National and Regional Internet Governance Forum Initiatives (NRIs)

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A total of 54 reports on NRIs are gathered in this year’s Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.
"INTERNET FOR ALL”, BUT AT WHAT COST? A REFLECTION ON THE 2008 IGF IN HYDERABAD

Society for Promotion of Alternate Computing and Employment (SPACE)
Gopalakrishnan R.
www.space-kerala.org

The 2008 IGF: An ambitious agenda is set

The first Internet Governance Forum (IGF) was convened in 2006 in Athens, and two years later India hosted the third IGF in Hyderabad. The overall theme for the third IGF was “Internet for All”, with in-depth discussions held on a number of thematic areas. Our report focuses on the following issues, specifically in the Indian context:

• How far have we progressed towards the stated goal of “Internet for All”?
• Are certain segments of society still excluded from access to the internet?
• In the quest for internet expansion, are we compromising on crucial aspects of personal liberty and security?

Through answering these questions, we consider how the international agenda gets implemented at the national and local levels, the importance of balancing stakeholder interests in policy formulation and execution, and the corresponding consequences of stakeholder exclusion from the process.

Specifically in the context of internet governance, readers will be encouraged to think about what “Internet for All” actually entails. In the quest for internet expansion, are we in fact opening a Pandora's box? Should internet access only be measured in the numbers of people online, or should it also be pegged to other normative and substantive human rights parameters?

Internet governance in the Indian landscape

A large South Asian democracy, India is one of the fastest growing global economies. Politically, the current National Democratic Alliance government is widely considered majoritarian, right-wing and pro-business, and enjoys a decisive mandate. India is also a unique country in the context of its vast number of religious, caste-based and linguistic identities which strongly influence populist policy making. But it is the abovementioned pro-business outlook of the government, in particular, that has resulted in an aggressive push towards digitisation.

This drive towards digitisation can well be viewed as being coercive in nature. For example, the Indian government’s decision to demonetise has left people with no choice but to adopt digital payments. Another example is the government’s decision to first disallow the filing of income tax statements offline in many situations, and then make online tax filings contingent upon mandatory linking of the Permanent Account Number (PAN).

1 “The IGF is a forum for multi-stakeholder dialogue on public policy issues related to key elements of Internet governance issues, such as the Internet’s sustainability, robustness, security, stability and development.” www.intgovforum.org/multilingual/content/about-igf-faqs
2 www.intgovforum.org/multilingual/content/the-igf-2008-meeting
7 www.minorityaffairs.gov.in/about-us/about-ministry
9 Through the Digital India programme launched in 2015. www.digitalindia.gov.in
12 The PAN is a 10-digit unique alphanumeric number issued by India's Income Tax Department to all judicial entities (e.g. individuals or businesses) who are liable to pay income tax. See www.incometaxindia.gov.in/tutorials/1.permanent%20account%20number%20(pan).pdf
with a national ID ("Aadhaar"), which is known to be fraught with privacy risks. When it comes to internet policy discussions specifically, such discussions are not necessarily always transparent or inclusive, with the balance of power squarely with the executive government, which is the most dominant stakeholder. Cases of civil society victories over the government, especially in matters of internet policy, have been few and far between.

Making a case for multilingualism, inclusivity and security

In 2008, in the aftermath of the deadly terror attacks in Mumbai, instead of reacting in a knee-jerk manner, India bravely stayed committed to hosting the third IGF in Hyderabad. Considering that only two countries before it (and nine others since) have hosted global IGF summits, this was a great opportunity for India to encourage various stakeholders to exchange ideas on the future of global internet governance.

At the summit, poignant and far-reaching observations were made about how the future of the internet lies in embracing multilingualism, putting strategies in place to ensure localised content in regional languages, increasing access to the “next billion” mainly through mobile devices, and how the next round of internet users need to double up as “content creators” and not just “information receivers”.

Another important acknowledgement, by India’s minister for communication no less, was the need for collaboration between governments, private industry and civil society. It was acknowledged that the internet was not just for commerce/business, but also about inclusiveness and empowerment.

