

COUNCIL *on*
FOREIGN
RELATIONS

India, the ITU, and Unbundling Internet Governance

Samir Saran
October 2014

At this month's [Plenipotentiary Conference of the International Telecommunications Union \(ITU\)](#) in Busan, South Korea, India will argue that the ITU has a role to play in Internet governance because the Internet cannot be separated from telecommunications and that countries have legitimate security and access issues that can best be addressed through multilateral institutions. However, this position does not mean that India opposes a bottom-up, multistakeholder approach to governance that includes organizations representing technical experts, governments, businesses, civil society, and individual users. Rather, Delhi hopes to strengthen the multistakeholder model by unbundling it and distributing different roles to different organizations, including the ITU.

THE INTERNET RIDES ON THE BACK OF TELECOMMUNICATION NETWORKS

In preparation for the 2014 plenipotentiary, India has sought to clarify the relationship between the Internet and telecommunications networks. In this line of argument, the Internet is defined as a bouquet of functions and services that rides on a network of networks, which owes its existence to telecommunication networks. The network of networks initially functioned through private circuits—hence, perhaps, the place accorded to the private sector in the traditional multistakeholder system—but this is changing. Despite widespread conflation of the Internet and its “over-the-top” services—services that are transported without the provider being able to control the content, such as email, server hosting, video streaming, and Skype—these functions ride on telecom networks. Moreover, domain-name system (DNS) servers—which allow users to refer to websites using easier-to-remember domain names, such as www.cfr.org, rather than the all-numeric IP address, 75.101.137.229—also route traffic through the telecom networks. From the Indian government's point of view, the Internet cannot be separated from telecommunications.

India most recently expressed this view of the Internet at the Fourth Asia-Pacific Telecommunity (APT) Preparatory Meeting in August 2014. The Indian delegation stated that the Internet has expanded to “occupy the space of connecting public networks through public networks, which is a telecommunications network.” [India also stressed](#) that global investment in the Internet may remain heavily skewed toward the continued importance of these telecom networks, with 80 percent of investment in telecommunications, only 10 percent in the well-known functions of over-the-top services, and the remaining 10 percent in DNS servers.

A CLEAR ROLE FOR THE ITU AND NATIONAL GOVERNMENTS

The Indian proposal at the APT meeting also suggested that the problem was not whether the ITU should work on Internet issues such as naming and numbering, routing, address resolution, and network architecture standardization, but that the union already has such experience and so these duties should be appropriately placed under its purview.

The APT proposal also recommended that numbering resources be equitably distributed to national authorities. Under the current technology standard, Internet Protocol version four (IPv4), there are a finite number of Internet addresses ([this](#) article explains why). The [Internet Assigned Numbers Authority](#) allocates these addresses to five regional Internet registries, which in turn distribute addresses to local or national Internet registries.

This international control is a source of anxiety for India that is heightened by the more than one billion Indians expected to come online in the next decade. This exponential increase in data will exert

pressure on the country's telecom, security, and legal systems. Such massive expectations necessarily underlie the growing importance India places on international negotiations over the Internet. For example, the rollout of IPv4's replacement, Internet Protocol version six (IPv6), is perhaps more consequential for India than anywhere else, because the world's Internet growth will be concentrated there.

The Indian government has argued that Internet Protocol (IP) address management at the national level should make it easier to identify IP addresses by country; intranational Internet traffic should be routed within that country. This would address many of India's concerns over the possibility of international jurisdiction over data flows that only affect Indians. The suggestion leaves open the complicated question of jurisdiction over cross-territorial data flows. It is possible that lessons from international call routing, where issues of legal jurisdiction have already been addressed, could help with this challenge.

INDIA IN THE GRAY ZONE

India has navigated a complex gray zone on a wide spectrum of Internet governance issues, from domestic content control that has been criticized as censorship, to opposition to U.S. dominance over critical resources such as the domain-name system. In 2011, India proposed creating the [United Nations Committee for Internet Related Policies](#) (UN-CIRP), a fifty-member geographically representative body, which would convene twice a year to discuss such issues as privacy and data protection, online filtering, intellectual-property rights, and network neutrality. Although this idea was defeated, the Indian establishment has remained interested in shifting some aspects of Internet regulation to multilateral institutions and repeatedly demonstrated its skepticism of the current multistakeholder governance framework.

The 2012 World Conference on Information Technology (WCIT) in Dubai made international headlines when Russia, China, and many African countries allegedly tried to bring Internet governance under the purview of the International Telecommunications Union (ITU). The United States and its allies argued that this would diverge from the ITU's traditional mandate of allocating the global radio spectrum, developing technical standards for telecommunications networks, and improving access to telecommunications, and that increasing the ITU's role in Internet governance would lead to censorship under the pretext of national security. Supporters of the ITU saw these arguments as disingenuous, designed to protect a "multistakeholder" model of governance that benefits the United States and its friends and neglects the needs of developing countries.

