Open letter to Hillary Clinton on Internet Freedom

Last month I wrote an open letter to Hillary Clinton. It was based on a presentation I that I made during a panel discussion at a Google sponsored conference titled Internet at Liberty 2012 in Washington DC on May 24, 2012.

Sunil Abraham's article was published in Thinking Aloud on July 17, 2012

The question that my panel tried to grapple with was "In a world where nearly nine out of ten Internet users are not American, what is the responsibility of United States institutions in promoting internet freedom?" My co-panelists were Cynthia Wong who is with the Centre for Democracy and Technology, Mohamed El Dahshan a writer and journalist, Dunja Mijatovic the OSCE Representative on Freedom of the Media.

Internet freedom is a curious subject. It is a technology specific liberty - for a moment consider television freedom. The US has more Muslims than India has Christians. But Indian television in the average hotel comes in hundreds and there are at least 3 channels of Christian preaching. But US television in hotels is usually less than 50 channels with no channels of Islamic preaching. In fact even the reception of secular channels from the Islamic World like Al Jazeera is still difficult in America. Can we accuse the US of not having television freedom since their television features Christian evangelists but not Muslim evangelists? Should it be part of India's foreign policy to evangelize television freedom given that there is a large domestic industry with clear international potential?

Meta

17 July, 2012

Freedom of Speech and Expression, Video, Internet Governance, Access to Knowledge

Author

Sunil Abraham

Blog

The Report of the Group of Experts on Developments in the Field of Information and Telecommunications in the Context of International Security and Implications for India

Internet Governance is political!

Questions and Forums

Questions:

- Who is governing, who is governed, who owns the property and who pays the rent? [Follow the money]
- What are the economic implications of the human rights agenda?
- Who is attending the party?

Short list of Forum:

- International law [UN-GA, UN-HRC, WIPO and ITU]
- Plurilateral and bilateral treaties [TPP, RCEP, FTAs etc]
- National and state law
- ICANN, WSIS Process and IGF

Governance

Stakeholders in internet governance

	Capacity to govern	Target of regulation	Type of governance	Capacity for self-regulation
Government	Yes	All stakeholders (within jurisdiction)	National laws, slow but sure, varied enforceability	Yes
Private sector	Yes	All stakeholders	Faster, elements of natural justice missing,	Yes
Technical & academic	Yes (through standards)	All stakeholders	Unpredictable, rarely successful,can be wielded by other stakeholders.	No
Civil Society + individual user	Yes (through norms and consumer behaviour)	Can influence Government and Private Sector.	Exit or voice, more unpredictable and rare	No

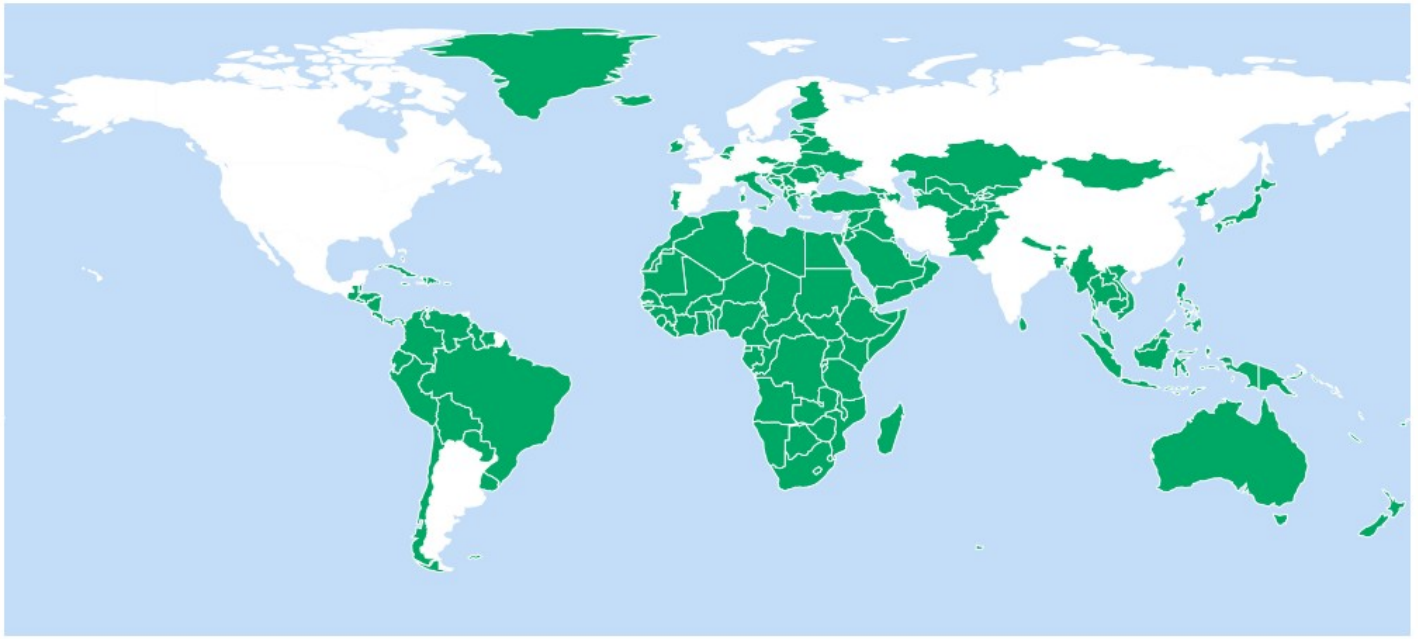
Source: “How to fix the IGF” by Sunil Abraham

