
04

INDIA

BY DR ANJA KOVACS
INTERNET DEMOCRACY PROJECT

With growing global political weight and one of the biggest digital markets in the world, India, a leading developing country in the G77, is poised to play a critical role in the WSIS+10 Review. In line with its earlier positions on related issues, the priorities outlined by the Indian government for the Review so far prominently feature development and cybersecurity concerns. However, following a new-found alignment on internet-related policy issues across Ministries, earlier priorities regarding enhanced cooperation will now be balanced by active support for multistakeholder approaches to internet governance. For civil society advocates, the Indian government's recent embrace of multistakeholderism is of particular importance, as it provides a new opening for enhanced civil society engagement with the Ministry of External Affairs: the WSIS+10 Review can provide a first opportunity for the Ministry to prove that it is serious about this commitment. The practical impact of this shift in India's policy on the positions of the G77 and the negotiations more broadly may, however, remain limited.

POSITION ON KEY ISSUES

Development

In a first formal outline of its position, at the First UN General Assembly Governmental Preparatory meeting for the WSIS+10 Review in New York on 1 July 2015 (henceforth the New York Statement), India stressed that when identifying areas for cooperation during the WSIS+10 Review, the utilisation of ICTs for development and for the benefit of developing countries should remain central. Indeed, as Mr. Santosh Jha, Director General, Ministry of External Affairs, said on behalf of the Indian government on that occasion: '[India's] engagement at the WSIS+10 process stems from [its] deep and substantive understanding of the wherewithal needed to make ICTs truly relevant for the benefit of the entire planet and not just a privileged few'.¹

India in particular highlighted, in New York, the continuing stark digital divide between the developed and developing world as well as the growing gender digital divide. At the same time, it stressed the need to go beyond access issues and to also focus on affordability and multilingualism if inclusive growth and development are to be achieved. With this, India's remarks were closely in line with other, related statements it had made in the General Assembly during the preceding year.² In an early contribution on the WSIS+10 Review made by India to the UN Commission on Science and Technology for Development (CSTD) (henceforth the CSTD submission), the Indian government had already given evidence of a highly nuanced and variegated approach to the issue of access, including access gaps 'due to erratic connectivity or usage ability which may require higher order skills and tools causing an economic and influence disadvantage'.³

1. <https://www.pminewyork.org/adminpart/uploadpdf/74416WSIS%20stmnt%20on%20July%201,%202015.pdf>.
2. <https://www.pminewyork.org/pages.php?id=1956>; <https://www.pminewyork.org/pages.php?id=2016>.
3. http://unctad.org/Sections/un_cstd/docs/cstd_wsis10_india_en.pdf, p. 12.

The WSIS+10 Review should not be seen in isolation, however. India further emphasised, in its New York statement, the linkages between the WSIS and other processes playing out in the UN system in 2015, in particular the post-2015 Development Agenda, the Financing for Development Conference, and the COP21 Meeting on Climate Change. Already in its CSTD submission had India stated: 'It is a foregone conclusion that the ICTs would hold the key for effective implementation of the post-2015 Development Agenda'.

That India also references the Financing for Development Conference should not come as a surprise: the lack of follow-up on funding mechanisms for meeting the challenges brought about by ICTs – an important theme of the WSIS Tunis Agenda – has been highlighted by India on a number of occasions.⁴ Indeed, without appropriate funding mechanisms in place, the potential that ICTs have to support the realisation of the post-2015 Development Agenda is unlikely to materialise. Financing to address capacity building and transfer of technology have been especially singled out as priority areas in this respect by the Indian government.

Human Rights

In its statement in New York, India also commented on human rights. Mr. Jha stated:

“we need to recognise the need to build a common understanding on the applicability of international rights and norms, particularly the freedom of expression to activities in cyberspace; to ensure better protection of all citizens in the online environment and strike an ideal balance between national security and internationally recognised human rights; and to create frameworks so that internet surveillance practices motivated by security concerns are conducted within a truly transparent and accountable framework. Further, my government would also like to express our strong affirmation of the principles of net neutrality.”