Cybersecurity was stated to be the “most serious challenge for all concerned” and the fight against cybercrime should be given the “utmost priority”.

When it came to marginalised and vulnerable communities, the discussions of the third IGF pertaining to inclusive internet access, multilingualism and cybersecurity had the potential to impact significantly on the differently abled community, linguistic and regional minorities, women and children.

Diverse stakeholder participation, with some exceptions

The event was very well attended with 1,280 participants from 94 countries. In terms of stakeholders, 133 of the participants (14%) were media representatives, 25% each were from civil society and the private sector, 23% from the government, 10% from the technical and academic communities, and the last 3% from international organisations.

Geographically, 71% of the participants came from Asia, with 56% from India. There were also 522 remote participants who used video and audio streaming, online chat, email and blogs. Using “remote hubs”, parallel discussions were held in Buenos Aires (Argentina), Belgrade (Serbia), São Paulo (Brazil), Pune (India), Lahore (Pakistan), Bogota (Colombia), and Barcelona and Madrid (Spain).

16. Ibid.
18. www.intgovforum.org/multilingual/
Despite the high level of participation, which was close in numbers to the second IGF, it was noted with concern that there was an absence of parliamentarians, young people and broadcasters. A gender imbalance at the IGF was also noted as an issue.27

Quantity over quality?

Tangible increase in internet access numbers, but numbers do not tell the whole story

In the aftermath of the third IGF, India immediately got down to the task of increasing internet access. Post IGF III, the number of internet users in India increased from 52.4 million in 2008 (when the Hyderabad summit was held) to 462 million in 2016.28

As anticipated in the Hyderabad IGF,29 this spurt in internet access came largely through mobile phones.30 In addition, also as anticipated by the IGF,31 strategies to encourage multilingualism32 played a key role in increasing access. As per a KPMG report, the number of Indian-language internet users grew 41% between 2011 and 2016. Indian-language internet users are expected to account for nearly 75% of India’s user base by 2021.33

However, the increased numbers do not tell the full story. Firstly, the access and penetration numbers themselves are suspect, with questions being raised as to the data collection process, and accusations of double counting.34 Despite improvement,35 there is still a regional divide in internet access, with some states having better internet access than others, and rural areas continuing to lag in terms of internet access compared to urban areas.36 There is also an obvious gender divide, with women not getting equal access due to a number of socioeconomic reasons that include having no control over their personal finances and a belief that the internet could lead them astray.37 Next is the question of affordability. Despite plummeting data and handset prices, “households that are poorer are constrained by the absence of enabling infrastructure like computers, dongles, smartphones and feature phones, as well as the cost of internet services.”38 Then there is the question of slow internet speed, which in turn is connected to poor infrastructure.39

Access for differently abled people is another area of concern. As per the 2011 census in India, there are around 26.8 million people with disabilities in India, 18.6 million (roughly 70%) of whom are in rural areas.40 With respect to disability access, India is said to have a “confluence of barriers to accessibility with inaccessible and unaffordable technologies, inaccessible websites and unsupportive laws.”41 The government has given cause for hope, however, by enacting the Rights of Persons with Disabilities Act (2016), which among other aspects mandates that all content, whether audio, print or electronic media, must be in “accessible format.”42

Finally, when it comes to access there is also a lack of awareness as to the full potential of the internet, as most users tend to restrict themselves to just Facebook, YouTube and WhatsApp.43 The