Multistakeholder vs. Multilateral

Not a simple dichotomy:

- What even the most rabid supporter of the multistakeholder model will not ask for.
- What you will never find in the multistakeholder model.
- What is wrong with the multistakeholder model: consensus and diversity.
- Multistakeholderism as 1. forbearance 2. self-regulation 3. regulatory capture 4. coopting dissent.
- A new conception of the multistakeholder model from TDMA to FDMA.

Which Governments have Not Submitted Contributions to NETmundial?



Created by Sumandro using Datamaps.

The map shows (in *green*) all the countries from where no government agency has submitted any contribution to NETmundial. Governments of the countries appearing in *white* have contributed to the NETmundial process.

Inter-governmental and international bodies that have submitted contributions to NETmundial -- such as OECD and UNESCO -- have not been considered while creating the above map.

Net freedom campaign loses its way

SUNIL ABRAHAM

A recent global meet was a victory for governments and the private sector over civil society interests

One word to describe NetMundial: Disappointing! Why? Because despite the promise, human rights on the Internet are still insufficiently protected. Snowden's revelations starting last June threw the global Internet governance processes into crisis.

Things came to a head in October, when Brazil's President Dilma Rousseff, horrified to learn that she was under NSA surveillance for economic reasons, called for the organisation of a global conference called NetMundial to accelerate Internet governance reform.

The NetMundial was held in São Paulo on April 23-24 this year. The result was a statement described as "the non-binding outcome of a bottom-up, open, and participatory process involving ... governments, private sector, civil society, technical community, and academia from around the world." In other words — it is international soft law with no enforcement mechanisms.

The statement emerges from "broad consensus", meaning governments such as India, Cuba and Russia and civil society representatives expressed deep dissatisfaction at the closing plenary. Unlike an international binding law, only time will tell whether each member of the different stakeholder groups will regulate itself.

COLUMNS

Slate

Statistalk

From The Viewsroom

The Cheat Sheet

MOST POPULAR MOST COMMENTED

A fundamental flaw in GST

Open, but not quite

Satyam 2.0?

Desert storm

The French connection

ICANN: Property and rent regime vs. governance

WHO RUNS THE INTERNET?

NO ONE PERSON, COMPANY, ORGANIZATION OR GOVERNMENT RUNS THE INTERNET.

The Internet itself is a globally distributed computer network comprised of many voluntarily interconnected autonomous networks. Similarly, its governance is conducted by a decentralized and international multi-stakeholder network of interconnected autonomous groups drawing from civil society, the private sector, governments, the academic and research communities, and national and international organizations. They work cooperatively from their respective roles to create shared policies and standards that maintain the Internet's global interoperability for the public good.

