

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

Comments on the draft outcome of 4 November

A. Your Information

Title: *Co-convenor*

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

Name of Organization: *Just Net Coalition Stakeholder Type¹: 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*

Country: *Kenya and Switzerland* **Email:** *nb@bollow.ch*

B. Formal Input

Please input your comments below:

The Just Net Coalition² (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 draft outcome of 4 November published at:

<http://workspace.unpan.org/sites/Internet/Documents/UNPAN95572.pdf>

We propose some revisions, see below.

Among those proposed revisions, we wish to highlight in particular the proposed additions of paragraphs 21A and 21B, and the proposed revision of paragraph 22, in relation to **digital divides**, since adopting a dynamic conceptualization and community based approach as foreseen in these textual additions will very significantly and positively impact the lives of many. For a more detailed discussion of these matters, please see appendix 2.

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>

Proposed revisions:

After paragraph 7, add a new paragraph 7A 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, such as UNESCO, WHO, UNCTAD, UN Woman, FAO, ILO, UNICEF, UNEP, and so on, undertake a thorough and ongoing assessment of the nature of the structural impact of ICTs in their area of work, in terms of its benefits and challenges to the goals of these organizations, and on 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 complementary relationship.”

After paragraph 10, add a new paragraph 10A 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.”

Paragraph 12, add a new sentence after the first sentence: “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 13, add a new paragraph 13A reading: “We recognize that steps must be taken to safeguard against concentration of power and of centralized control of ICTs. Populations and communities have the right to participate in decisions with respect to the planning and implementation of ICT and Development initiatives as they impact their families and communities.”

And add a new paragraph 13B 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.”

And add a new paragraph 13C reading: “We recognize that, at the community level, development benefits from ICTs are premised on a 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 13D 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 locally sustainable development.”

After paragraph 21, add a new paragraph 21A reading: “We recognize that, as ICTs have become a pervasive element in the daily life of so many, the nature of the “divide” itself has changed, no longer being a static “divide” between those with and those without but rather a dynamic divide between those with some, those with

little and those without; with these divisions evolving as new technologies emerge and as the necessity for having access to and the means to use these technologies evolve as well in both Developed and Developing countries. The need for a constant upgrading in technologies, technology platforms, skills and the overall capacity to make use of these technologies has become a constant feature of modern society. The failure to put in place appropriate means to ensure that the capacity to make effective use of ICT is evolving apace with the opportunities and requirements for effective use has emerged as the basis for an ever-receding horizon and thus a constantly evolving set of digital divides in the global Information Society.”

And add a new paragraph 21B reading: “We recognize that this complex digital environment and these evolving divides must be addressed both through effective policy intervention in support of the universal extension of ICT access and use and through enabling and supporting processes at the grassroots level which support local communities in creating the means for identifying, implementing and making effective use of those technologies which have value and use in their local circumstances.”

In paragraph 22, modify the last sentence as shown (underlined text is new text proposed to be inserted): “We appreciate that as divides evolve how they impact on various segments of societies will evolve apace, that they may worsen or change with technological and service innovation, and we call on all stakeholders, particularly United Nations entities that are facilitating WSIS Action Lines, to regularly analyse the nature of ~~the~~ these digital divides and make their findings available to the international Community.”

After paragraph 27, add a new paragraph 27A reading: “We recognise the significant possibilities for universalising Internet access through the model of publicly funded national backbones coupled with local community and/ or local government managed last mile infrastructure.”

And a new paragraph 27B 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.”

And a new paragraph 27C reading: “We recognize that the Internet economy, as with 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 42: “Any violations of privacy and any restrictions on the protection of personal data must be held to be necessary and proportionate by an independent and impartial judge. No attempts will be made to weaken or compromise encryption standards.”

After paragraph 42, add a new paragraph 42A reading: “Personal and social data must belong respectively to the relevant individuals and social groups.”

And add a new paragraph 42B 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 to make information about security vulnerabilities public in a responsible manner.”

And add a new paragraph 42C 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.”

And add a new paragraph 42D 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.”

Add at the end of paragraph 43: “Any restrictions on freedom of expression must be held to be necessary and proportionate by an independent and impartial judge. No attempts will be made to weaken or compromise encryption standards.”

After paragraph 54, add a new paragraph 54A reading: “The IGF must serve the 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.”

After paragraph 56, add a new paragraph 56A reading: “A new anchor point should be developed within the UN system to address international Internet-related public policies. For ICANN, an international treaty process must establish political accountability and adherence to widely agreed upon norms.”

And add a new paragraph 56B 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 such as 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.”

And add a new paragraph 56C reading: “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.”

ANNEX 1: 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>

ANNEX 2: Rethinking the “Digital Divide”

Introduction

Despite the last decade’s achievements in ICT connectivity, it is not clear how much real progress has been or is being made towards “bridging the digital divide.” On the contrary, there is an increasing recognition that “many different forms of digital divides remain and new forms have emerged” and that “[t]he digital divide is a manifestation of existing social, economic and political inequalities and (that) technological change can exacerbate these divisions.”³

In fact, as ICTs have become a pervasive element in the daily life of so many, the nature of the “divide” itself has changed, no longer being a static “divide” between those with and those without but rather a dynamic divide between those with some, those with little and those without — with these divisions evolving as new technologies emerge and as the necessity for having access and use to these technologies evolve as well in both developed and developing countries. The need for a constant upgrading in technologies, technology platforms, skills and the overall capacity to make use of these technologies has become a constant feature of modern society.

