



**Contribution from the Association for
Progressive Communications (APC)
to the ITU Council Working Group on
International Internet-related Public Policy
Issues (CWG-Internet):
Open consultation on “Building an enabling
environment for access to the Internet”**

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The Association for Progressive Communications (APC) welcomes the initiative by the ITU to facilitate the engagement of the various stakeholders through this Open Consultation.

APC is a member-driven organisation with over 70 members from 36 countries across the world, mostly from developing countries. Our mission is to empower and support organisations, social movements and individuals in and through the use of information and communication technologies (ICTs) to build strategic communities and initiatives for the purpose of making meaningful contributions to equitable human development, social justice, participatory political processes and environmental sustainability.

We appreciate the opportunity to share our perspectives on some of the key aspects oriented to building an enabling environment for access to the internet. Particularly, APC's input reflects on the reasons why digital exclusion persists and offers some suggestions to address it, which can be summarised as follows:

- Disaggregate the digital divide. Make access inequalities more visible by disaggregating them by disadvantaged groups – particularly women, the poor, rural populations and the less abled.
- Mobile alone is not enough. Expansion of mobile broadband by itself will not meet the connectivity needs of “the rest”. It is necessary to improve the affordability and coverage of both fixed and mobile services, along with the technical and human capacity to ensure reliability, the ability to deploy low-cost locally owned networks, and the ability to use the applications and content effectively.
- It’s about cost. High internet access costs, due to lack of competitive open markets, continue to be among the biggest barriers to increased connectivity. The main reason the internet is still poorly dispersed and unaffordable for many is the poor distribution of basic telecommunications infrastructure and high tariffs for use.
- Raise the bar. Implementing policies to connect the unconnected will also vastly improve the connectivity of those who are already connected but are constrained in their use of the internet by slow speeds, high costs or other barriers, including limited access to relevant content.
- Focusing on infrastructure alone is not the solution. Increased access to infrastructure should be coupled with efforts to address political, economic, social and cultural barriers that prevent people from fully accessing the internet.
- More public spaces. Public access facilities are also an important means of addressing the connectivity needs, but there is limited investment in libraries, telecentres and multi-purpose community centres.
- Policy is interdependent. Indirect factors also limit access to the internet, including limited energy supply, lack of basic ICT literacy, insufficient applications and content of local relevance, and high import duties or other taxes on ICT services.
- Make a plan. Comprehensive and up-to-date national broadband strategies must address policy barriers, promote infrastructure sharing, focus on human development, and promote bottom-up approaches to solving connectivity problems.
- Restricted and filtered access is not real access. Real access should be free of censorship, surveillance, harassment, and any other form of violation of human rights.
- Resources, political will and real commitment with responsibilities around human rights are needed to deploy national policies and regulatory changes which improve affordability and coverage of the internet, to promote and protect the public interest and to ensure the enjoyment of freedoms and rights online.
- It is essential that cybersecurity initiatives protect the ability to access and use the internet to exercise human rights and to enable development. Governments have a critical role to play to make that happen, in coordination and collaboration with non-governmental stakeholders.

We look forward to future collaboration with the ITU.

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1. What are the elements of an enabling environment to promote internet connectivity? / 2. What are the elements of an enabling environment to promote an affordable internet? / 3. What are the elements of an enabling environment to promote the quality of access to the internet?

These three questions should be considered as one – connectivity can only be seen as enabled if it is affordable and if it is of high quality. One cannot speak simply of those who are either connected or unconnected. There is actually a wide spectrum of connectivity levels ranging from complete disconnection up to those connected on high-bandwidth unlimited connections, with the majority of people somewhere in between – most of them being connected on high-cost, low-speed metered mobile broadband links.

Mobile connections for the majority usually have metered access and traffic caps which constrain the amount of data that can be exchanged affordably, and restrict the user's ability to manage costs of access effectively. When costs cannot be predicted, this creates a strong chilling effect on use.

Therefore, improving connectivity is not simply a matter of improving the coverage of broadband services, but also of improving the affordability.

The need to address social inequalities

The key to affordable access is ensuring that people have the skills and tools to solve their own local connectivity challenges. The internet is built and managed by people – we need fewer "satellite and balloon" projects, and more human development.