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28 www.internetlivestats.com/internet-users/india/
30 Today, close to 80% of internet access in India is via mobile phones. gs.statcounter.com/platform-market-share/desktop-mobile-tablet/india#monthly-201702-201702-bar
35 As per the report titled “Internet in India” by the Internet and Mobile Association of India (IAMAI), “Internet growth in India is currently fuelled by the rural sector, with the urban user base starting to show signs of levelling out.” Pai, V. (2017, 3 March). 37% of internet users in Dec’16 came from rural India: IAMAI. Mediamana.com. www.mediamana.com/2017/03/223-lamai-internet-india-2016-report; see also Mendonca, J. (2017, 28 July). 50% of India’s internet users will be rural & 40% will be women by 2020: BCG. Economic Times. economictimes.indiatimes.com/small-biz/sme-sector/50-of-indias-internet-users-rural-40-will-be-women-by-2020-bcg/articleshow/59802340.cms
38 Ibid.
39 Ibid.
40 www.censusindia.gov.in/2011census/Disability_Data/DisAB04-0000.xlsx
41 https://cis-india.org/telecomknowledge-repository-on-internet-access/accessibility
43 Ibid.
moral effect of the cultural onslaught posed by the internet, specifically from dominant forms of content such as Hollywood or the Indian film industry, is rarely, if ever, addressed.\textsuperscript{44}

\textbf{Intrusion on privacy through mass surveillance}

The second aspect of the internet access debate stems from government surveillance initiatives. The government’s touted Digital India\textsuperscript{45} policy has led to the digitisation of numerous government services.\textsuperscript{46} But in order to deliver the same, one of the key measures the government has pushed for is making a national ID mandatory to avail numerous essential services, from opening a bank account and filing income tax returns to using an ambulance.\textsuperscript{47}

The Aadhaar national ID system, mentioned above, has inherent privacy risks, as it asks for personal information that includes sensitive biometric details such as an iris scan, fingerprints and facial image.\textsuperscript{48} Making the national ID mandatory without providing for a robust data protection framework is one of the precipitating factors that resulted in the massive illegal data disclosure affecting 130 to 135 million citizens.\textsuperscript{49} As detailed in a recent 2017 report,\textsuperscript{50} this illegal data disclosure resulted from government agencies (who are meant to be the custodians of the data) not treating Aadhaar and other personally identifiable information data as confidential, and instead wilfully and intentionally treating them as publicly shareable data.\textsuperscript{51}

The government approach to Aadhaar has been non-transparent;\textsuperscript{52} arbitrary, non-inclusive and top-down: while initially promising it would be voluntary,\textsuperscript{53} the government then made it mandatory for a slew of services.\textsuperscript{54}

\textbf{Cybercrime and security}

As per official reports from the Indian Computer Emergency Response Team (CERT-in), there was one cybercrime in India every 10 minutes in the first six months of 2017, representing an increase from one cybercrime every 12 minutes in 2016.\textsuperscript{55} While cybercrimes have gone up 300% in three years,\textsuperscript{16} vulnerable groups like women\textsuperscript{57} and children\textsuperscript{58} have come under attack.

So while internet access in absolute numbers has undoubtedly increased, the imbalances in power between various stakeholders has meant a compromise in personal data security, an increase in online attacks against vulnerable groups, and the opening of the doors for government intrusion through mass unchecked surveillance.\textsuperscript{59}

\textbf{Regional reflection}

India falls under the Asia-Pacific region and has hosted one Asia Pacific Regional IGF\textsuperscript{60} and one Youth IGF,\textsuperscript{61} both in 2014.

India does not have a functional national IGF yet,\textsuperscript{62} despite smaller neighbours like Afghanistan, Nepal, Bangladesh and Sri Lanka having already

