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

Official Form for Comments on the Draft Outcome Document

A. Your Information

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B. Formal Input

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ICT for development

While we greatly appreciate the call made by the draft outcome document for increased efforts at capacity building and technology transfer, and also the emphasis on securing universal and affordable access to the Internet, it is equally important that the underlying character of the Internet is not compromised in the process. We are troubled by initiatives, particularly in developing economies, which ostensibly aim to improve access to ICTs but fail to account for their potential implications on user security or the Internet's founding principles such as non-discrimination of data packets. "Zero-rated services" for instance, which offer free access to selected on-line content and services, are being increasingly deployed in emerging economies. Such initiatives may lead to fundamental alterations to the very character of the Internet and stifle competition by ignoring its founding principles such as network neutrality and user security. In this regard, we recommend modifying paragraph 24 as follows:

"*We moreover call for a significant increase in access to ICT and to provide universal and affordable access to the Internet <u>as a whole</u> by 2020*"; meaning all of the internet, for all the people, all the time.

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

Human rights in the Information Society

We are very pleased to note that the draft outcome document reaffirms all human rights and fundamental freedoms, and recognizes the fact that the same rights people have off-line must also be protected on-line. In countries where off-line rights are a subset of universally recognized rights, the Internet presents an opportunity to expand and empower their citizens. Therefore, on-line media should be used to expand the ambit of rights rather than to cripple them. With the rapid proliferation of ICTs, the Internet has become not only a critical enabler for the exercise of human rights, but also a medium that allows the perpetration of human rights violations. Considering the pervasive existence of legislations and policies that restrict the exercise of rights on-line, states need to pro- actively consider multi-dimensional strategies towards ensuring a positive environment for the exercise of digital rights. Appropriate legislation should be complemented by initiatives to ensure a plurality of policies, practices, and measures that can nurture social change, public discussion, and rights-affirming cultures.

We also appreciate the draft outcome document's emphasis on the right to privacy, and recommend that the WSIS process encourages international recognition of the idea that privacy is a requirement of democratic self-government. The concept of "privacy" so recognized must combine three things:

- First is secrecy, or our ability to keep the content of our messages known only to those we intend to receive them.
- Second is anonymity, or secrecy about who is sending and receiving messages, where the content of the messages may not be secret at all. It is very important that anonymity is an interest we can have both in our publishing and in our reading.
- Third is autonomy, or our ability to make our own life decisions free from any force that has violated our secrecy or our anonymity.

These three – secrecy, anonymity and autonomy – are the principal components of a mixture we call "privacy". The role that Germany played at the UN in moving a resolution to the UN General Assembly calling for an end to undue electronic spying is crucial but that was only the beginning.

Internet governance

We believe the multi-stakeholder process could be useful to achieving the WSIS vision of a people-centered, inclusive and development-oriented information society but the current mechanisms are skewed in favor of money and power where citizens play almost no role. Lip service is paid to the participation by civil society organizations, participation from developing countries and increased capacity building are terms that are used extensively without any effort in making these a reality, process are captured by an elite group with no younger or diverse voices. We also cannot ignore the fact that the Governments are representatives of their people and any model that pretends not to take note of this fact is unrealistic. We do not understand how policies related to internet governance decided in a multi-stakeholder setting can be implemented, when many rights of the users are negotiated and given away in secret trade agreements such as the recently concluded *Trans-Pacific Partnership* (*TPP*). We think any governance of anything as universal and useful like the internet should be in public interest and it must be remembered that the Internet belongs to the people who use it, Governments and parties are mere trustees.

We take great pleasure in noting that the IGF mandate has been extended. However, we feel that extending the mandate by 5 years in the face of 10-year reviews of WSIS outcomes is somewhat inconsistent. As the IGF has proven to be an effective platform for multi-stakeholder dialogue, it is our submission that its mandate be extended by 10 years, as opposed to 5. We further appreciate the draft outcome document's recognition of the need to continue building upon current efforts so as to ensure support for the participation of developing countries. We caution against capturing of these processes by a few elites and ignoring the grass-root level voices. Governance mechanisms need to be open, participative and consensus driven, and must be sensitive to the priorities and concerns of various actors, especially from developing countries and not merely the countries where most of the private corporations are headquartered. Participation in governance initiatives is difficult for the marginalized

and for those that lack the technical expertise to engage meaningfully in the debate. As open processes do not necessarily result in meaningful and substantive participation, transparent and accountable procedural rules that empower marginalized voices and those who lack technical expertise need to be developed. The creation of regional hubs to exchange information and good practices could help develop trust between national and regional level initiatives.

Building confidence and security in the use of ICTs

We appreciate the draft outcome document's call for increased global efforts and cooperation in combating cyber-crime and countering cyber-threats. However, in their global efforts to enhance cyber-security, it is important that states recognize the trans-national nature of cyber-space. They must also be mindful of the fact that national actions may lead to significant albeit unintended consequences. Such measures must therefore be addressed beyond the boundaries of state sovereignty.

Free and Open Source Software (FOSS) in ICTs

Lastly, we wish to point out that in the face of the rapid development and proliferation of ICTs, there needs to be greater emphasis on the adoption of FOSS, as what one cannot see, one cannot trust. Proprietary software is an unsafe building material as has been proven by the Volkswagen issue. FOSS has become the single most influential body of software around the world. In the more than twenty years of its existence, FOSS has taken the world by storm and has driven the majority of the world's technological advancement in computer programming. FOSS lives under the hood of it all—from desktops and servers, to laptops, netbooks, smartphones, and "the cloud." Linux, distributed under the GNU General Public License of the Free Software Foundation, is the operating system kernel in devices such as mobile phones, networking equipment, medical devices, and other consumer electronics. Android, which relies on Linux and includes the Java programming language and other software under the Apache Software Foundation's ALv2 license, currently has far and away the largest market share in smartphone operating system software. There is no major or minor computer hardware architecture, no class of consumer electronics, no form of network hardware connecting humanity's telephone calls, video streams, or anything else transpiring in the network of networks we call "the Internet" that doesn't make use of FOSS. The most important innovations in human society during this generation, the World Wide Web and Wikipedia, were based on and are now dominated by free software and the idea of free knowledge sharing it represents. We believe that the espousal of ideals such as the sharing economy and collaborative innovation, in which FOSS is firmly rooted, is essential in achieving the WSIS vision of a people-centered, inclusive and development-oriented information society. We therefore recommend that the outcome document recognizes the importance of FOSS in achieving the WSIS vision and calls for its increased adoption in ICTs.