An overarching point that is evident when looking at access data in a disaggregated manner is that many initiatives to improve connectivity do not take social inequalities adequately into account: those who are least connected are by and large also those who are most excluded economically, socially and politically. Their lack of access is first and foremost a result of this exclusion. Therefore, efforts to improve connectivity that are not linked to efforts to address broader social divides are unlikely to have the desired effect; to be truly effective, they must be coupled with efforts to address political, economic, social, and cultural barriers to internet access.

Addressing infrastructure constraints

Another key reason the internet is still poorly dispersed and unaffordable for many, especially in rural and remote areas, is the poor distribution of basic telecommunications infrastructure. There are insufficient affordable international and national backbones and last-mile/local networks. There are a large variety of factors that cause this, and local conditions vary considerably from country to country, which underlines the fact that there is no universal "silver bullet" that will end digital exclusion. However, there are four key areas that need to be addressed in the majority of cases where low connectivity levels and lack of affordability restrict access to the internet:

a) Poor market access and network provisioning models

Among the most common reasons for limited infrastructure is the lack of competitive open markets and burdens on market entry for basic infrastructure providers, along with limited access to sufficient radio spectrum. Legacy incumbent fixed-line national operators and a few mobile operators continue to

dominate markets for broadband in many countries. This affects coverage, cost and quality of services. Many governments continue to protect legacy fixed-line operators and existing mobile operators from new players wishing to use innovative technologies and business models. Moreover, the “new incumbents” – the mobile operators – are usually subsidiaries of large international companies and are able to use their superior resources to influence the regulatory environment so that it favours their investments in older technologies over potential new entrants. For example, in many cases licensing requirements and fees can be too onerous for smaller private operators and community-driven initiatives such as “village fibre” or municipal Wi-Fi.

b) *Inadequate spectrum management*

Conservative spectrum assignments continue to restrict the potential for new providers looking to make use of the latest technologies. For example, fixed broadband operators can use new wireless systems such as TV white space (TVWS) and other dynamic spectrum-sharing approaches, but so far only the Philippines has had the vision to make it a national priority to use these systems to help address connectivity issues. In many countries national regulators are not aware that most of the frequencies in TV wavebands are unoccupied, and the traditional occupants of the frequencies – the broadcasters – often do not understand the technology that makes it possible to share the frequencies without interference. In addition, incumbent operators use their high spectrum licence fees as a way of obtaining commitment from regulators to maintain their exclusivity over wireless markets.

c) *Lack of public access facilities*

For people who cannot afford their own equipment and connectivity, or who only have access in their place of work, public access facilities could offer an effective alternative. However, there is limited investment in libraries, telecentres and multi-purpose community centres amenable to provision of public internet access. Support for provision of public access has unfortunately fallen off the agenda in most countries as a result of the rapid growth of internet-connected mobile phones, which has reinforced the widely held view that public access is just a stepping stone to private access.

However, there is now growing recognition¹ that there will continue to be a need for public access for the foreseeable future. Large-format screens and high-definition multimedia provide a more immersive learning, professional or entertainment experience, but may be too slow or costly via a mobile connection. In addition, it may take many years for some countries to reach high levels of household connectivity, and therefore public access will remain a critically important service.

d) *Indirect factors*

A variety of indirect factors may also serve to limit internet accessibility. Grid power is often unavailable or costly, basic ICT literacy may be lacking, and high import duties may be levied on ICT equipment, which, along with luxury taxes on internet and voice services, further reduces their affordability. In addition, lack of relevant local content and applications limits demand for the internet.

¹In-depth research carried out by the University of Washington found at least one-third of the users of public access internet service had no other means of access to the internet, most users (55%) would use computers less if public access were not available, and public access venues are the first point of contact with the internet for most users. For further details see: APC, IFLA and TASCHA. (2014). *Public access: Supporting digital inclusion for all*. <https://www.apc.org/en/pubs/public-access-supporting-digital-inclusion-all>

The need to protect human rights

The protection of human rights is essential to an enabling environment. Content controls can be a major burden in some countries with restrictive policies on open access to the internet, which also limit freedom of expression. There are efforts by some governments to restrict access to content from outside their territories and to suppress content originating in their territories, in contravention of international human rights norms. These include laws and regulations that restrict free discussion on internet forums and social media, as well as requirements to limit access to some websites, or for news sites to apply for licences. There is often a lack of protections from liability for intermediaries.

