

General Assembly's Overall Review of

the Implementation of WSIS outcomes

Official Form for Written Submissions

A. Your Information

Title:	Program Officer				
First name:	Jyoti	Last name:	Panday		
Name of Organization:	Centre for Internet and Society <i>Stakeholder Type¹</i> : Civil Society				
Country:	India	Email:	jyoti@cis-india.org		

B. Formal Input

Some guiding questions for your submissions are listed below:

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?**

The World Summit on the Information Society (WSIS) in 2003 and 2005 played an important role in encapsulating the potential of knowledge and information and communication technologies (ICT) to contribute to economic and social development. Over the past ten years, most countries have sought to foster the use of information and knowledge by creating enabling environment for innovation and through efforts to increase access. There have been interventions to develop ICT for development both at an international and national level through private sector investment, bilateral treaties and national strategies.

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

However, much of the progress made in the past ten years in terms of getting people connected and reaping the benefits of ICT has not been sufficiently people-centred, nor have they been sufficiently inclusive.

These developments have not been sufficiently people-centred, since governments across the world have been using the Internet as a monumental surveillance tool, invading people's privacy without legitimate justifications, in an arbitrary manner without due care for reasonableness, proportionality, or democratic accountability. These developments have not been sufficiently people-centred, since the largest and most profitable Internet businesses — businesses that have more users than most nation-states have citizens, yet have one-sided terms of service — have eschewed core principles like open standards and interoperability that helped create the Internet and the World Wide Web, and instead promote silos.

We still reside in a world where development has been very lopsided, and ICTs have contributed to reducing some of these gulfs, while exacerbating others. For instance, persons with visual impairment are largely yet to reap the benefits of the Information Society due to a lack of attention paid to universal, while sighted persons have benefited far more; the ability of persons who don't speak a language like English to contribute to global Internet governance discussions is severely limited; the spread of academic knowledge largely remains behind prohibitive paywalls.

As ICTs have grown both in sophistication and reach, much work remains to achieve the people-centred, inclusive and development-oriented information society envisaged in WSIS. While the diffusion of ICTs has created new opportunities for development, even today less than half the world has access to broadband (with only eleven per cent of the world's population having access to fixed broadband).² Ninety per cent of people connected come from the industrialized countries — North America (thirty per cent), Europe (thirty per cent) and the Asia-Pacific (thirty per cent). Four billion people from developing countries remain offline, representing two-thirds of the population residing in developing countries. Of the nine hundred and forty million people residing in Least Developed Countries (LDCs), only eighty-nine million use the Internet and only seven per cent of households have Internet access, compared with the world average of forty-six per cent.³ This digital divide is first and foremost a question of access to basic infrastructure (like electricity).

² International Telecommunication Union, *ICT Facts and Figures: The World in 2015*, <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2015.pdf>

³ *Id.*

Furthermore, there is a problem of affordability, all the more acute since in the South in comparison with countries of the North due to the high costs related to access to the connection. Further, linguistic, educational, cultural and content related barriers are also contributing to this digital divide. Growth of restrictive regimes around intellectual property, vision of the equal and connected society. Security of critical infrastructure with in light of ever growing vulnerabilities, the loss of trust following revelations around mass surveillance and a lack of consensus on how to tackle these concerns are proving to be a challenge to the vision of a connected information society. The WSIS+10 overall review is timely and a much-needed intervention in assessing the progress made and planning for the challenges ahead.

There were two bodies as major outcomes of the WSIS process: the Internet Governance Forum and the Digital Solidarity Fund, with both of these largely failing to achieve their intended goals. The Internet Governance Forum, which is meant to be a leading example of “multi-stakeholder governance” is also a leading example of what the Multi-stakeholder Advisory Group (MAG) noted in 2010 as “‘black box’ approach”, with the entire process around the nomination and selection of the MAG being opaque. Indeed, when CIS requested the IGF Secretariat to share information on the nominators, we were told that this information will not be made private. Five years since the MAG lamented its own black-box nature, things have scarcely improved. Further, analysis of MAG membership since 2006 shows that 26 persons have served for 6 years or more, with the majority of them being from government, industry, or the technical community. Unsurprisingly, 36 per cent of the MAG membership has come from the WEOG group, highlighting both deficiencies in the nomination/selection process as well as the need for capacity-building in this most important area. The Digital Solidarity Fund failed for a variety of reason, which we have analysed in a separate document annexed to this response.⁴

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

Some of the key areas that need attention going forward and need to be addressed include:

Access to Infrastructure

- Developing policies aimed at promoting innovation and increasing affordable access to hardware and software, and curbing the ill effects of the currently-excessive patent and copyright regimes.

⁴ <https://docs.google.com/document/d/1E0-HKY06744b6i2sIR5HMk9Qd6I7zPFWJIKSmhsneAs/edit>

- Focussing global energies on solutions to last-mile access to the Internet in a manner that is not decoupled from developmental ground realities.
- This would include policies on spectrum sharing, freeing up underutilized spectrum, and increasing unlicensed spectrum.
- This would also include governmental policies on increasing competition among Internet providers at the last mile as well as at the backbone (both nationally and internationally), as well as commitments for investments in basic infrastructure such as an open-access national fibre-optic backbone where the private sector investment is not sufficient.
- Developing policies that encourage local Internet and communications infrastructure in the form of Internet exchange points, data centres, community broadcasting.