While welcome, it remains to be seen to what extent a defence of human rights will be part of India's agenda at the WSIS+10 Review. As argued elsewhere, both because of domestic security compulsions and because of historical foreign policy positions emphasising the principles of sovereignty and non-interference, India has generally supported economic, social and cultural rights in the digital sphere far more vocally at global fora than civil and political rights.⁵ While India's statement in New York is remarkable in that sense, for the moment the possibility that the human rights agenda will mostly be mobilised during the WSIS+10 Review process to serve India's agenda related to security and sovereignty remains a possibility. It is noteworthy, for example, that in the domestic context, India so far has made little effort to ensure that the right to privacy of its citizens is guaranteed.

Internet Governance

An area in which India is clearly embarking on a new course, however, is that of internet governance. In a noted video address to the ICANN53 meeting in Buenos Aires, in June 2015, India's Minister for Communications and Information Technology, Mr. Ravi Shankar Prasad, first signalled a new openness on the part of the current government to multistakeholder forms of internet governance.⁶ India's Ministry of External Affairs' statement in New York on the WSIS+10 Review subsequently made clear that this policy will not be restricted to the Ministry of Communications and Information Technology alone.

Though India did state explicitly, in New York, that the mandate on enhanced cooperation of the Tunis Agenda remains “unfulfilled” and “needs our special consideration”, in a clear departure from established practice enhanced cooperation did not dominate India's remarks.⁷ Moreover, for the first time, India also somewhat restricted, in its New York statement, the scope of the debate it seeks around enhanced cooperation, by proposing as its subject in particular issues that have “a direct impact on national security and call for enhanced role

for governments in dealing with such issues”. Perhaps most importantly, India balanced its remarks on enhanced cooperation with a straightforward, and so far rare in UN meetings, endorsement of multistakeholder approaches to internet governance. Mr. Jha stated:

“on the issue of internet governance it is imperative to acknowledge the platform of the internet as a global public good where all stakeholders have an equal stake in its functioning and efficiency. India would like to affirm and renew its commitment to the multistakeholder processes.”

India's endorsement of multistakeholder approaches was not an uncritical one, however. Reflecting long-standing concerns of many other stakeholders in India and echoing Minister Ravi Shankar Prasad's remarks, Jha explicitly added, in the New York statement, the need to make multistakeholder fora, including the Internet Governance Forum (IGF), “more broad based and globalised”: particular attention for “participation from the developing world in these processes” is especially urgently required.

It is notable that India has not yet made, in the context of the WSIS+10 Review, any explicit public statements on the proposed renewal of the IGF. However, the brief reference to the IGF in the New York statement indicates that India is likely to bat for a strengthened IGF, rather than mere renewal. This would be in line with its contributions to the UN CSTD Working Group on IGF Improvements during 2011-2012, following the hosting of a successful IGF by the Indian government in Hyderabad in 2008. An active member of the Working Group, India squarely argued, throughout the deliberations, for a more outcome-oriented IGF.⁸

Review Modalities

The WSIS+10 Review provides an excellent opportunity for the Government of India to put its commitment to a truly plural and democratic multistakeholder approach into practice. In its New York statement, India welcomed “the participation of all relevant WSIS stakeholders in the Review process”. But to what extent inputs from these stakeholders will be taken into account remains unclear.

Seeing that India negotiated the UNGA Resolution on the modalities for the WSIS+10 Review on behalf of the G77 and China, it arguably played an important role in ensuring that the review is a government-led process, with only limited space for input from other stakeholders and a lack of clarity on how this input will be used. In the light of its earlier overwhelming emphasis on the enhanced cooperation debate, and in particular its demand for a larger role for governments in internet governance, this should of course not come as a surprise. If India is to make hard its claims of a new, more balanced approach to internet governance – one that has space for multistakeholderism and multilateralism – it would, however, do well to now play an equally proactive role in ensuring both that developing country stakeholders will be as well-represented in the Review as developed country stakeholders, and that their inputs and contributions are actually taken into account.

ACTORS

While India's Ministry of External Affairs traditionally is responsible for determining the stances of India at the UN General Assembly, India's New York statement on the WSIS+10 Review is among the first indications of a vastly improved coordination on internet-related issues across Ministries. As explained above, statements made by different Ministries in different fora over the last month or so are much more clearly aligned than was previously the case. This follows inter-ministerial consultations on the topic that were initiated by the Prime Minister's Office.⁹ In so far as India's positions in the context of the WSIS+10

4. See India's CSTD submission and the New York statement.

5. <http://internetdemocracy.in/reports/digital-india-abroad/>

6. <https://www.youtube.com/watch?v=ZeYnSxclIMQ>.