Surveillance of communications – in addition to violating the right to privacy when not in compliance with international human rights norms – can also result in a loss of trust in the internet as a means for secure and private communications. Both mass and targeted surveillance can lead to a chilling effect on freedom of expression, assembly and association.

4. What are the elements of an enabling environment to build confidence and security in the use of the internet?

Creating an enabling environment to build confidence and security in the use of the internet demands putting people and their rights at the centre. Security and human rights are mutually reinforcing, and cybersecurity must be understood as human security. Likewise, approaches to cybersecurity must be truly people-centred, and underpinned by human rights. Efforts to build trust, confidence and security in the use of ICTs can only be done through open, inclusive and transparent processes. It is only once users have trust in the technology they are using that they will feel secure. To achieve this, it is essential that governments, in collaboration with all the other stakeholders, take concrete steps to ensure respect for a wide range of rights, particularly the right to privacy in the online environment, and to ensure that the rule of law is upheld.

Recognition that mass and arbitrary surveillance undermines trust and confidence in the internet is the obvious place to start. Governments should heed the call to review all collection, processing and surveillance of personal data. The International Principles on the Application of Human Rights to Communications Surveillance (or the Necessary and Proportionate principles)² can provide valuable guidance in this regard.

Putting a stop to the increasing militarisation of the internet is another unavoidable step. The open collaborative nature of the internet is antithetical to using it for offensive purposes. Efforts to fight crimes committed on the internet are important and legitimate, and require collaboration among states, and among law enforcement agencies, the technical community, civil society and other stakeholders. Good progress is being made in this regard.

The issue we raise here is different. It is the increasing militarisation of the internet and the development of means to attack it at an infrastructure level. Some governments appear to be developing units that can commit cyberwar, or use cyberspace for military purposes. This all undermines the internet's integrity, security and potential to benefit humanity. We need states to commit to "cyberpeace" and to cyberdisarmament.

²<https://necessaryandproportionate.org>

Security on the internet is essential, but the prevailing approach places the security of states, narrowly defined by the security sector, before the security of the internet itself, and of internet users.

Governments, the judiciary, law enforcement and intelligence agencies, business, civil society and the internet technical community should unite with the goal of restoring trust and enhancing confidence in the internet.

5. What is the role of governments in building an enabling environment?

Significant resources will be needed, along with the political will to support national policy and regulatory changes which improve affordability and coverage of the internet. Aside from lack of political will, needed changes are often not being implemented due to lack of transparency, corruption, lobbying from vested interests in older technologies, and the adoption of policy and regulatory models that are more appropriate in developed country contexts.

Policy initiatives

The most important policy initiatives required are listed below, and could be encapsulated in the formulation or updating of comprehensive national broadband strategies. Again it should be emphasised that there is no "one-size-fits-all" solution and that national broadband strategies need to be developed through extensive public consultation that includes all stakeholder groups – national and regional government structures, the private sector and civil society.

Broadband strategies also need to be efficiently and rapidly implemented, and not just "sit on the shelf" – a phenomenon which happens to many good policies. International initiatives and conferences may be able to contribute through providing inspiration, but ultimately these are processes that have to be owned, driven and monitored locally rather than globally.

In this respect, the key policy strategies to address the access gap are:

- Eliminating market protections for incumbent operators and levelling the playing field where markets are encumbered by dominant operators.
- Increased government investment in public access facilities and awareness raising of their value to disenfranchised groups in particular.
- Allowing innovative uses of spectrum and new dynamic spectrum-sharing techniques such as TV white space (TVWS).
- Promoting community and municipal ownership of small-scale communications infrastructure.
- Using public funds and utility infrastructure to ensure national fibre networks are extended into remote and sparsely populated areas.
- Adopting effective infrastructure-sharing guidelines and regulations along with national regulations that help ensure efficient processes for obtaining rights of way and zoning permissions for the laying of cables and deployment of towers.
- Reducing taxes on ICT goods and services.
- Adopting regulations that limit potential market abuses from corporate concentration, cross-ownership and business relationships between infrastructure providers and content producers.