WHO IS INVOLVED:

IAB A E P S T
INTERNET ARCHITECTURE BOARD
Oversees the technical and engineering development of the IEFT and IRTF.
www.iab.org

ICANN A P T V
INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS
Coordinates the Internet's systems of unique identifiers: IP addresses, Protocol-Parameter registries, top-level domain space (DNS root zone).
www.icann.org

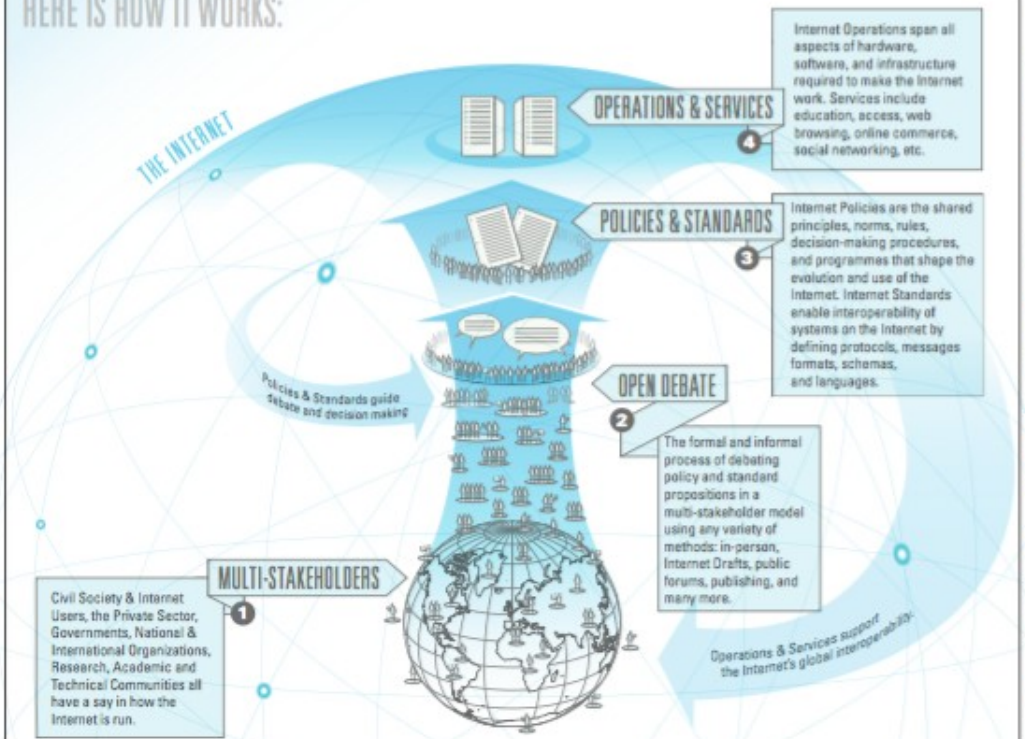
IETF E P T
INTERNET ENGINEERING TASK FORCE
Develops and promotes a wide range of Internet standards dealing in particular with standards of the Internet protocol suite. Their technical documents influence the way people design, use, and manage the Internet.
www.ietf.org

IGF A E P
INTERNET GOVERNANCE FORUM
A multi-stakeholder open forum for debate on issues related to internet governance.
www.intgovforum.org

IRTF R
INTERNET RESEARCH TASK FORCE
Promotes research of the evolution of the Internet by creating focused, long-term research groups working on topics related to Internet protocols, applications, architecture and technology.
www.irtf.org

GOVERNMENTS AND INTER-GOVERNMENTAL ORGANIZATIONS C P
Develop laws, regulations and policies applicable to the Internet within their jurisdictions; participants in multilateral and multi-stakeholder regional and international fora on Internet Governance.

