

Enhanced Cooperation and Wikileaks

The recent publication of leaked United States diplomatic cables by Wikileaks has produced an extremist reaction by some governments, provoking them and compliant large corporations to strike out at the organisation's Web site, its financial base, and the person of its founder, Julian Assange. For the Civil Society Internet Governance Caucus (IGC), this highlights the need for cross-border Internet governance issues to be made subject to a due process of law, informed by sound political frameworks, including those of human rights.

In its early days, the Internet was a model of decentralised, voluntary self-governance. When Internet content abuses occurred – for example by posting of spam to newsgroups – the community would respond with its own social and technical countermeasures. Into this self-regulated domain, governments have since stepped. Some, for example, have passed laws to control spam, which with varying effectiveness now supplement – but do not supplant – the social and technical means by which the Internet community continues to self-govern.

But because of the Internet's inherently trans-border architecture, the uncoordinated application of national laws is rarely adequate for the regulation of Internet content. More importantly, because individual governments do not represent trans-border communities, the attempted use of such laws to control global flows of Internet content is not democratically legitimate. Still less legitimate by far is their arbitrary and extra-legal use of political and economic power, as we have seen directed against Wikileaks.

This is not to say that the Internet community's governance methods are necessarily any more legitimate; far from it, in the case of the

retributive anonymous attacks against those who targeted Wikileaks. In truth governments, business, and Internet users alike have responded to the Wikileaks affair in an arbitrary and unaccountable fashion.

What is needed is a framework of principles for Internet governance, which would guide all stakeholders in dealing with trans-border issues such as Internet content regulation, and provide democratic accountability and mechanisms of redress. This framework would comply with existing human rights standards including the rule of law, and be developed through an open, democratic process fully inclusive of all stakeholders from civil society, the private sector and government.

It so happens that the IGC has been calling for something like this for years. WSIS, a global summit of governments, also called for something similar in 2005 when directing the United Nations Secretary General to start a "process towards enhanced cooperation involving all stakeholders" (Tunis Agenda para 71) to address the "many cross-cutting international public policy issues that require attention and are not adequately addressed by the current mechanisms" (Tunis Agenda para 68).

What is perhaps most sad about the Wikileaks case is that it has taken a global diplomatic crisis to turn the international community's attention back to what it committed to achieve five years ago. The IGC hopes that it doesn't take another five years before this enhanced global democratic framework of governance for the Internet finally takes shape.

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The Civil Society Internet Governance Caucus was established during WSIS as a voice for civil society on Internet governance issues. Its open mailing list now has almost 500 members drawn from academia, non-governmental organisations, and Internet users at large. For more information, please contact us or join our mailing list, details of which are given on our Web site:

The Civil Society Internet Governance Caucus

<http://www.igcaucus.org>