There are a wide variety of other strategies for “connecting the unconnected” that could also be mentioned, but this submission has focused on the above for the sake of preserving focus and clarity over the key priorities. Overall, however, activities that address connectivity challenges must be rooted in addressing the broader development challenges while taking into consideration the need for an integrated ecosystem approach to ensuring the various components of the connectivity chain work seamlessly together.

Respecting human rights and the public interest

Governments also have special responsibilities under international human rights law as bearers of duties to respect, protect and promote human rights. They also have, in our view, the responsibility to protect and promote the public interest; with regard to building an enabling environment, this responsibility requires them to:

- Consult widely and be participative in the development of local internet policy; faithfully represent the diversity of civil society views, even when these may differ from their own.
- Respect the role and responsibility of civil society to challenge governments, including in international fora.
- Convene and support inclusive multistakeholder internet policy and governance processes at national level.
- Bring sufficient political will to bear so that cooperation emerging from these processes does not stagnate.
- Establish transparency and accountability mechanisms to enable public scrutiny of their decisions and positions on internet policy and internet governance.
- Take steps to ensure that businesses meet human rights standards (for example, in line with the United Nations Guiding Principles on Business and Human Rights).

Governments should recognise that public policy, including internet public policy, cannot be implemented by governments alone and that implementation will be more effective if all stakeholders are involved in the development of policy in the first place.

They should also recognise that the internet is a global resource, of benefit to all humanity, and that internet policies and governance of the internet should therefore not be reduced to haggling or horse trading based on narrow national interests or geopolitical conflicts. Instead they should be rooted in international agreements such as the Universal Declaration on Human Rights and the International Covenants on Civil and Political and Economic, Social and Cultural Rights.

Governments should also take measures to consider, identify and mitigate conflicts of interest when states that are “home” to global internet-related companies are also involved in “multistakeholder” decision making. Ensuring transparency, procedural fairness, access to information and participation in all internet policy and internet governance discussions and processes nationally is key.

The role that governments should play also includes ensuring fair, open, dynamic and competitive markets that stimulate local internet businesses, without resorting to practices that limit consumer choice, as well as adopting policies that maximise the internet's potential for free speech and democratisation.

Targets

Finally, it needs to be pointed out that policies to promote connectivity and increase affordability require measurable targets by which to judge their effectiveness. Measures also need to be pragmatic, rather than exhaustively accurate – they need to be easily obtained, objective, comparable and up to date. In this respect the following few simple measures are proposed, aiming to provide not only an indication of the numbers connected but also the level of internet utilisation.

- Number of broadband subscriptions per capita (%), “broadband” being defined as an unlimited connection of at least 512 Kbps today, but growing to the higher rates available in developed countries. Data should be disaggregated according to gender, age, geographic area and minority groups. Full data disaggregation may only be feasible on an annual basis.
- Data traffic per capita (bps), defined as the total of domestic network data traffic generated by broadband users divided by the total population.

These two measures when taken together are all that is necessary to provide a general indication of the status of the local connectivity environment. A number of additional indicators can be useful in helping to determine the cause of problems. These are:

- Network coverage (% of geographic territory in which connectivity is available).
- Cost of 10 Gb/month of broadband data traffic, relative to average income levels (% of GNI/capita). 10 Gb is a common tariff package and on a monthly basis is a desired minimal level of utilisation, corresponding to 10-20 hours per month of video.
- Average download and upload speed per subscriber (Mbps).
- Autonomous System Numbers (ASNs) per capita. AS numbers are used by IP networks that are reliable – they are needed if the network has more than one connection to the rest of the internet. As such they provide a reliable indication of the extent of independent network development in the country.

Comparison between countries can be useful in identifying effective strategies, but the key aim with the use of indicators is to be able to measure progress over time within a country. Therefore the data points should ideally be updatable on a quarterly basis and authorities may need regulations to ensure that network operators provide the necessary data in a timely fashion.