Although India issued a statement in support of bringing Internet governance under the International Telecommunication Regulations (ITRs), a 1988 treaty designed to foster "[global interconnection and interoperability](#)" of telecommunications traffic across national borders, it did not sign the treaty at the WCIT, citing its need to "consider the wider ramifications" of the ITRs. By a vote of eighty-nine to fifty-five, a majority of states opted for the ITRs and thus potentially more government oversight, but the end result was no immediate change in the system and euphoric headlines such as "[The U.N. Fought The Internet—And The Internet Won.](#)"

In the twenty-odd months following the WCIT, the discussion over the Internet has become explosive. News of the National Security Agency's spying on citizens in other countries sparked such furor over U.S. dominance of Internet governance structures that outraged countries like Germany and Brazil threatened to move all their data to servers within their own borders, beyond U.S. government access. U.S. credibility is at an all-time low; after positioning itself as the custodian of privacy for all, the United States seemingly discards that principle beyond its borders.

Situated between the views of the United States and of authoritarian states, India can leverage its nuanced position to propose a possible solution to the thorny issues of Internet governance. India focused on incorporating information technology into the ITRs because of its intrinsic connection with telecom infrastructure, but India opposed including any content regulation in the ITRs and was open

to including references to human rights at the WCIT. At the APT meeting, the Indian proposition sought to unbundle different aspects of the Internet with the goal of keeping it free, innovative, and protective of human rights, while addressing legitimate security and regulatory concerns. Although India suggests that certain processes and resources should be managed by multilateral organizations, Delhi prefers that protocol design and content development be managed through the multistakeholder process. India also avers that content management, control, and regulation, along with regulations affecting end devices and applications, are too important to consign to one process and should be managed by a combination of multistakeholder approaches and sovereign frameworks. Further work is needed to balance, in India's words, the "[human rights, development, and security aspects](#)" of Internet governance.

CONCLUSION

India's stand at the ITU might be misconstrued as a push for state control due to the posture it adopted at [NETMundial](#), the Global Multistakeholder Meeting on the Future of Internet Governance, held in Brazil in April 2014. India did not sign that meeting's [final document](#), which identified principles and values for "an inclusive, multistakeholder, effective, legitimate, and evolving Internet governance framework." India's hesitation to embrace the document stemmed in part from a desire to better define the role of governments and multilateral organizations. India is certainly not alone in its outlook. Germany and France, for example, are already looking at new ways to internationalize jurisdiction of the Internet. India's proposal that the ITU should be responsible for naming and numbering, routing, and address resolution might resonate with these countries. Still, its opposition at NETMundial might make others skeptical about the depth of India's commitment to multistakeholder approaches.

India argues that the Internet's structure as a telecommunications network and its increased intersection with public networks justifies a major role for governments and the ITU in Internet regulation. The United States is likely to oppose India's suggestions. As the incumbent, Washington enjoys considerable sway over the management of critical Internet resources; its private sector, government, and civil society all benefit from this leadership position. China and Russia are likely to support India's position at the ITU, although these countries need not be too heavily invested in this debate, as they both control much of what they consider to be their critical digital infrastructure.

The challenge for India will be to garner support among the European countries as well as emerging and developing countries. India must create a justifiable rationale for its ideas, demonstrating that it does not seek to circumvent or dilute the global mood for inclusive multistakeholder participation in Internet management, while ensuring equitable ownership and stakes for all in this digital space. For India, transforming the ITU into a more representative forum might achieve that elusive resolution.

The Council on Foreign Relations (CFR) is an independent, nonpartisan membership organization, think tank, and publisher dedicated to being a resource for its members, government officials, business executives, journalists, educators and students, civic and religious leaders, and other interested citizens in order to help them better understand the world and the foreign policy choices facing the United States and other countries. Founded in 1921, CFR carries out its mission by maintaining a diverse membership, with special programs to promote interest and develop expertise in the next generation of foreign policy leaders; convening meetings at its headquarters in New York and in Washington, DC, and other cities where senior government officials, members of Congress, global leaders, and prominent thinkers come together with CFR members to discuss and debate major international issues; supporting a Studies Program that fosters independent research, enabling CFR scholars to produce articles, reports, and books and hold roundtables that analyze foreign policy issues and make concrete policy recommendations; publishing *Foreign Affairs*, the preeminent journal on international affairs and U.S. foreign policy; sponsoring Independent Task Forces that produce reports with both findings and policy prescriptions on the most important foreign policy topics; and providing up-to-date information and analysis about world events and American foreign policy on its website, CFR.org.

The Council on Foreign Relations takes no institutional positions on policy issues and has no affiliation with the U.S. government. All views expressed in its publications and on its website are the sole responsibility of the author or authors.

For further information about CFR or this paper, please write to the Council on Foreign Relations, 58 East 68th Street, New York, NY 10065, or call Communications at 212.434.9888. Visit CFR's website, www.cfr.org.

Copyright © 2014 by the Council on Foreign Relations® Inc.
All rights reserved.

This paper may not be reproduced in whole or in part, in any form beyond the reproduction permitted by Sections 107 and 108 of the U.S. Copyright Law Act (17 U.S.C. Sections 107 and 108) and excerpts by reviewers for the public press, without express written permission from the Council on Foreign Relations.