

# An Assault On Freedom

*India's proposal in the UN for government control of internet endangers free speech and privacy*

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If you were a tad worried about the government's intentions to censor free speech by controlling the internet and monitoring your access to the Web through a vague and draconian legal framework – 'IT Rules, 2011', followed by an attempt to pre-screen content on Google and Facebook – you haven't seen anything yet.

In mid-2011, the success of the internet and social media in bringing down dictatorships in Egypt and Libya was being celebrated. The speed at which anti-corruption protesters were collecting at various locations from June through December 2011 had dazzled citizens around the world. Against this background, and without any prior consultation or as much as a whisper in Parliament, the Indian government moved a proposal at the 66<sup>th</sup> session of the UN General Assembly on October 26, 2011, proposing a 50-member intergovernmental (read bureaucrats and politicians) UN Committee on Internet-Related Policies (CIRP).

This body would control the internet, regulate it through treaties, and oversee all bodies responsible for the technical and operational functioning of the internet. CIRP is proposed to be funded by and reporting to the UN General Assembly. In short, all internet control to be placed in the hands of a 50-member body run, funded, owned and reporting to the governments of the world. In the process, India proposed to turn on its head the current multi-stakeholder internet gov-

ernance process, which has brought 2.5 billion users to the Net thus far, with half a million new users joining each day.

The reason? It is argued that the current governance process is too close to the US government and within the jurisdiction of US law. While this system has served internet users' needs reasonably well thus far, it is certainly far from ideal. No one government should have excessive influence, but that should mean strengthening the multi-stakeholder governance process. Civil society, media, private sector, governments, international organisations, academics, engineers, and students should all

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play their rightful roles, rather than handing internet governance over to a bunch of governments – a large majority of which are imperfect or occasional democracies or downright authoritarian. Worried yet? Here is what else is wrong with India's proposal.

CIRP, with 50 governments in control, will undoubtedly have representations from governments such as China, Iran, Bahrain, Russia, Sudan, Uzbekistan, Cuba, and Kazakhstan – to name a few. Imagine writing a



Defending the final frontier of free speech

common treaty which will regulate the internet and govern censorship, including issues such as website blocking and access for Indian citizens based on what these countries consider 'appropriate'. In short, imagine negotiating definitions of free speech, freedom of expression and privacy – values that our Constitution guarantees as fundamental rights – with authoritarian states, some with a track record of enhanced internet censorship, Web blocking, and in extreme cases, death sentences for netizens and bloggers.

Secondly, internet governance is a highly complex issue – run through a multi-stakeholder model which derives significant benefits from equal access to decision-making. A top-down, centralised international governmental overlay is fundamentally against the very architecture of the internet. No government, let alone an intergovernmental body, can dream of making engineering

and economic decisions in lightning-fast internet time. The proposal will be hurtful as engineering and business decisions relating to the growth of the internet become politically paralysed within a global regulatory body.

Research shows that India's effort as part of the government advisory council to the current internet governance process has been dismal. It is ill-represented and made no effort to strengthen and improve the existing process before an attempt to destroy it through a bazooka called the CIRP. The government is perhaps trying to piggyback on US-bashing and project itself as the saviour of global internet governance, never mind its abysmal policy failure in internet and broadband penetration.

In spite of cautions, the Indian government, during meetings in Geneva last month on the issue of internet governance, persisted with its proposal for intergovernmental control of the internet.

This time, India's statement paraded India's proposal as advancing the mandate enshrined in the Tunis Agenda, 2005. A simple but careful reading of 'India's Statement proposing UN Committee for Internet Related Policy – UN, New York, October 2011' alongside 'Tunis Agenda for the Information Society – WSIS, 2005' will tell you that nothing could be further from the truth.

Every paragraph of the Tunis Agenda invoked in India's proposal rebels against India's claims. The agenda, finalised by over 19,000 participants representing the widest ever multi-stakeholder group, in all of its 122 paras does not even remotely suggest government oversight of the internet, leave alone the formation of a 50-member intergovernmental body.

Everyone who cares about the internet as a symbol of openness, democracy, diversity, inclusiveness, creativity and unhindered access to information and knowledge must engage and decide for himself. Any attempt to expand the government's power over the internet – however incremental, seemingly innocuous or pretending to advance democracy – should be turned back. The UN will decide on this crucial issue by November/December 2012 at meetings to be held in Dubai.

Before that, there is a need to urge the government to withdraw its proposal, seek wide and transparent stakeholder consultations and then resubmit an enlightened plan which can safeguard the internet – perhaps the one invention that has impacted our access to information, knowledge and free speech more than any other.

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