Just Net Coalition

The Just Net Coalition[1] (JNC) comprises several dozen civil society organisations and individuals from different regions globally, concerned with issues of Internet governance, from the perspective of all human rights, including democracy and economic and social justice.

Governing the global Internet – is the status quo the only option?

Either we do something about governing the global Internet, or simply submit to the existing domination by the US-based political, economic, and security establishment

The Just Net Coalition wishes to express strong concerns and disagreement with certain viewpoints that are being expressed in the context of the 2014 ITU Plenipotentiary Conference, viewpoints which would have the effect of "casting in concrete" the current structures and processes of global Internet governance. We speak here particularly of the positions of the USA and its ally governments as expressed in their submissions to the conference[2] and in their statements at the conference, and also a recent statement by some civil society organizations[3] that effectively mirrors these positions and supports the existing Internet Governance status quo. As we have indicated elsewhere, we consider this status quo to be unacceptable[4].

In this status quo, it is chiefly the US-based economic and political establishment that dominates the global Internet, then uses that dominance to further their geo-economic and geo-strategic interests[5]. This emerged as a key global governance challenge almost fifteen years ago, after smoldering from well before that. It has become an even more pressing issue today. It can only be addressed by instituting democratic global governance of the Internet. As the Internet and its associated digital technologies help to re-configure and impact the nature of our evolving social systems in practically all areas, the architecture and governance of the Internet will considerably ramify to the realization, or not, of human rights, democracy, equity and social justice in all societies and in the emerging global commons. The JNC is of the opinion that the current Internet status quo unreasonably reflects the interests of certain economic, political and security establishments who are using that position to further national and corporate geo-economic and geo-strategic goals. For example, secret talks on trade facilitation directly concern the Internet and the ability of people to control their data flows[6]. This dominance and its outcomes can only be addressed by instituting democratic global governance of the Internet.

In the circumstances, we find it disappointing that the expressed positions of some are suggesting that the ITU, as the body chartered to promote telecommunications in the interests of all the people of the world, should be diverted from involvement from practically every meaningful area of global Internet governance. See, for instance, diversion away from interconnection regimes, net neutrality, cyber

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[1]   http://justnetcoalition.org
[2]   http://www.itu.int/md/S14-PP-C/en
[3]   http://bestbits.net/itu-plenipot-notes/
[4]   http://justnetcoalition.org/delhi-declaration
[5]   See for example http://newsclick.in/international/review-schiller-dan-2014-digital-depression-information-technology-and-economic-crisis
[6]   http://energycommerce.house.gov/press-release/terry-and-welch-urge-protection-data-flows-trade-negotiations

security or developing public policy principles for the technical governance of the Internet (except to the extent that the ITU would promote the status quo and favor further privatization and deregulation).

At the same time, those arguing this position tell us nothing about who should then take up these key and urgent issues of global governance. By not offering any effective alternatives, the presumption must be that those making and supporting this position are content with the existing order of power and governance over the Internet. In brief, the existing regime consists of four key elements:

1. At present, a few US-based dominant companies largely determine the architecture of the global Internet; and as we know, with regard to the Internet, 'architecture is policy', especially in the absence of 'real policy'.

2. Key dominant suppliers of applications, software and hardware are US-based, so the US political establishment is able to use its legislative, judicial and executive (as well as informal) power to influence and manipulate the evolving architecture of the Internet as best serves its interests.

3. In this consolidation of control, plurilateral mechanisms, like the OECD and the Trans-Pacific Partnership, become instruments to push a global spread of dominant norms for Internet governance, along the way as means also to co-opt other governments.

4. The Internet addressing system is run by a private sector structure (ICANN) dominated by the interests of US and global businesses, with no proper public oversight. The Internet technical standards system, relatively less compromised, also does not have any overarching public oversight and is, in practice, dominated by US and global business interests.

