



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

Official Form for Written Submissions

A. Your Information

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B. Formal Input

1. To what extent has progress been made on the vision of the people-centred, inclusive and development-oriented Information Society in the ten years since the WSIS?

It is important to recall that the purpose of WSIS, as stated in *convinced* of UN General Assembly Resolution A/RES/56/183 of 2002, is “the need, at the highest political level, to marshal the global consensus and commitment required to promote the urgently needed access of all countries to information, knowledge and communication technologies for development so as to reap the full benefits of the information and communication technologies revolution, and to address the whole range of relevant issues related to the information society, through the development of a common vision and understanding of the information society”.

That is, the purpose of WSIS is to promote information and communication technologies (ICTs) for development, and not to focus on specific issues related to the Internet or its governance.

As noted in various reports prepared for WSIS+10 Review, there has been considerable progress, but much remains to be done.

¹ When specifying your stakeholder type, please indicate one of the following: Government, Civil Society, Private Sector, Academia, and Technical Sector.

In particular, while access to mobile telecommunications is affordable in relative terms for most of the world's population, the same is not true for access to the Internet, because of the relatively high cost of the end-devices required to connect to the Internet (personal computers and smartphones) and the relatively high cost of international connectivity for developing countries.

Access to much of the information society is also limited by illiteracy, lack of access to electricity, and excessively stringent intellectual property laws, in particular copyright. Indeed, the current copyright regime might run counter to human rights².

And the lack of sufficient security of ICTs has engendered loss of privacy and mass surveillance that violate human rights and threaten democracy.

Current ICT governance mechanisms have been unable to address satisfactorily the issues outlined above and to achieve sufficient progress. Thus, significant changes in governance mechanisms are required. In particular, states must assume their responsibilities to protect all human rights, including the right to development.

2. What are the challenges to the implementation of WSIS outcomes?

The main challenges are to address the issues mentioned above, and to counter the threats to the development of the information society that are posed by government censorship and mass surveillance, but also the failure of governments to control rampant industry concentration and commercial exploitation of personal data, which increasingly takes the form of providing “free” services in exchange for personal information that is resold at a profit, or used to provide targeted advertising, also at a profit.

These challenges are exacerbated by the present ICT governance arrangements that 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 those from developing countries and disadvantaged populations in developed countries.

3. What should be the priorities in seeking to achieve WSIS outcomes and progress towards the Information Society, taking into account emerging trends?

The priorities must be to address the challenges mentioned above, so that ICTs are used for unmediated social connections, and for creating, exchanging and sharing information, publicly or privately as we choose; applications must be oriented to better living conditions, education and cultural development for all; services must guarantee the privacy of our data; technology must be such that our communities can trust, collectively own and control it.³

4. What are general expectations from the WSIS + 10 High Level Meeting of the United Nations General Assembly?

We would expect the WSIS+10 High Level Meeting to endorse an outcome document that recognizes the various formal reports prepared for the WSIS+10 Review and that proposes further steps and actions to address the challenges as outlined above.

² See Human Rights Council, Report of the Special Rapporteur in the field of cultural rights, A/HRC/28/57 of December 2014, at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_57_ENG.doc

³ This paragraph and the first *recognizing* in section 5 below are taken from the call for an Internet Social Forum, at <http://www.internetsocialforum.net/>

5. What shape should the outcome document take?

The outcome document should be a UN General Assembly resolution endorsing a declaration. The resolution and/or the declaration should include the following language:

Reaffirming the basic principles of the Geneva Declaration and of the Tunis Agenda.

Noting the outcome of the UNCTAD/CSTD WSIS+10 Review.

Endorsing the outcomes of the ITU WSIS+10 High Level Event.

Recognizing that it is urgent to reform ICT governance so that it is fully and pervasively underpinned by values of democracy, human rights and social justice; so that it will stand for participatory policy-making and promote people's control of social technologies; and so that it will result in truly decentralised architectures based on people's full rights to and control over data, information, knowledge and other 'commons' that ICTs must enable the world community to generate and share.

Recognizing that it is urgent to reform intellectual property law at both the international and national levels to better to balance the interests of creators, implementers and users, by drastically reducing the length of copyright, by legalizing non-commercial downloads of copyright material, and by restricting what can be patented.

Recognizing the need to promote respect of the fundamental ethical values in the use of ICTs and prevent their abusive usage, and in particular to prevent mass surveillance.

Recognizing that, in the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy.

Recognizing the need to continue to enhance the protection of freedom of expression, privacy and personal data.

Recognizing 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.

Recognizing 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.

Recognizing that treaty-level provisions are needed to govern certain aspects of ICTs at the international level, and that such treaty-level provisions are best developed in existing international organizations in accordance with their respective mandates.

Resolves to invite all Member States:

- 1) To accede to the 2014 International Telecommunication Regulations.
- 2) To agree to modify the ITU Constitution to reinforce the secrecy of telecommunications and to modify article 19 of the International Covenant on Civil and Political rights to reinforce the right to freedom of expression using ICTs.⁴
- 3) To agree to modify international treaties and national laws to reduce the length of copyright protection, to allow non-commercial private use of copyright material, and to restrict what can be patented.

⁴ Specific proposals in that respect can be found at http://justnetcoalition.org/sites/default/files/HCHR_report_final.pdf

Resolves to invite all Member States to ensure that:

- 1) 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.
- 2) No attempts will be made to weaken or compromise encryption standards.
- 3) Tax rules at the international and national levels will be adapted to address the taxation challenges posed by the digital economy.
- 4) The cost of international Internet connectivity is reduced by implementing the measures outlined in Recommendation ITU-T D.50 and its Supplements.

Resolves that, inspired by paragraph 35 of the Tunis Agenda:

The management of ICTs encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations. In this respect it is recognized that:

- a) Policy authority for ICT-related public policy issues is the sovereign right of States. They have rights and responsibilities for international ICT-related public policy issues, and in particular for the protection of all human rights. Decisions should be informed by inputs from other stakeholders as appropriate.
- b) The private sector has had, and should continue to have, an important role in the development of ICTs, both in the technical and economic fields, and in providing objective factual information to policy decision-makers, so as to further the public interest and to achieve the shared goal of an equitable information society.
- c) Civil society has also played an important role in ICT matters, especially at community level, and should continue to play such a role. Further, it should provide views, opinions, and information to policy decision-makers and should be invited to comment, as appropriate, regarding public policy issues at both the national and international levels. Representatives, if representation is needed, should be selected through open, democratic, and transparent processes. Internal processes should be based on inclusive, publicly known, well defined and accountable mechanisms.
- d) Intergovernmental organizations have had, and should continue to have, a facilitating role in the coordination of ICT-related public policy issues and in the harmonization of national laws and practices.
- e) International organizations have also had and should continue to have an important role in the development of ICT-related technical standards and relevant policies.

The respective roles and responsibilities of stakeholders should be interpreted in a flexible manner with reference to the issue under discussion.