

Contribution to the 2017 Open Consultation of the ITU CWG-Internet
JustNet Coalition, 2016-12-06

Summary

The Internet has become a vitally important social infrastructure that profoundly impacts our societies. We are all citizens of an Internet-mediated world whether as the minority who uses it or the majority who does not. In this, our world, the Internet must advance human rights and social justice. Internet governance must be truly democratic.

In order to achieve those goals, we put forward principles that should underpin the emergence of an Internet that advances human rights and social justice globally, and the reconfiguration of Internet governance into a truly democratic space.

Introduction

On 15 October 2016 the Council Working Group decided that Open Consultations would be convened on the following issue:

Considering the importance of Internet to the global digital economy, all stakeholders are invited to submit their comments on the following key aspects:

1. What are the developmental aspects of the Internet (for example, economic, social, regulatory and technical aspects), especially for developing countries?
2. How can governments and other stakeholders promote the developmental aspects of the Internet?
3. What are the challenges and opportunities?

In response to that consultation we submit our Delhi Declaration, reproduced below.

Our comments

The Delhi Declaration for a Just and Equitable Internet

JustNet Coalition¹

15 February 2014

The Internet has become a vitally important social infrastructure that profoundly impacts our societies. We are all citizens of an Internet-mediated world whether as the minority who uses it or the majority who does not. In this, our world, the Internet must advance human rights and social justice. Internet governance must be truly democratic.

The Internet is reorganising public institutions, including those related to governance, welfare, health, and education, as well as key sectors such as media, communications, transport and finance. It has transformed the way we do many things; however the benefits promised for all have not been adequately realized. On the contrary - we have seen mass surveillance, abusive use of personal data and their use as a means of social and political control; the monopolization, commodification and monetisation of information and knowledge; inequitable flows of finances between poor and rich countries; and erosion of cultural diversity. Many technical, and thus purportedly 'neutral', decisions

¹ <http://www.justnetcoalition.org/>

have in reality led to social injustice as technology architectures, often developed to promote vested interests, increasingly determine social, economic, cultural and political relationships and processes.

Opportunities for the many to participate in the very real benefits of the Internet, and to fully realize its enormous potential, are being thwarted by growing control of the Internet by those with power - large corporations and certain national governments. They use their central positions of influence to consolidate power and to establish a new global regime of control and exploitation; under the guise of favouring liberalization, they are in reality reinforcing the dominance and profitability of major corporations at the expense of the public interest, and the overarching position of certain national interests at the expense of global interests and well being.

Existing governance arrangements for the global Internet are inadequate. They suffer from a lack of democracy; an absence of legitimacy, accountability and transparency; excessive corporate influence and regulatory capture; and too few opportunities for effective participation by people, especially from developing countries. The situation can be remedied only through fundamental changes to the current governance arrangements.

The governance of the Internet must proceed from the position that inter-connectivity cannot serve human rights and social justice unless it leads to and supports distributed power, particularly to the grassroots but also across the various Internet divides—social, economic, political. Ensuring that the Internet does not in fact lead to greater centralisation of power will therefore require appropriate interventions at all levels of Internet governance. Building an effective framework to achieve these objectives is the greatest challenge today in terms of global governance of the Internet.

In this light, we put forward the following principles. These should underpin the emergence of an Internet that advances human rights and social justice globally, and the reconfiguration of Internet governance into a truly democratic space.

Internet as a global commons

1. The Internet is a key social medium and, in crucial respects, a global commons. It is a site for global exchange of information and knowledge, a space for free expression and association, a means for democratic deliberation and participation, a channel for delivery of essential social and public services, and a scaffold for new models of economic activity. Therefore, all the world's people, including those not at present connected to the Internet, must be able to collaboratively shape the evolution of the Internet through appropriate governance processes that are democratic and participatory.

2. The Internet must be maintained as a public space. Where a divergence emerges between the utility of the Internet for public interest purposes and the particular interests of Internet service or technology companies, the public interest must take priority, and the service must be subjected to regulation as a public utility.

3. The Internet's basic or essential functionalities and services, such as email, web search facilities, and social networking platforms, must be made available to all people as public goods.

