

The Just Net Coalition¹ (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 social justice.

Statement to the 2014 Plenipotentiary Conference of the International Telecommunication Union

This statement is addressed to the Plenipotentiary Conference of the International Telecommunication Union (ITU) that will take place from 20 October to 7 November 2014, in Busan, South Korea.²

As we stand on the cusp of a social revolution mediated through ICTs, of which the Internet is a central paradigm, it is important for the Conference to take note of key global issues that are in its ambit so as to address them and contribute positively to the further development of ICTs in general and the Internet in particular. It will be a missed opportunity and a great disservice to the world if the Conference gets bogged down over the issue as to whether Internet is telecommunication or not, and accordingly whether the ITU should be dealing with Internet related public policy issues. Surely it is more productive to recognize, as many have done, that the ITU does have an important role to play with respect to certain issues, and to concentrate on agreeing on a program with respect to those issues.

In that light, the Just Net Coalition calls on the Plenipotentiary Conference to:

1. Resolve that there is a need to develop a comprehensive treaty on cyber-security and cyber-peace with discussions to be initiated by the ITU given the strong need for domain knowledge including core technical knowledge.

As a first step in that direction, call upon all states to accede to the 2014 International Telecommunication Regulations, which include an article on network security.

2. Recognize and endorse the report³ of the United Nations High Commissioner for Human Rights (HCHR) on the protection and promotion of the right to privacy, in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale.

¹ <http://justnetcoalition.org>

² The ITU is United Nation's specialised agency for information and communication technologies, see <http://www.itu.int/en/about/Pages/default.aspx> . The Plenipotentiary conference is convened every four years to elect the ITU's leadership, to define its work program and priorities, to agree its budget, and, if needed, to revise the ITU Constitution and Convention. The conference reviews and revises numerous resolutions, several of which are directly related to the Internet and its governance.

³ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf

In particular, recognize that any surveillance, on grounds of security concerns or otherwise, must not violate human rights and therefore must be for strictly defined purposes and in accordance with globally accepted principles of necessity, proportionality and judicial oversight; and take steps to adapt national laws, regulations and practices accordingly.

These principles should be explicitly recognized at the international level. See the Just Net Coalition proposal to enshrine these principles in the ITU Constitution, at: http://justnetcoalition.org/sites/default/files/HCHR_report_final.pdf

3. Resolve that there is a need to develop a model law⁴ on the regulatory aspects of IP-based networks, including issues such as network neutrality, the provision of universal broadband service, emergency and other public interest communication, ensuring fair and competitive ICT markets, and support for community networks, among others.
4. Adopt a framework of global principles for ensuring open standards and interoperability of all elements of the ICT ecosystem including infrastructure, applications, data-structures, cloud computing, among others, so as to ensure that digital systems constitute a level playing field for all participants.
5. Ensure that any references to “multi-stakeholder” models or processes include references to democracy, for example “democratic multi-stakeholder models”, and that they refer to the roles and responsibilities outlined in the Tunis Agenda⁵ and reaffirmed in the outcomes the WSIS+10 High Level Event^{6,7}.
6. Allow civil society organizations accredited to various WSIS-related processes to participate in meetings as observers, without having to pay membership fees.
7. Ensure that all ITU documents are made publicly accessible at no cost.

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⁴ The precedent of the UNICTRAL Model Law on Electronic Commerce adopted by the UN General Assembly may be useful to recall in this context, as may be our Delhi Declaration, see <http://justnetcoalition.org/delhi-declaration> .

⁵ Just Net Coalition agrees with the spirit of paragraph of Tunis Agenda in that that governments have specific public policy roles and responsibilities, and other stakeholders cannot claim a similar position as governments in this regard. However, we consider that the description of the role given to civil society in this section is inadequate. While the text does speak of an important role that civil society should continue to play, this is inadequate because the exclusive mention of 'community level' and not 'policy level' gives an unbalanced view of civil society's role. While community level work and linkages constitute the key legitimising factors of civil society, civil society also has a strong role to play at the policy level in terms of 'deepening democracy' whereby it brings to the policy table representation of otherwise under-represented voices.

⁶ <http://www.itu.int/wsis/implementation/2014/forum/>

⁷ This is also reaffirmed in the outcomes of Netmundial, see <http://justnetcoalition.org/jnc-response-netmundial-outcome-document>