General Assembly's overall review of the implementation of WSIS outcomes

Official Form for Comments on the zero-draft

A. Your Information

Title: *Co-convenor*

First name: *Norbert*   **Last name:** *Bollow*

Name of Organization: *Just Net Coalition* **Stakeholder Type[1]: *Civil Society, accredited for the 2014 and 2015 WSIS Forums; and several members of the coalition, who jointly forward this input, are in consultative status with ECOSOC***

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B. Formal Input

Please input your comments below:

The Just Net Coalition[2] (JNC) comprises several dozen civil society organisations and individuals from different regions globally, concerned with issues of Internet governance, from the perspective of all human rights, including democracy and economic and social justice. The list of JNC members is provided in the annex to this submission.

We refer to the zero draft published at:

http://workspace.unpan.org/sites/Internet/Documents/UNPAN95383.pdf

We propose some revisions, see below:

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[1] When specifying your stakeholder type, please indicate one of the following: Government, Civil Society, Private Sector, Academia, and Technical Sector.
[2] http://justnetcoalition.org

After paragraph 10, add a new paragraph 10A reading: "As Internet and other digital technologies become central to our social structures and systems, we recognize the urgent need for appropriate public polices in this area to ensure that various public interest priorities are maintained and furthered, including equitable growth and social justice. Such public policies are needed at local, national and international levels."

And add a new paragraph 10B reading: "We recognize that the Internet is a global public good, which must be managed in the interests of all the world's peoples. An open Internet is based on open and public standards, full inter-operability at all layers, infrastructure, applications, etc, and net neutrality, and is furthered by open data, use of free and open source software and hardware (FOSSH), and open access networks and platforms."

After paragraph 11, add a new paragraph 11A reading: "We recognize that steps must be taken to safeguard against concentration of power and of centralized control of ICTs. Impacted populations and communities have the right to participate in decisions with respect to the planning and implementation of ICT and Development initiatives."

And add a new paragraph 11B reading: "Determined action is necessary to prevent further concentration of vast amounts of economic power at a global scale in the hands of a small number of companies, and to reverse the existing trends of such economic power concentration. Important measures in this context are to ensure the effective enforcement of the laws for the protection of individuals with regard to the processing of personal data (data protection and data privacy), and to adopt the principle that in the context of government procurement of software and services, free and open source software and hardware (FOSSH), and services provided entirely by means of such software, should always be preferred."

At the end of paragraph 13, add the following: "However, there are serious new challenges arising with respect to concentration of market power in the ICT sector, and in other sectors through ICT's impact on them, and about informalisation and atomisation of labour."

After paragraph 15, add a new paragraph 15A reading: "We recognize that, with ICTs causing structural changes in most social sectors, it is important that the involved UN agencies and other sectoral governance bodies, like UNESCO, WHO, UNCTAD, UN Woman, FAO, ILO, UNICEF, UNEP, and so on, undertake a thorough and ongoing assessment of the nature of structural impact of ICTs in their area of work, in terms of its benefits and challenges to the goals of these organizations, and general development goals in their sector. They should in this regard suitably engage with the proposed new UN anchor point on Internet governance and policies, establishing a standing interactive, collaborative and complementing relationship."

After paragraph 16, add a new paragraph 16A reading: "ICTs can be game-changing for women's empowerment and gender equality. But without appropriate laws and regulatory policies, as current trends show, digital spaces can become key sites of retrograde gender norms and exploitation of women and girls. Gender transformative design and a rights-based approach to ICT policies holds the key for empowering digital eco-systems, inclusive and responsive programmes and public service delivery in the information society."

And a new paragraph 16B reading: "We recognize that, at the community level, development benefits from ICTs are premised on an holistic approach which recognizes access to an adequate quality of Internet access as a right, along with a rights-based approach to digital literacy, capacity-building, and developing contextual digital opportunity structures to further individual and collective goals of economic, social and human development."