HERE IS HOW IT WORKS:



LEGEND: A Advice | C Community Engagement | E Education | O Operations | P Policy | R Research | S Standards | V Services

WHO IS INVOLVED:

ISO 3166 MA S
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION, MAINTENANCE AGENCY
Defines names and postal codes of countries, dependent territories, special areas of geographic significance.
www.iso.org/iso/country_codes.htm

ISOC E P T V
INTERNET SOCIETY
Assure the open development, evolution and use of the Internet for the benefit of all people throughout the world. Currently ISOC has over 90 chapters in around 80 countries.
www.internetsociety.org

RIRs O P V
5 REGIONAL INTERNET REGISTRIES
Manage the allocation and registration of Internet number resources, such as IP addresses, within geographic regions of the world.

www.afrinic.net	Africa
www.apnic.net	Asia Pacific
www.arin.net	Canada & United States
www.lacnic.net	Latin America & Caribbean
www.ripe.net	Europe, the Middle East & parts of Central Asia

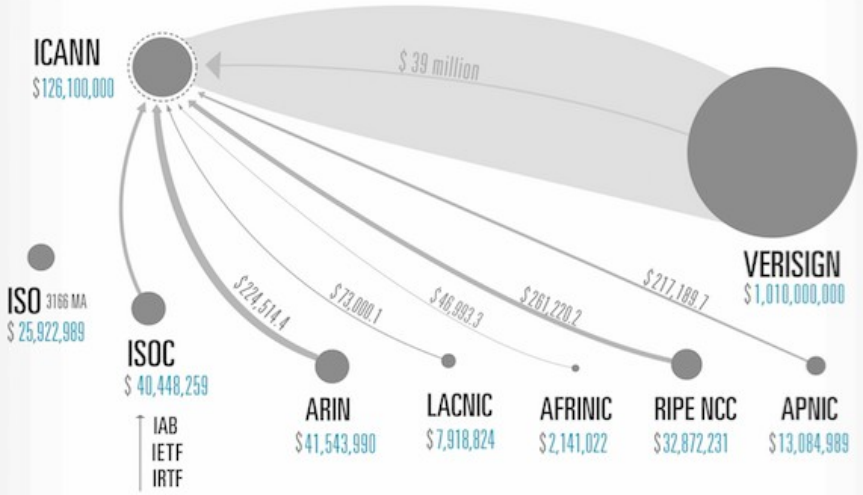
W3C S
WORLD WIDE WEB CONSORTIUM
Create standards for the world wide web that enable an Open Web Platform, for example, by focusing on issues of accessibility, internationalization, and mobile web solutions.
www.w3.org

INTERNET NETWORK OPERATORS' GROUPS A O V
Discuss and influence matters related to Internet operations and regulation within informal fora made up of Internet Service Providers (ISPs), Internet Exchange Points (IXPs) and others.

This graphic is a living document, designed to provide a high level view of how the internet is run. It is not intended to be a definitive guide. Please provide feedback at www.xplanations.com/whorunstheinternet

WHO REALLY RUNS THE DNS?

The Internet Corporation for Assigned Names and Numbers is the Self Regulatory Organisation for the domain name industry. Supporters of the multistakeholder model of internet governance uphold ICANN as exemplifying the best attributes of this model. According to ICANN, it only performs a 'narrow set of technical functions'[1]. In reality, it would not be an exaggeration to say that ICANN effectively regulates a property rights regime over the Internet, as it exclusively determines who collects collects how much rent over the Internet. A total of 294 million domain names are registered across all top-level domains (TLDs)[2][3]. $3 billion is collected annually in revenues from domain names in the United States alone[4], thus, there is an extensive amount of money at stake.



WHO IS WHO

ICANN
NTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

ISO 3166 MA
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION, MAINTENANCE AGENCY

ISOC
INTERNET SOCIETY

IAB
INTERNET ARCHITECTURE BOARD

IETF
INTERNET ENGINEERING TASK FORCE

IRTF
INTERNET RESEARCH TASK FORCE

IAB
REGIONAL INTERNET REGISTERIES[4]

IRTF
INTERNET RESEARCH TASK FORCE

ARIN
American Registery for Internet Numbers

LACNIC
Latin America and Caribbean Network Information Centre

AFRINIC
African Network Information Center

RIPE NCC
Europe, the Middle East and parts of Central Asia

APNIC
Asia Pacific Network Information Centre

5 RIRS

Inclusion- Verisign: As controllers of the .com and .net domain names, among others, Verisign is one of the most significant companies associated with ICANN. It performs the Root Zone Management function , i.e. it processes change requests for TLDs
Exclusion – The IGF has been excluded as it is a discussion forum and not a formally constituted body with separate legal personality.
Amendments - The IETF and IAB are situated under the ISOC because they do not have a separate legal personality but operate under the aegis of the ISOC. The IAB is constituted from the IETF, and therefore is not actually separate from it.