Access to Knowledges

- As the Washington Declaration on IP and the Public Interest⁵ points out, the enclosure of the public domain and knowledge commons through expansive “intellectual property” laws and policies has only gotten worse with digital technologies, leading to an unjust allocation of information goods, and continuing royalty outflows from the global South to a handful of developing countries. This is not sustainable, and urgent action is needed to achieve more democratic IP laws, and prevent developments such as extra-judicial enforcement mechanisms such as digital restrictions management systems from being incorporated within Web standards.
- Aggressive development of policies and adoption of best practices to ensure that persons with disabilities are not treated as second-grade citizens, but are able to fully and equally participate in and benefit from the Information Society.
- Despite the rise of video content on the Internet, much of that has been in parts of the world with already-high literacy, and language and illiteracy continue to pose barriers to full usage of the Internet.
- While the Tunis Agenda highlighted the need to address communities marginalized in Information Society discourse, including youth, older persons, women, indigenous peoples, people with disabilities, and remote and rural communities, but not much progress has been seen on this front.

⁵ <http://infojustice.org/washington-declaration-html>

Rights, Trust, and Governance

- Ensuring effective and sustainable participation especially from developing countries and marginalised communities. Developing governance mechanisms that are accountable, transparent and provide checks against both unaccountable commercial interests as well as governments.
 - Building citizen trust through legitimate, accountable and transparent governance mechanisms.
 - Ensuring cooperation between states as security is influenced by global foreign policy, and is of principal importance to citizens and consumers, and an enabler of other rights.
 - As the Manila Principles on Intermediary Liability show, uninformed intermediary liability policies, blunt and heavy-handed regulatory measures, failing to meet the principles of necessity and proportionality, and a lack of consistency across these policies has resulted in censorship and other human rights abuses by governments and private parties, limiting individuals' rights to free expression and creating an environment of uncertainty that also impedes innovation online. In developing, adopting, and reviewing legislation, policies and practices that govern the liability of intermediaries, interoperable and harmonized regimes that can promote innovation while respecting users' rights in line with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the United Nations Guiding Principles on Business and Human Rights are needed and should be encouraged.
 - An important challenge before the Information Society is that of the rise of "quantified society", where enormous amounts of data are generated constantly, leading to great possibilities and grave concerns regarding privacy and data protection.
 - Reducing tensions arising from the differences between cultural and digital nationalism including on issues such as data sovereignty, data localisation, unfair trade and the need to have open markets.
 - Currently, there is a lack of internationally-recognized venues accessible to all stakeholders for not only discussing but also acting upon many of these issues.
3. **What should be the priorities in seeking to achieve WSIS outcomes and progress towards the Information Society, taking into account emerging trends?**

All the challenges mentioned above should be a priority in achieving WSIS outcomes and ensuring innovation to lead social and economic progress in society. Digital literacy, multilingualism and addressing privacy and user data related issues need urgent attention in the global agenda. Enabling increased citizen participation thus accounting for the diverse voices that make the Internet a unique medium should also be treated as priority. Renewing the IGF mandate and giving it teeth by adopting indicators for development and progress, periodic review and working towards tangible outcomes would be beneficial to achieving the goal of a connected information society.

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 seeks to *develop a comprehensive policy framework addressing the challenges highlighted above*. It would also be beneficial, if the outcome document could identify further steps to assess development made so far, and actions for overcoming the identified challenges. Importantly, this should not only be aimed at governments, but at all stakeholders. This would be useful as a future road map for regulation and would also allow us to understand the impact of Internet on society.

5. **What shape should the outcome document take?**

The outcome document should be a resolution of the UN General Assembly, with high level policy statements and adopted agreements to work towards identified indicators. It should stress the urgency of reforms needed for ICT governance that is democratic, respectful of human rights and social justice and promotes participatory policymaking. The language should promote the use of technologies and institutional architectures of governance that ensure users' rights over data and information and recognize the need to restrict abusive use of technologies including those used for mass surveillance. Further, the outcome document should underscore the relevance of the Universal Declaration of Human Rights, including civil, political, social, economic, and cultural rights, in the Information Society.

The outcome document should also acknowledge that certain issues such as security, ensuring transnational rights, taxation, and other such cross-jurisdictional issues may need greater international cooperation and should include concrete steps on how to proceed on these issues. The outcome document should acknowledge the limited progress made through outcome-less multi-stakeholder governance processes such as the Internet Governance Forum, which favour status-quoism, and seek to enable the IGF to be more bold in achieving its original goals, which are still relevant. It should be frank in its acknowledgement of the lack of consensus on issues such as “enhanced cooperation” and the “respective roles” of stakeholders in multi-stakeholder processes, as brushing these difficulties under the carpet won’t help in magically building consensus. Further, the outcome document should recognize that there are varied approaches to multi-stakeholder governance.