\begin{itemize}
  \item \textsuperscript{55} Kumar, C. (2017, 22 July). One cybercrime in India every 10 minutes. The Economic Times. www.economictimes.indiatimes.com/tech/one-cybercrime-in-india-every-10-minutes/articleshow/59709601.cms
  \item \textsuperscript{56} PTI. (2016, 25 August). Cybercrime in India up 300% in 3 years: Study. The Economic Times. www.economictimes.indiatimes.com/tech/internet/cybercrime-in-india-up-300-in-3-years-study/articleshow/5358236.cms
  \item \textsuperscript{57} In 2015, 13% of cyber crimes reported had targeted women. Nanjappa, V. (2015, 10 October). New wave of cyber crime against women in India. Oneindia.com. www.oneindia.com/india/new-wave-cyber-crime-against-women-1894591.html
  \item \textsuperscript{58} Reliable figures are unavailable. However, a UNICEF study has shown that “cyber offences against children are spreading and diversifying as new methods are used to harass, abuse and exploit children.” UNICEF. (2016). Child Online Protection in India. New Delhi: UNICEF. www.unicef.in/Uploads/Publications/Resources/pub_doc115.pdf
  \item \textsuperscript{61} www.2014.rigf.asia/yigf
  \item \textsuperscript{62} The last available report on IIGF was a recruitment post in 2015, and it is unclear if IIGF coordinating groups have actually begun functioning. www.meity.gov.in/writereaddata/files/Guidelines_IIGF_recruitment-%20%29.pdf
\end{itemize}
instituted national IGFs. India took its first steps towards a national IGF when the Department of Electronics and Information Technology issued an order to constitute a Multistakeholder Advisory Group (MAG) for a national IGF in 2014.

Global IGF themes and concerns are definitely finding their way into regional policy spaces. For example, most of the key discussions from the 2008 IGF have been reflected on in the Asia Pacific Regional IGF (issues of cybersecurity, multilingualism and access to the internet for people with disabilities) as well as at the Youth IGF 2014 (e.g. overcoming unequal access to the internet).

“Internet for All” achieved in letter and not spirit

While considerable strides have been made in terms of the absolute number of people accessing the internet, and the access target set at the Hyderabad IGF has been exceeded and not just met, there is still an inclusivity gap and a digital divide between urban and rural India and the rich and poor, as well as in terms of gender and region. This inclusivity gap is a direct result of the balance of decision making being tilted towards the government and industry, with civil society as a stakeholder being limited and restricted in the process. The imbalance in decision making has meant that commercial interests have taken precedence over the IGF’s core principles of inclusivity and a “bottom-up approach”.

There is also a clear lack of transparency in national policy-making processes, evidenced by the government launching India’s controversial mandatory national ID without adequate safeguards in place. Recently, the Supreme Court held that the right to privacy is a fundamental right, and it therefore remains to be seen whether the mandatory nature of Aadhaar will be diluted.

Another disconcerting aspect is the fact that India does not yet have a national IGF, which highly restricts stakeholder participation. Considering its size, India should be taking a lead role among developing nations in order to voice its point of view.

All of the above factors have meant that “Internet for All” has been achieved only in letter and not spirit.

Action steps

Civil society must focus on the following action steps in order to address the challenges detailed above:

- **Work towards the first national IGF:** The most urgent thing that civil society needs to focus on from the Indian standpoint is establishing national and local IGFs. This will mean local participation in local issues, and will encourage the discussion of internet governance issues transparently and openly. Already a MAG has been set up, but further energy and commitment are required to hold the event itself.

- **Independent data gathering:** Civil society must find means to gather independent data on all aspects of internet policy and access, distinct from government data, which can be misleading. This is especially true in the case of tracking cybercrime statistics against children. Cybercrime statistics continue to focus predominantly on commercial online fraud, and cybercrime against children has not been included in the official National Crime Records Bureau statistics as a separate category.

- **Continue engaging courts:** With the government showing no signs of being inclusive, transparent or non-coercive, civil society must keep engaging the courts, where most of the recent human rights victories have come from, including the recent judgement of the Supreme Court of India that confirmed that the right to privacy is a fundamental right. This in turn will have a direct impact in the coming months on the government’s tactics to impose mass surveillance through digital means.

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63 www.intgovforum.org/multilingual/content/asia-pacific-regional-group
64 www.cis-india.org/internet-governance/blog/mag-order.pdf
66 www.2014.rigf.asia/yigf
67 It was stated that for the world to increase internet users by one billion, India would have to contribute at least 250 million users. Third Meeting of the Internet Governance Forum (IGF). (2008). Op cit., p. 3.
71 Ibid.
National and Regional Internet Governance Forum Initiatives (NRIs)

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