The size of the arrows indicates the extent of flow of money to ICANN.

$0 Represents data on Annual Revenues

1* https://www.icann.org/news/blog/internet-governance-is-in-your-hands
2* https://www.verisign.com/assets/domain-name-report-june2015.pdf
3* http://www.ibiworld.com/industry/web-domain-name-sales.html
4* Each Registrar pays a yearly accreditation fee of US $4000 to ICANN (see Clause 3.9). Each Registrar also pays fees ($0.18) for every domain name registration or renewal. There are over 500 ICANN accredited registrars, and in FY14, ICANN received over US $34.5 million in Registrar fees

Text by : Aditya Garg, Rishabh Dara, Prateush Choudhury, Sunil Abraham, Padmini Baruah (Centre for Internet and Society) Design by Madhusa Balan

Where Does ICANN's Money Come From? We Asked; They Don't Know

Just how transparent is ICANN? How responsive are they to requests for information? At CIS, we sent ICANN ten questions seeking information about, inter alia, their revenues, commitment to the NETmundial Principles, Globalisation Advisory Groups and organisational structure. Geetha Hariharan wonders at ICANN's reluctance to respond.

Why Is ICANN Here?

The Internet Corporation for Assigned Names and Numbers (ICANN) is responsible for critical backbones of the Internet. It manages the root server system, the global allocation of IP addresses, protocol registries and the domain name system (management of gTLDs, ccTLDs, as well as the newly rolled-out "new gTLDs").

ICANN was incorporated in California in 1998, and was intended as the technical coordination body for the backbone of the Internet. That is, it was to administer the Internet's domain names and IP addresses, and also manage the Internet root servers.

As a result of an agreement with the National Telecommunications and Information Administration (NTIA) in the US Department of Commerce, ICANN is the IANA functions operator. It carries out the IANA functions, which include

Meta

09 February, 2015

Accountability, ICANN, IANA Transition, Transparency, DIDP

Author

Geetha Hariharan

Blog

The Report of the Group of Experts on Developments in the Field of Information and Telecommunications in

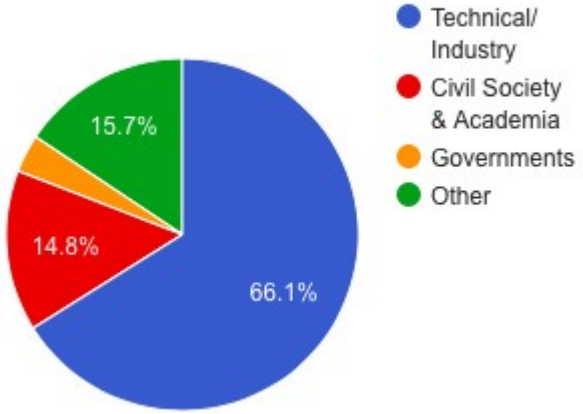
DIDP vs. RTI

DIDP exclusions are extensive:

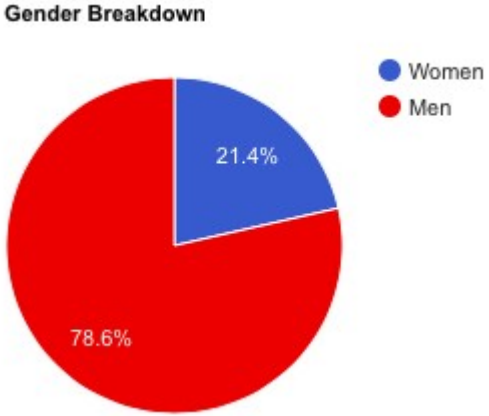
- RTI allows records of internal deliberation to be made public after the decision is taken. DIDP does not.
- DIDP excludes drafts of all correspondence, reports, documents, agreements, contracts, e-mails and all forms of communication.
- Exclusion on the basis of request being “not reasonable,” “overly burdensome: loosely worded, vague & can be used to deflect any request to which ICANN does not wish to respond.
- Proceedings of internal appeals excluded from DIDP. In RTI, exclusions only if prohibited by the courts.