7. In India's CSTD submission, for example, enhanced cooperation was one of the dominating themes, arguably even more important than the theme of development.

8. <http://www.unctad.info/upload/CSTD-IGF/Contributions/M1/India.pdf>.

9. <http://thewire.in/2015/06/22/indias-new-multistakeholder-line-could-be-a-gamechanger-in-global-cyberpolitics-4585/>.

Review are changing, these changes have, thus, been endorsed at the highest levels of government.

If current indications are anything to go by, it thus also looks like India's global internet policy will increasingly be determined in Delhi, rather than in its missions around the world. The fact that India's statement at the first WSIS+10 Review meeting in New York was delivered by Mr. Santosh Jha – Joint Secretary at the Ministry of External Affairs in Delhi with responsibility for global cyber issues, counter-terrorism and policy planning and research – rather than by staff of the New York mission further supports this contention.

MOTIVATIONS

What drives the recent changes in Indian policy is not yet fully clear, however. The current government's Digital India policy, of which Prime Minister Mr. Narendra Modi himself is the foremost ambassador, has undoubtedly given a further impetus across Ministries to the emphasis on development and bridging all digital divides.¹⁰ But while the focus on security as a government responsibility, which has marked much of India's cyber policy in recent years,^{11 12} continues, the significance of India's recent embrace of multistakeholderism in this context remains as yet a question.

Is it supposed to signal a closer alignment to the US and its allies, and to imply that this can purportedly help serve India's interests better than its earlier emphasis on the principles of sovereignty and non-interference? Are these interests mostly related to security concerns, or is India hoping for other concessions, as some have argued it indeed should?¹³ But what then to make of India's almost simultaneous acceptance into the Shanghai Cooperation Organisation as a full member? Wouldn't this indicate a very different alignment on internet issues?

To fully understand the significance of India's support for multistakeholderism and the repercussions of this for other internet governance related issues, more information is needed. Seeing the multitude of alliances that India continues to invest its energies in, it is unlikely, however, that India will want to let old allies down by breaking ranks – whether it is with BRICS, the Shanghai Cooperation Organisation (SCO), or the G77. Indeed, it is quite likely that India's embrace of multistakeholderism while re-emphasising the pre-eminence of governments when it comes to cybersecurity issues is a predominantly tactical move: designed to first and foremost expand the number of allies it has, rather than indicating a dramatic policy shift with far-reaching practical implications.

OPPORTUNITIES FOR CIVIL SOCIETY ENGAGEMENT

To the extent that its embrace of multistakeholderism has value in and of itself, it is, for the moment, at home that India can make this immediately clear. For example, India's Ministry of External Affairs already engages with other stakeholders in a more informal manner. It could now formalise these efforts by (co-)organising one or more national consultations on the WSIS+10 Review and/or by joining initiatives organised around this topic by others. Replicating earlier initiatives of the Ministry for Communications and Information Technology in the context of the ITU, it could also formally include representatives from other stakeholder groups in its national delegation.

With the Ministry of External Affairs leading India's contributions to the WSIS+10 Review, civil society actors, as well as representatives from other stakeholder groups, could assist in making such consultative and inclusionary processes in India a reality, by providing the Ministry with a range of suggestions as to how to structure and organise these in practice. Seeing that it is the Prime Minister's Office that signed off on India's recent endorsement of multistakeholder approaches in

internet governance, it might, however, be worthwhile for civil society to direct some of its advocacy efforts in this regard there as well. Irrespective of which Ministry takes the lead, it is only when the Indian government starts to display such openness to broader stakeholder participation, already commonplace in many government delegations from the Western world, that India can enlarge its footprint in the important negotiations on ICTs, development, human rights and internet governance that the WSIS+10 Review represents.

10. http://www.itu.int/en/itu-wsis/SiteAssets/hls/statements/9/Mr_Ram_Narain.pdf.

11. <http://www.gp-digital.org/publication/netmundial-reflections-from-brazil-india-and-kenya/>

12. <http://internetdemocracy.in/reports/digital-india-abroad/>

13. <http://thewire.in/2015/06/24/the-i-in-the-internet-must-also-stand-for-india-4688/>.