A Working Definition of “Digital Divides”

For the purposes of this paper, the following working definition will suffice:

*We use the term **digital divide** to refer to any pattern of social or socio-economic evolution where unequal progress in the introduction of digital information and communication technologies results in the further empowerment that is specific to (and largely limited to) privileged parts of a society or of humanity as a whole, while others are not able to share in the benefits or even suffer disempowerment as a side effect.*

This working definition is intentionally unspecific in regard to what aspects of life are affected by the concerned pattern of unequal and in effect discriminatory empowerment.

Lack of access to any particular technological innovation was never a social problem until that technology was invented. However, once it has been invented and it has become available to some people, not having access to it can become a socially and/or economically crippling disadvantage, and many if not all other aspects of human existence are then affected indirectly.

So the goal of efforts aimed at “bridging digital divides” should be set precisely at solving those problems of resulting socially and/or economically crippling disadvantages.

This implies that such efforts need to address not only the aspects of access to whatever ICT devices and Internet bandwidth are needed for achieving that goal, but also aspects of personal and group empowerment to make good, effective use of those ICT devices and Internet bandwidth.

³ This quotation is from an October 2015 Joint Civil Society Statement in the context of the UN's WSIS+10 Review (review ten years after the World Summit on the Information Society) process, see http://justnetcoalition.org/2015/joint-CS_to_WSIS+10_zero-draft.pdf.

Political agency in shaping technical developments

Ultimately the primary driver of the variety of social inequalities and injustices which have come to be associated with the “Digital Divide” is *inequality of access to the means of designing or influencing ICT or technology development in relation to local uses and requirements*.

As long as ICT continues to be dominated by proprietary software, proprietary hardware designs and proprietary Internet platforms (as opposed to *free and open source* software and hardware) design considerations will always be driven by thoughts about the most promising markets and how the technology could be used there, rather than the human benefits that technology can realize among those who have little or no financial resources.

This implies that many of the people who suffer from social and economic disadvantages (and who are therefore already for those reasons vulnerable to the processes that create digital divides) are further challenged by the reality that their needs are largely not considered in the processes of technology development.

Consequently, even when the required financial means can somehow be obtained and spent on ICT devices and Internet access, the only currently available options are typically to either buy technology that has been developed in view of more lucrative markets (and which will therefore probably not fit their needs very well, and which is certainly not cost efficient in relation to those needs) or not to buy that technology (which results in deepening the digital divides).

Hence much more than on any particular aspect of technology, access to technology or the absence of a particular technology, success in bridging digital divides will depend on whether economically disadvantaged people and communities will somehow gain a degree of political agency that results in technology becoming available that is suitable to their needs and economic situation.

Community Based Approaches for Leverage

In the context of digital divide concerns, an obvious but naïve approach consists in thinking that “the more ICT etc. etc., the better” and trying to throw more and more ICT devices at the problem, heedless of actual needs. That is clearly a “low leverage” kind of strategy, in the sense that the cost will be great but actual benefits towards bridging digital divides will be low.⁴

A better approach will be based on the knowledge that disadvantaged communities have about the particular digital divides that affect them. The key strategy therefore consists in providing the means for end users in local communities to express and realize their needs within a technology context. It is only in this way that it is possible for efforts aimed at “bridging digital divides” to keep up with (and hopefully exceed) the speed of innovation for mass market ICT goods through which new digital divides, are continually created.

Dynamic Concepts of Community Informatics

Constantly evolving digital divides in the global Information Society coupled with the lack of effective standards or measures in regard to how these digital divides are to be overcome make it impossible to

⁴ For a more in-depth discussion of the concept of *leverage* we refer to the rich literature on “systems thinking” for addressing management challenges in business contexts, e.g. Peter M. Senge: *The Fifth Discipline: The Art and Practice of the Learning Organization*. New York 1990 (Currency), p. 114.

achieve any understanding of possible progress within an ever-receding technology horizon. Statistics showing an ever increasing percentage of the world population having basic Internet access or e.g. access to particular hardware devices that can be used to interact with the Internet, may be reassuring but they tell us little about whether the actual divides between those benefiting from Internet use and those who are not is actually decreasing.

Further, a centralized planning approach to “the digital divide” which does not take into account the local realities at the community level, and which also does not involve active and effective participation of people with significant relevant experience at the grass-roots, community level is doomed to fail.

We urge the use instead of an approach such as that from *community informatics*⁵, which recognizes that the realm of communities is constantly evolving as with ICTs. Such an approach does not assume a single static digital divide in response to which one could design specific once and for all set of measures for “overcoming” this; instead the control of the direction and use of ICTs is structured so as to respond to real conditions and the needs of those who actually will be using them.

Conclusion

It is now time to reconceptualize the notion of “digital divides” in a way that is dynamic rather than static. We urgently recommend the use of community based approaches to address these issues.

⁵ Michael Gurstein: *What is Community informatics? (And Why Does It Matter)*, Milan 2007 (Polimetrica), http://eprints.rclis.org/10919/1/WHAT_IS_COMMUNITY_INFORMATICS_reading.pdf