IANA Transition Diversity Analysis

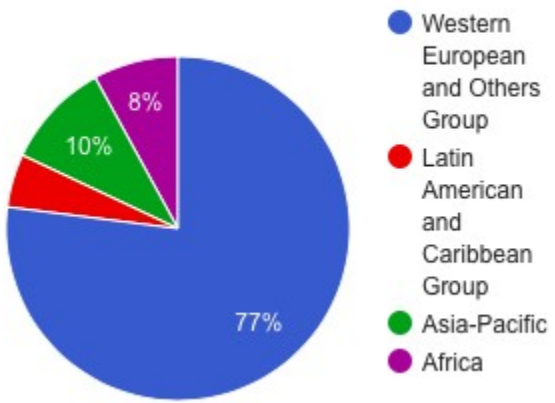
Communities



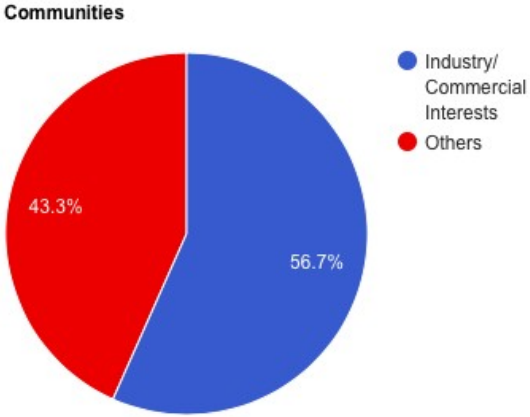
Gender Breakdown

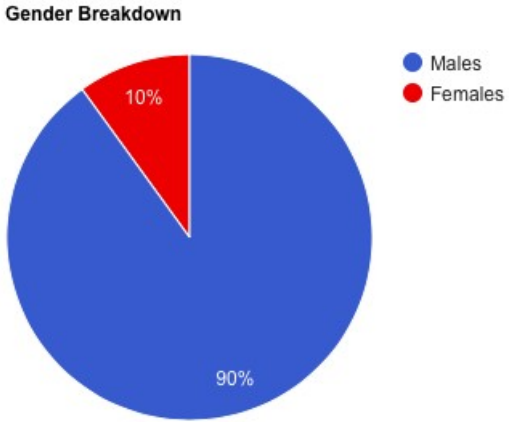


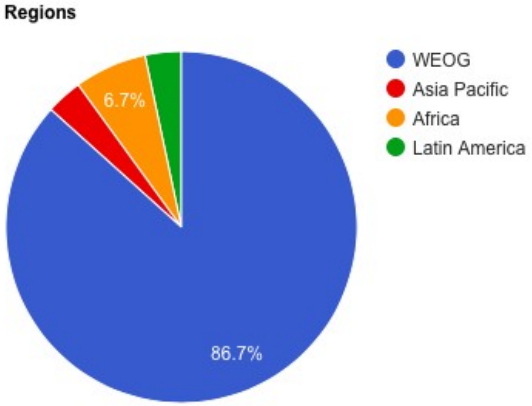
Regions



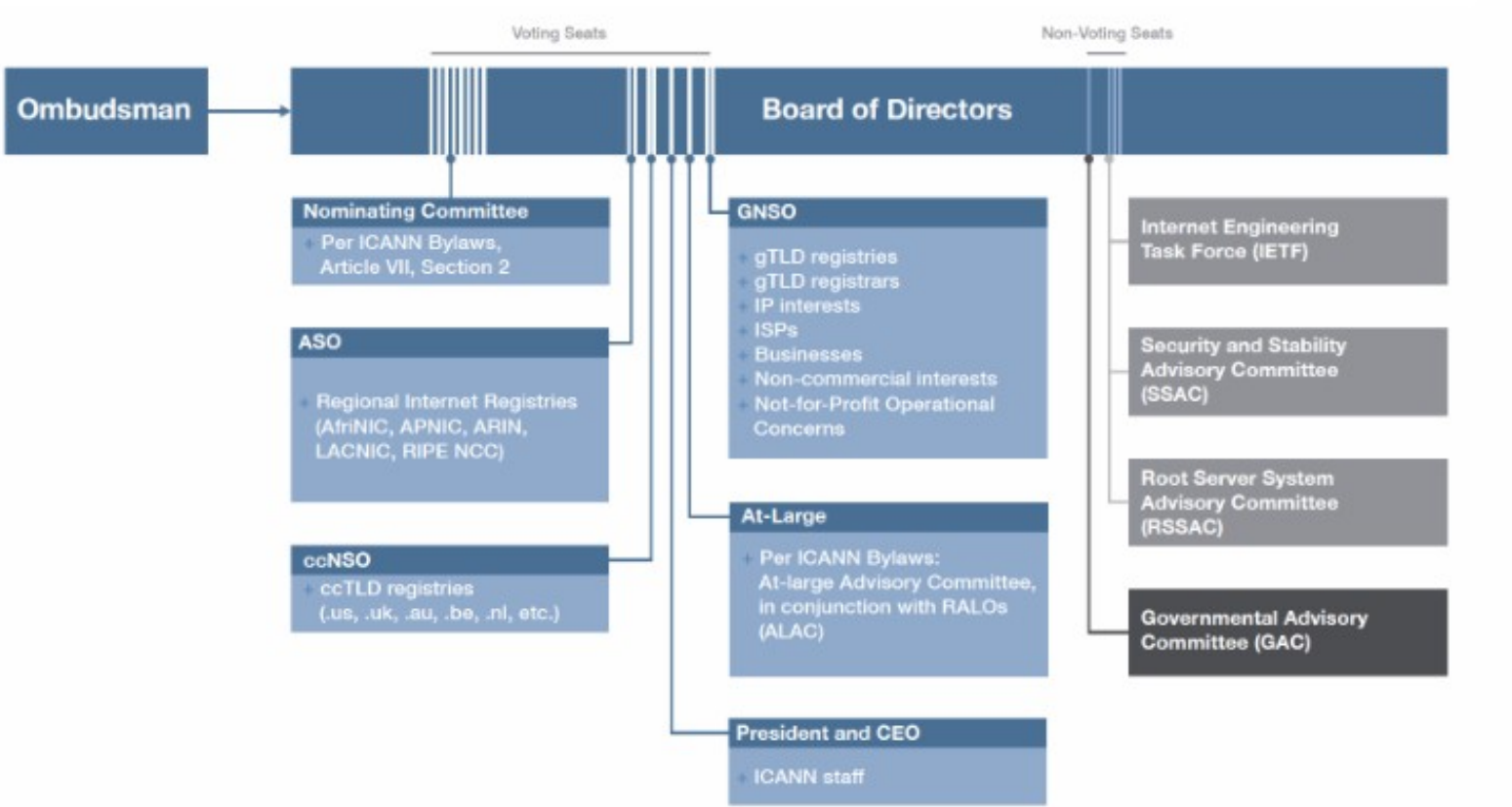
CCWG Diversity Analysis







Fragmented civil society participation



Source: https://www.icann.org/resources/pages/chart-2012-02-11-en

Jurisdiction: The Taboo Topic at ICANN

The "IANA Transition" that is currently underway is a sham since it doesn't address the most important question: that of jurisdiction. This article explores why the issue of jurisdiction is the most important question, and why it remains unaddressed.

In March 2014, the US government announced that they were going to end the contract they have with ICANN to run the Internet Assigned Numbers Authority (IANA), and hand over control to the "global multistakeholder community". They insisted that the plan for transition had to come through a multistakeholder process and have stakeholders "across the global Internet community".

Why is the U.S. government removing the NTIA contract?

The main reason for the U.S. government's action is that it will get rid of a political thorn in the U.S. government's side: keeping the contract allows them to be called out as having a special role in Internet governance (with the Affirmation of Commitments between the U.S. Department of Commerce and ICANN, the IANA contract, and the cooperative agreement with Verisign), and engaging in unilateralism with regard to the operation of the root servers of the Internet naming system, while repeatedly declaring that they support a multistakeholder model of Internet governance.