4. Community-owned and not-for-profit infrastructure, applications, services and content, must be encouraged and enabled including through access to public funding and by other means.

5. The Internet must be used only for peaceful purposes and this must be recognised by states in a binding and enforceable instrument.

6. The Internet and the overall digital economy have become highly significant elements in the distribution and re-distribution of wealth, employment and opportunities for economic well-being both within countries and globally. Measures must be taken to ensure economic justice such that the overall benefits of increased Internet-driven economic efficiency and innovation are generally distributed, as for example through; decentralization of digitally based enterprise and employment opportunities; investment in the use of ICTs for locally based economic development activities; opportunities for self-development, personally directed employment and work based training; and enhanced direct contributions to public welfare, both within nations and globally.

7. 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.

Democratizing the architecture of the Internet

8. Recognising the global commons nature of the Internet, all layers of Internet's architecture must be designed with a view to safeguard against concentrations of power and of centralized control.

9. Net neutrality, and similar 'platform neutrality' in higher layers of the Internet, must be enforced 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.

10. An open and decentralized Internet requires strict enforcement of open and public standards. Open standards allow fully interoperable implementation by anyone in any type of software, including Free and Open Source Software (FOSS). The trend towards privatisation of digital standards must be stemmed and measures must be introduced to ensure that standards are publicly owned, freely accessible and implementable.

11. The architecture of cloud computing should enhance digital functionality and efficiencies without reducing user control and choices. It should also allow users to have adequate legal protections either through domestic jurisdictions or effective international agreements.

12. Personal and social data must belong respectively to the relevant individuals and social groups. Necessary policy frameworks to operationalise effective control and ownership of digital data must be developed.

Internet and Rights

13. All people have the right to basic digital enablement, being the right to: access the Internet, and its content and applications; 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.

14. The right to access and contribute to the development of the Internet, including its content, particularly of marginalised groups, minorities and indigenous peoples, is essential to maintaining cultural and linguistic diversity, and must be secured through protective discrimination and affirmative action.

15. All people have the right to freedom of expression and association online. Any restrictions, on grounds of security concerns or otherwise, must be for strictly defined purposes and in accordance with globally accepted principles of necessity, proportionality and judicial oversight.

16. All people have the right to privacy, and to use the Internet without mass surveillance. Any surveillance, on grounds of security concerns or otherwise, must be for strictly defined purposes and in accordance with globally accepted principles of necessity, proportionality and judicial oversight.

17. People must be able to enjoy all their rights and entitlements as citizens, even if they choose not to have Internet access. Access to and use of the Internet should not become a requirement for access to public services.

Governing the Internet in the Public interest

18. Globally, there is a severe democratic deficit with regard to Internet governance. It is urgently required to establish appropriate platforms and mechanisms for global governance of the Internet that are democratic and participative. These must be anchored to the UN system, and include innovative methods for ongoing and deep participation of non-governmental actors in policy making processes. Participating non-governmental actors must in turn be subject to appropriate transparency requirements, in particular regarding sources of funding as well as membership and decision-making processes.

19. The right to make Internet-related public policies lies exclusively with those who legitimately and directly represent people. While there is a pressing need to deepen democracy through innovative methods of participatory democracy, these cannot include – in the name of multi-stakeholderism – new forms of formal political power for corporate interests.

20. Governance systems must be based on the recognition that the Internet has an impact on society that the technical community, with its singular focus on technical issues, lacks the legitimacy to independently determine.

21. The laws of any one country or one group of countries cannot control or constitute international technical and public policy governance structures for the Internet. Management of critical resources of the Internet must be internationalised. Current control by one country of the DNS/root zone must thus be replaced by a new transparent, accountable and internationally representative institution responsible for the oversight of critical Internet resource management functions.

22. Every country must have the right to connect to the Internet. No country can have the unilateral ability to disconnect another country or region from the Internet.

23. Rights of individuals and groups, as well as the obligations and international rights of states, must be articulated and protected with regard to the Internet including through the creation of appropriate means of enforcement. Such mechanisms are required at both the domestic and international levels, and should include dispute resolution mechanisms.