absence of the respect for sovereignty, there is no basis for the relationship among Nations.”

These statements show clearly what are the major issues that should be brought up in the NETmundial in São Paulo.

In this collection of articles human rights are placed on top priority when assessing current business practices tied to money making and power grabbing. Developing countries are the most vulnerable to the Realpolitik imposed by richer countries, specifically the USA and her armada of giant multinationals.

While Internet has become a critical component of mass surveillance, it cannot be sustained that this issue is unrelated to IG. Internet impacts on society are so pervasive that many effects have to be analyzed and got across publicly, instead of being shoved under the rug as is often the case.

Of course many more issues would need being put on the table. E.g. web payments (introduced in Norbert Bollow’s article), and more generally virtual currencies getting more popular.

The Internet architecture was designed 40 years ago, as an experimental network. It still is. Security, when needed, operates in applications within opaque and proprietary products.

Finally, IG declarations and mentality seem to ignore the **principle of subsidiarity**, adopted in the EU 25 years ago. Instead we are flooded with global, multistakeholder, unfragmented, and other placeholders wanting a definition. The world is diverse, not homogeneous. There may be compromises, but artificial consensus is a recipe for conflicts.

Delhi Declaration

for a Just and Equitable Internet

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. *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 inter-connectivity cannot serve human rights and social justice unless it leads to and supports distributed power, particularly to the grass roots 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.

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 become 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 decision-making 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 multi-stakeholderism – 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.

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”, in monopolies such as Google, that track personal data and behavior on the net, or in companies that collect “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 capacity 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 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.

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), 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 governance 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.

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 moving instead towards “post-democracy”.

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 Rousseff 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, Tunisia, 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 interested 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; definition 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 NetMundial, leaked by Wikileaks <https://anticlockwise/multimedia-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.

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.

(Translated for ALAI by Jordan Bishop).

Sally Burch is a journalist from ALAI.

Endnotes

- [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>.
- [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>
- [4] <http://netmundial.br/>
- [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>
- [8] ICANN: Internet Corporation for Assigned Names and Numbers. <http://www.icann.org>

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”^[1] (referred to here also as multistakeholderism or MSism) in Internet Governance^[2] discussions some 2 or 3 years ago^[3]. 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^[4], the IAB^[5], ICANN^[6]).

Associated with this is the new and somewhat startling full court press^[7] 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^[8]). 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^[9] associations of Internet Freedom with the freedom of the USG—to “surveillance”, “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^[10] 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 “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^[11], 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^[12] which has resulted in such devastation and human tragedy throughout the world^[13] 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*^[14]. 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” ^[15] 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 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” ^[16] 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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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 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, 2013 to form the Just Net Coalition^[1]. It addressed two key questions: (1) A progressive vision of the Internet (2) An Internet that promotes public good and evolves as ‘global commons’. The Coalition, in its submission^[2] to the NetMundial Conference, which is to be held on the 23rd and 24th April 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.

The Just Net Coalition has also made clear in its Delhi Declaration^[3], as well as its submission to NetMundial, on the need to radically change the way the Internet is governed, centre staging human rights and social justice.

It is about control

The revelations from Snowden documents on the NSA’s dragnet surveillance have shaken the world. While privacy concerns have been very much in the news, this is not the most important part of Snowden revelations. When Snowden first met Laura Poitras and Glen Greenwald, he told them that the documents they would see would not only show surveillance on a massive scale, but would demonstrate *the economic and political control* that the US asserts over the world through such surveillance. The issue isn’t only of privacy – the far more important issue is that of economic and political domination. We know that the US and its Five Eyes (the US, the UK, Canada, Australia, New Zealand) allies conducted surveillance on: 122 world leaders including Angela Merkel, Dilma Rouseff^[4] political summits (G20^[5], Climate Summit in Copenhagen in 2009 and Bali in 2007^[6]) Petrobras (which was involved in the auction of oil blocks off the coast of Brazil)^[7] an American law firm (Mayer Brown) representing Indonesia in a trade negotiation/ dispute with the US relating to the import of clove cigarettes and shrimp^[8] None of these are terrorist targets. Such surveillance has economic and political significance, and addresses no security concerns whatsoever. The EU had previously charged that information from such Signal Intelligence programs (the Echelon program) was used to benefit American companies^[9]. It is not surprising therefore that big, global US corporations such as AT&T, Verizon, Microsoft, Google, etc., have been deeply implicated in NSA’s drag-net surveillance.

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 – for instance positing multistakeholder against 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. Essentially in policy issues, there are conflict of interests 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^[10] is obvious^[11], 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, 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 this is high-value real estate, even if it is in the virtual world. The Internet has the potential to create unlimited number of 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 functions contract.

The US has now proposed^[12] that ICANN take over this function and it will allow its IANA contract with ICANN to lapse, provided:

- no multilateral body is created for this purpose
- it remains in the US, therefore under the US juridical control (assurances 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* 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 to the emergence of global monopolies 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 – forming vertical monopolies (for instance, 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, and so on, these companies 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 IPO)^[13].

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 and may lead to the creation of a tiered Internet (with differential rates of access for different services and content). For the consumers, the ill effects of monopolies are 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 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)^[14]!

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 Do 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, the Internet is broken; people are under surveillance; and our data is being monetised and sold.

If we have 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 and social and economic justice; that preserves the rights of people as well as the sovereign rights of countries; and ensure that the Internet is used for peace and not war. Ultimately, the Internet is too important to be left solely to technical specialists to manage and operate.

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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 consumer 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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WSIS+10: The Search for Consensus

■ Richard Hill

What is WSIS+10

The World Summit on the Information Society (WSIS) ^[1] was a meeting of heads of state that took place in 2003 and 2005. It was initially intended ^[2] 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^[3].

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 ^[4].

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 ^[5] in February 2013 and the International Telecommunication Union (ITU) is hosting a High-Level event ^[6] 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.

1. 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 ^[7]. *[In this context, the reference to “multi-stakeholder” is intended to convey the intent of limited government intervention]*
2. 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^[8].

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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- [8] 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>

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* (The New Press, New York, 2013). 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.

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

McChesney: 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 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.

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

McChesney: 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 it 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 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.

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.

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

McChesney: 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.

Burch: 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?

McChesney: 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.

Burch: 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?

McChesney: In my view the big issues in the US, and I think to varying degrees worldwide, is that (first) 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 companies 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 (next) 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.

Burch: Might that mean nationalizing or socializing Google or Microsoft?

McChesney: 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.

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

McChesney: These are really interesting questions, and I think that in America we haven't had that debate anyway near enough, because our markets 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.

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

McChesney: 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.

About the Just Net Coalition

The Coalition for a Just and Equitable Internet (Just Net Coalition) was formed at a conference held in New Delhi, India on the 15th-16th of February 2014. It comprises several dozen organizations and individuals from different global regions concerned with Internet governance, human rights and social justice, and the relationships between them.

Just Net Coalition believes that the principles that underpin the Internet must advance human rights and social justice globally, and there is an urgent need to reconfigure Internet governance into a truly democratic space. This is based on the recognition that the Internet has become a vital social infrastructure that profoundly impacts our societies; and on the observation that opportunities for the many to participate in the very real benefits of the Internet, and to fully realise its enormous potential, are being thwarted by growing control of the Internet by politically, economically and socially dominant actors.

Existing global internet governance arrangements 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 inter-connectivity 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.



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