And a new paragraph 16C reading: "Special attention should be paid to the support of grassroots and local community based ICT for Development efforts specifically in the provision of local Internet access, training and the development and management of the range of Internet enabled services and activities which provide the framework and impetus for development."

After paragraph 19, add a new paragraph 19A reading: "We recognise the significant possibilities for universalising Internet access through the model of public funded national backbones coupled with local community and/ or local government managed last mile infrastructure."

After paragraph 22, add a new paragraph 22A reading: "While also supporting private investments in duly competitive environments, large scale public sector efforts are required to universalise a sufficient quality of Internet access. A model of public investments in country-wide backbones, with community-led last mile infrastructure, has been successfully employed in many countries and should be explored especially for rural and other under-served areas."

After paragraph 24, add a new paragraph 24A reading: "We recognize that the Internet economy, like other areas of the global economy, must be subject to fair and equitable collection and distribution of tax revenues around the world, recognising that the concentration of global North based international e-commerce is a threat to the tax revenues of the global South."

Add at the end of paragraph 35: ", in particular so as to preserve online diversity and to prevent monopolies in either content or in the provision of essential public services, in mobile as well as fixed network architectures."

After paragraph 37, add a new paragraph 37A reading: "The IGF must serve global public interest. Proper checks and balances should be built into the IGF to ensure that it is not captured by any narrow set of interests, and to ensure that it gives enough space and representation to marginalised and under-represented groups groups, and also to minority views. An independent audit of IGF processes should be undertaken from this point of view and specific structural remedies provided."

And add a new paragraph 37B reading: "A new anchor point should be developed inside the UN system to address international Internet-related public policies. For ICANN, an international treaty process must establish political accountability and adherence to norms."

And add a new paragraph 37C reading: "The global governance of ICTs, including the Internet and its names and addresses, must be democratic, participative, open and transparent, involving globally democratic multilateral bodies, with multi-stakeholder participation; and the UN system should facilitate the development of international public policies."

And add a new paragraph 37D reading: "There is a need to take up and issue directional guidelines for important new governance areas such as 'economics of data' and data governance, platform governance, net neutrality (and other kinds of neutralities like search neutrality), cloud computing, Internet of Things, and so on. Urgent attention is required for new governance paradigms for global Internet platforms (also called intermediaries), because these have become society-wide horizontal structures of immense social, economic, political and cultural significance."

Replace paragraph 40 with the following formulation: "We reaffirm all human rights and fundamental freedoms, both civil and political rights and social, economic and cultural rights, including the right to development, and stress the indivisibility of human rights, to achieve the WSIS vision. We underscore the need for respecting, no matter what the concerned individual's nationality and residence, the right to privacy; freedom of expression; the independence of press; the right to assembly and free movement; the right to self determination with regard to one's digital environment and presence. We also underscore the importance, in the information society context, of upholding the right to education, to livelihood, to basic necessities, for labour to organize, for linguistic and cultural diversity, among other social, economic and cultural rights, and the right to development. We emphasize that no person shall be subjected to arbitrary or unlawful interference with her or his privacy, family, home, or correspondence, consistent with countries' obligations under international human

rights law. Any violations of privacy, any restrictions on the protection of personal data, and any restrictions on freedom of expression must be held to be necessary and proportionate by an independent and impartial judge based on clear, precise and foreseeable laws that do not infringe the essence of the right or freedom at stake."

At the end of paragraph 43, add the following: "Any violations of privacy, any restrictions on the protection of personal data, and any restrictions on freedom of expression must be held to be necessary and proportionate by an independent and impartial judge."

After paragraph 43, add a new paragraph 43A reading: "Personal and social data must belong respectively to the relevant individuals and social groups."

