

**IT for Change's Contribution to the
Consultations on Enhanced Cooperation
being held at the United Nations Headquarters in New York in December 2010**
(Dated 30th November, 2010)

This input is further to our earlier contribution, dated 15th November, 2010, to the consultations on enhanced cooperation being taken up by UN DESA. It addresses two specific questions raised in the latest communication from UN DESA on this issue.

What international public policy issues pertaining to the Internet are not being adequately addressed by current mechanisms?

Given the Internet's inherently global nature, as the Internet gets increasingly enmeshed with almost all social, economic, cultural and political activities, international public policy issues pertaining to the Internet would keep becoming more and more important and urgent for us to resolve collectively. As new issues keep arising in this essentially unpredictable area, standing global mechanisms have to be in place to deal with them dynamically. It is difficult to construct right institutional systems anew every time a global Internet policy exigency arises; and we are still only at the start of the fast-moving Internet powered information society era.

In this context, the following is merely a suggestive list of some public policy issue areas that are already very important and urgent to resolve, but are not being addressed by current mechanisms.

- Global Internet traffic flows – in terms of interconnection systems as well as globally open architecture of such flows (global net neutrality, also including global policy frameworks for downstream net neutrality)
- Resolving specific cross-border Internet related issues (content, security, privacy, crime, access to knowledge, commerce etc) (a Council of Europe expert group is right now looking into possible new mechanisms for addressing such cross-border issues)
- Globally democratic regulation in public interest of global digital corporations that have huge monopolies across the globe, and have a defining impact on our emerging social systems, including in the areas of knowledge, media, market, politics and culture (due to their immense global power, national regulations, especially in less powerful countries, have little leverage over these hegemonic digital corporations)
- Globally democratic political supervision of technical governance of Critical Internet Resources, without replacing/subverting the current governance systems (which includes domain name systems, IP allocation, root servers, security systems at the root level etc)
- Going beyond person- and social group- neutral Internet policy frameworks informed largely by technical thinking towards shaping frameworks that take into account different socio-economic advantages and marginalisations, whereby they specifically address social-structural location of people, groups and countries (framing a development agenda in the area of global Internet related policies as is being shaped in the areas of trade and intellectual property related global policies)

What is of great concern across all these areas is that while a few powerful countries either have direct policy influence in these areas because many of the concerned activities are legally registered in and operate from these countries, or these countries are entering into exclusive plurilateral treaties among themselves to gain the needed policy influence or leverage (examples are cyber-crime treaty, ACTA, proposed CoE initiative on cross-border Internet related issues),

developing countries are getting further marginalised with ever decreasing policy leverage.

What specific processes should be pursued to enhance international cooperation in these areas?

While some of the Internet related public policy issues may have a strong affinity with the themes addressed by existing global forums like the WIPO and the WTO, many new important issues without any clear institutional home do keep surfacing. As mentioned earlier, we need to have sufficient standby institutional capacity to deal with the constant stream of important global Internet related public policy issues arising from the manner in which the Internet is becoming a crucial social, economic, cultural and political determinant. Such an institutional system must be flexible enough to take into account a fast moving reality which is difficult to predict. Also, it must be sufficiently inclusive and participative because the resolution of concerned public policy issues require different competencies and impact different social groups in a variety of different ways.

The specific processes or institutional responses that are required in this regard can be seen at different levels. One would be to take a theme or issue based approach. Global approaches to more pressing issues like cyber-security and child protection are already being considered in various ways. However, organising issue-specific global responses, like treaties, take a long time, and many Internet related public policy issues require more urgent and dynamic responses. Such a required dynamic and responsive global system for addressing important Internet related public policy issues can build over two connected institutional processes:

- (1) A framework convention on the Internet, which will lay out both the broad context and the overarching principles for addressing Internet related public policy issues, as well as provide the legal basis for a standing institutional system of global Internet policy development.
- (2) A new 'body' anchored to the UN system that is the 'home' for all efforts addressing global Internet related public policy issues. The anchorage with the UN system is to ensure that this new 'body' is globally democratic, as against numerous exclusive plurilateral initiatives in the area of globally-applicable Internet policies.

The idea of a framework convention on the Internet was mooted by some developing countries towards the end of the WSIS. It is now time to take this idea seriously and move it forward. Having broad principles that build on the articulated global political perspectives and priorities – including various human rights declarations and other global covenants – would serve as the required bedrock for all Internet policy and Internet governance processes worldwide. The Internet makes us global citizens in ways that are unprecedented; correspondingly, we cannot shy away from articulating global socio-political principles that should inform the governance of the Internet.

The proposed new 'body' for addressing global Internet policy issues could be a 'Global Internet Council' (GIC) mentioned as a part of Model 1 presented in the report of the Working Group on Internet Governance (WGIG) during the WSIS. In the interim, as this GIC is instituted, a Committee on Internet Policy (CIP) can take up a lot of groundwork needed in the area of global Internet policies, on the lines of the OECD's Committee for Information, Computer and Communications Policy, which reports to the OECD Council. This global CIP can similarly report initially to the ECOSOC or the CSTD, and later directly to the GIC.

It is unlikely that an open consultation can reach any conclusions on such a range of complex issues. It will therefore be most appropriate to set up a CSTD Working Group to examine the various options for taking the process of enhanced cooperation forward, so that important global Internet related public policy issues can be properly addressed.