Meta

27 June, 2016

IANA, Internet Governance, Featured, ICANN, IANA Transition

Author

Pranesh Prakash
Pranesh Prakash is a Policy Director with the Centre, and is a graduate of the National Law School of India University, Bangalore, with a degree in Arts and Law.

Blog

The Report of the Group of Experts on Developments in the Field of Information and Telecommunications in

UN Human Rights Council

FUTURE

No, India did NOT oppose the United Nations move to "make internet access a human right"

By Pranesh Prakash and Japreet Grewal

Posted on July 13, 2016

HRC resolution on human rights on the internet: What really happened?

Author's name: Deborah Brown

The Human Rights Council passed a significant resolution late last month reaffirming the importance of protecting and promoting human rights on the internet. The resolution, as expected, faced resistance from some governments, but ultimately passed by consensus. This is the simple version of the story.

Due to inaccurate media reports, and the rather complex political dynamics of the Council, there has been quite a bit of misunderstanding about what actually happened. On the one hand, some articles have falsely reported that the resolution went to a vote, and that democracies like India and South Africa voted against key provisions condemning intentional shutting down of communications networks. On the other hand, observers who noted the false reports have questioned how significant a threat the amendments led by China and Russia actually posed to the resolution, and encouraged civil society organisations that supported an open letter urging HRC members to reject the proposed amendments to explain their rationale for doing so.

As an organisation that opposed the failed amendments, and a signatory of the letter in question, here is APC's position. But first, some clarity on what actually happened at the HRC.

If the resolution passed by consensus, why was there a vote?

There are two ways that the Human Rights Council, a body composed of 47 member states, adopts resolutions: by consensus (the preferred option) or by a vote. However, once a resolution is tabled, member states dissatisfied with the text can propose amendments. The state, or group of states, proposing the resolution may offer oral revisions when they present the text for adoption, which seek to integrate aspects of the proposed amendments from other states. At this point the states proposing the amendments may withdraw them, or the states proposing the amendments may call for a vote on the amendments, one at a time. If the vote goes in favour of an amendment, it is integrated into the resolution; if it is voted down, then the resolution proceeds as it was initially presented. At this point a state can call a vote on the resolution as a whole, or let it proceed for adoption by consensus, often taking the floor to express its views on the resolution. After the resolution is adopted, a state may choose to dissociate itself from the resolution to express its disagreement with the text without triggering a vote.

In the case of the internet resolution, the states proposing the resolution offered oral revisions seeking to address two of the four amendments

BARRING FORCED TECHNOLOGY TRANSFERS

6

Countries should not make market access contingent on forced transfers of technology. TPP includes rules prohibiting Parties from requiring companies to transfer their technology, production processes, or other proprietary information to persons in their respective territories. **(CH. 9, ART. 9)**

PROTECTING CRITICAL SOURCE CODE

7

U.S. innovators should not have to hand over their source code or proprietary algorithms to their competitors or a regulator that will then pass them along to a State-owned enterprise. TPP ensures that companies do not have to share source code, trade secrets, or substitute local technology into their products and services in order to access new markets, while preserving the Parties' ability to obtain access to source code in order to protect health, safety, or other legitimate regulatory goals.

(CH. 14, ART. 17) (CH. 8, Annex 8-B, SEC. A)

ENSURING TECHNOLOGY CHOICE

8

Innovative companies should be able to utilize the technology that works best and suits their needs. For example, mobile phone companies should be able to choose among wireless transmission standards like WiFi and LTE. TPP includes technology choice provisions to ensure that companies are not required to purchase and utilize local technology, instead of technology of their own choosing. **(CH. 9, ART. 9) (CH. 13, ART. 23)**

ADVANCING INNOVATIVE AUTHENTICATION METHODS

9

The availability of diverse electronic signature and authentication methods protects users and their transactions through mechanisms such as secure online payment systems. TPP ensures that suppliers can use the methods that they think best for this purpose. **(CH. 14, ART. 6)**

Thank you for your patience!

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@sunil_abraham