



**General Assembly’s overall review of
 the implementation of WSIS outcomes**

Official Form for Comments on the Non-paper

A. Your Information

Title: *Co-convenor*

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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*

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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.

1. Overall comments

We refer to the non-paper published at:

<http://unpan3.un.org/wsisis10/Portals/5/WSIS%2010%20GA/WSIS%20nonpaper%20draft%20-%20final.pdf>

We see a number of significant advances from the original WSIS documents, including the recognition that the Digital Divide is as much (or more) about “use” as it is about simple “access,” and we welcome these advances.

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>



However we are of the view that the non-paper falls short in the follow-up/recommendations and we believe that those should be strengthened as proposed below.

Also, more should be said explicitly regarding issues with more policy-oriented significance and issues about social justice and ICTs.

In particular, we stress the importance of truly internationalizing Internet governance, where multi-stakeholderism is embedded in the larger context of legitimate democratic governance, which is with stakeholders in their respective roles. The structure that we envisage as appropriate includes the UN as anchor point for international public policies and on the technical side an appropriate oversight. This will require treaty-level instruments. And we stress the importance of fully implementing enhanced cooperation as initially understood during WSIS, that is, enabling all states to participate fully, on an equal footing, in the discussion and elaboration of international public policies.

Further, we believe that there should be another WSIS review in 3 to 5 years.

Finally, we believe that drawing a distinction between “cyberspace” and the “Internet” contravenes good policy outcomes. Rather, our work should proceed from a single Internet governance arena. Then where (inevitably) necessary, distinctions are subsidiary to that purview.

In light of the above considerations, we propose the following modifications to the current version of the non-paper. The elements of the non-paper, with the proposed modifications, should appear in the zero draft.

2. Specific Text Proposals

In paragraph 3, change: “We recognize the digital economy as an important and growing part of the global economy and global sustainable development.” to read: “We recognise that we are moving toward a digital society, with most of our social structures underpinned by digital systems, and that the digital economy is an important and growing part of the global economy and of global sustainable development.”

In paragraph 4, add “computer-supported collaboration” in the second sentence, among other issue areas. This has become a touchstone for ICT contributions in all areas, including science, health, economy, and so on.

After paragraph 7, add a new paragraph 7A reading: “As Internet and other digital technologies become central to our social structures and systems, we recognize the urgent need for appropriate public policies 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.”

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

At the end of paragraph 11, add: “, and other measures of effective use of, and engagement with, ICTs in a manner that empowers them.”

After paragraph 11, add a new paragraph 11A 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 hold the key for empowering digital eco-systems, inclusive and responsive programmes, and public service delivery in the information society.”

In paragraph 15, modify the part reading “in capacity building, technology transfer, and multilingualism,” to read: “in capacity building, local content and application creation, technology transfer, and multilingualism,”

In paragraph 16, change “The Information Society will play a critical enabling role” to read: “The Information Society can play a critical enabling role”.

Replace paragraph 20 with the following modified 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 freedom of expression; the independence of press and the right to privacy; 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 his or her 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.”

After paragraph 21, add a new paragraph 21A 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 21B reading: “Personal and social data must belong respectively to the relevant individuals and social groups.”

And add a new paragraph 21C reading: “It must be recognized 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 (FOSS), and open access networks and platforms.”

And add a new paragraph 21D reading: “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.”

Furthermore, add a new paragraph 21E 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 personal data, and to adopt the principle that in the context of government procurement of software and services, free and open source software (FOSS), and services provided entirely by means of such software, should always be preferred.”

In paragraph 23, the part reading “should be open, inclusive, and transparent” should read: “should be democratic, open, inclusive, and transparent”.

In paragraph 25, the part reading “including greater participation of developing countries” should read: “including greater and equal participation of developing countries”.

In paragraph 26, after the first sentence, add the following sentences: “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, and also to minority views. An audit of IGF processes should be undertaken from this point of view and specific structural remedies provided.”

After paragraph 26, add a new paragraph 26A 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 26B 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 26C 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.”

At the end of paragraph 28, add the following sentences: “The universal right to protect the integrity and confidentiality of one's data and communications by means of strong cryptography must be recognized. It must as a matter of law always be allowed, acting in a responsible manner, to make information about security vulnerabilities public.”

At the end of paragraph 29, add the following sentence: “There is a need for universal binding instruments to combat cybercrime and to limit cyberwar and cyberattacks.”

After paragraph 29, add a new paragraph 29A reading: “It must be recognized 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.”

In paragraph 30, at the end of the first sentence add: “in the context of appropriate public policies at all levels.”

In paragraph 31, the part reading “especially through interventions that de-risk investment and catalyse new public and private finance” should read: “including through support to community initiatives, and interventions that de-risk investment and catalyse new public and private finance, among others.”

After paragraph 36, add a new paragraph 36A reading: “Public data systems and agencies play a big role in developing appropriate public policies, in effective regulation, and in social and economic development. These should evolve to meet the requirements of the times of big data. We call for greater innovation in and global collaboration for development by and use of big data by public agencies for social and economic development.”

In paragraph 37, replace “in X years” with “in 3 to 5 years”, replace “annual review” with “annual review and follow-up”, and replace “overall review” with “overall review and follow-up.”