At such a crucial formative time for the global Internet, the consolidation of economic and political power is, as manifestly evident, rapid. We fundamentally support the opportunity of the peoples of the world to express their position on these matters through established formal processes, despite the acknowledged limitations and deficiencies of those processes – in particular through the active involvement of the UN and the ITU's legitimate role in the governance of the global Internet. Opposition to this, when it also does not propose any effective alternative, has the effect of supporting the current status quo regime and its outcomes and beneficiaries. The Just Net Coalition cannot agree to this.

In this context it should be noted that those supporting the status quo and arguing against UN involvement in Internet matters would appear to have taken, equally, the position that the governance of the Internet should not, despite being the norm in most other areas of global governance, be structured within overall democratic frameworks. Rather, this view argues willy-nilly for structure through some form of decision making by self-selected elites, otherwise known by the name "multistakeholder governance". Centrally, this position advocates an 'equal footing' multistakeholder model for global governance of the Internet, whereby global corporations are given the same level of power as governments in deciding public policy issues. Such prescriptions may suit neo-liberal institutions such as the World Economic Forum, which indeed often makes such recommendations[7]. But coming from civil society groups and those with a presumed concern for the public interest, these look rather strange.

We are specifically very surprised and disappointed by some positions currently being articulated, such

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[7]   See for instance, World Economic Forums's Global Redesign Initiative, http://www.weforum.org/issues/global-redesign-initiative

as:

1. The proposal to sanctify a totally unsupervised and non-transparent global market model for global Internet inter-connectivity. This is a major reversal from the stand of all developing countries and all progressive civil society at the WSIS, where unfair global interconnection regimes were one of the main 'development issues'. This proposal seems simply to close that issue by declaring that such things are best left to markets, with no regulatory framework, nor even a normative/principles framework. Further, it also puts aside the related key normative and policy question of maintaining net neutrality. Indeed net neutrality has cross-border dimensions, and it is necessary to develop global norms and principles for net neutrality as a key underlying architectural principle of the Internet. Indeed, in some ways the Internet is inherently global.

2. Further, these positions state that the ITU should not work towards contributing to help end mass surveillance nor to improve cyber-security, issues that have shaken the world post-Snowden. Yet we all know that little has really changed on the ground as far as mass surveillance is concerned[8]. What solution is available other than a treaty that reins in the conduct of the states as well as trans-national private actors in this regard? Advocating non-action on this key global concern is most problematic. Stating that privacy is outside the mandate of the ITU is incongruous, given that secrecy (meaning privacy) of telecommunications is a basic principle that has been recognized since the inception of telecommunications. Provisions on secrecy of telecommunications were included in the 1865 treaty that created the ITU and in all subsequent versions, including the present version of the ITU Constitution. In our view, the language of the current provision is no longer sufficient, and we have proposed a revision[9].

The Just Net Coalition would like to propose a positive agenda for the work of the ITU during the next four years, as presented in our statement[10]. The Just Net Coalition does seek significant institutional reform in the ITU, and hopes that it will utilise the powers of the ongoing plenipotentiary meeting to adopt the best practices in global governance, in particular with regard to openness, transparency and participation of non-governmental actors.

In these formative times of the Internet, it is very important that people are able to exercise their democratic rights to shape the Internet and its social impact through our existing democratic institutions at the global level, even as we continually strive to improve them. We believe in an Internet that is anchored in human rights, which include democracy, and economic and social justice.

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The list of organizational members and individual members of the Just Net Coalition can be found at:

http://justnetcoalition.org/jnc-members

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8   See for instance the recent interview with Laura Poitras, a close associate of Snowden, at
     http://www.tomdispatch.com/post/175909/tomgram%3A_laura_poitras_and_tom_engelhardt,_the_snowden_reboot/
9   http://justnetcoalition.org/sites/default/files/HCHR_report_final.pdf
10   http://justnetcoalition.org/sites/default/files/ITU_PP_2014.pdf