After paragraph 44, add a new paragraph 44A reading: "ICTs must be used to further all human rights, including the right to development. All people have the right to basic digital enablement, being the right to: access the Internet, and its content and applications; to participate in content and applications development; and to receive the necessary training and capacity-building for effective use of the Internet and other digital tools. Access to ICTs, and in particular the Internet, must be considered a human right. The UNDP should be given a clear mandate to examine and present key principles and formulations for the use of ICTs in support of economic and social development. UNCTAD should be mandated to look at the macro impacts of ICTs on developing economies, taking into account not only the benefits of using ICTs and ICT based services, but also the effects on the developing economies of the costs of ICTs and ICT based services."

And add a new paragraph 44B reading: "We recognize the universal right to protect the integrity and confidentiality of one's data and communications by means of strong cryptography, including strong end-to-end encryption. It must as a matter of law always be allowed, acting in a responsible manner, to make information about security vulnerabilities public."

And add a new paragraph 44C reading: "We recognized that there is a need for universal binding instruments to combat cybercrime and to limit cyberwar and cyberattacks. We note in this context regional instruments that are open to all states, such as those of the Council of Europe."

And add a new paragraph 44D reading: "We recognize that all forms of mass surveillance, where communications or other aspects of human life are subjected to surveillance in the absence of any concrete reason to suspect a particular person of a crime, are themselves a category of cybercrime, and are not efficient or effective methods to attain legitimate goals."

After paragraph 55, add a new paragraph 55A reading: "We call for a UN annual report on privacy by the recently nominated special rapporteur on privacy, and also for an annual report by the special rapporteur on freedom of expression."

Replace the existing paragraph 58 with the following: "Recognising that we stand at the cusp of an epochal ICT-induced shift in our social structures and institutions, we resolve to hold the third World Summit on the Information Society in 2020, which will be the culmination of a comprehensive four-year long global participatory process to develop an appropriate model of global engagement with and governance of the far reaching social impact of ICTs, and laying out overall principles and directions in this regard. This process will follow the participatory format used in evolving the SDGs, including the use of online means , and build upon the multistakeholder processes of the WSIS, along with regional consultation and preparatory mechanisms. A separate committed track of this process will focus on an inclusive, democratic, and transparent dialogue on enhanced cooperation as called for in paragraph 39 above."

ANNEX: list of JNC members

The organizations that are members of JNC are:

1	Asia Pacific Forum on Women, Law and Development, Thailand
2	Bangladesh NGOs Network for Radio and Communication, Bangladesh
3	Consumer Unity and Trust Society, India
4	Agencia Latinoamericana de Información, Ecuador
5	CODE-IP Trust, Kenya
6	Fundación Comunica, Uruguay
7	Fundación-Redes-y-Desarrollo, Dominican Republic
8	Global_Geneva, Switzerland
9	Icelandic Modern Media Initiative, Iceland
10	Other News Association, Italy
11	IT for Change, India
12	Knowledge Commons, India
13	Panos South Asia, Global
14	EUROLINC., France
15	Software Freedom Law Centre, India
16	Swecha-Free Software Movement of India, India
17	Third World Network, Global
18	Instituto Del Tercer Mundo, Uruguay
19	Women's Legal Bureau, Philippines
20	Association for Proper Internet Governance, Switzerland
21	Isis International, Philippines
22	Media Rights Agenda, Nigeria
23	The Institute of Global Internet Governance and Advocacy, India
24	Technology for the People, India
25	Digital Empowerment Foundation, India
26	Philippine Rural Reconstruction Movement, Philippines

27	Community Informatics Network, Global
28	Arab NGO Network for Development, Lebanon
29	NEXUS Research, Ireland
30	Action Aid, Global
31	Godlyglobal.org, International
32	Focus on the Global South, Regional
33	P2P Foundation, Global
34	Online Knowledge Society, Bangladesh
35	Development Alternatives with Women for a New Era, Global

In addition, there are 33 individual members, and an additional 27 individual members who are also members of member organizations. The full list of members can be found at:

http://justnetcoalition.org/jnc-members

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