

GLOBAL INFORMATION SOCIETY WATCH 2024 SPECIAL EDITION

**WSIS+20: Reimagining horizons of dignity, equity
and justice for our digital future**



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC),
IT FOR CHANGE, WACC GLOBAL
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Global Information Society Watch 2024 SPECIAL EDITION

WSIS+20: Reimagining horizons of dignity, equity and justice for our digital future

Operational team

Valeria Betancourt (APC)
Alan Finlay (APC)
Maja Romano (APC)

Project coordination team

Valeria Betancourt (APC)
Cathy Chen (APC)
Flavia Fascendini (APC)
Alan Finlay (APC)
Leila Nachawati (APC)
Lori Nordstrom (APC)
Maja Romano (APC)

Project coordinator

Maja Romano (APC)

Editor

Alan Finlay (APC)

Assistant editor and proofreading

Lori Nordstrom (APC)

Publication production support

Cathy Chen (APC)

Graphic design

Monocromo

Cover illustration

Matías Bervejillo



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Diminishing returns: Are tech companies opting out of multistakeholder discussions?

Gayatri Khandhadai

www.linkedin.com/in/gayatri-khandhadai-b1a79461

Technology has irreversibly changed our lives and continues to deliver on the enormous potential for human development: to enhance democracy, improve access to human rights and increase transparency within our society to combat inequality. The private sector, across software, hardware, infrastructure, data and other tech-related services, has played a critical role in driving innovation and development. However, this convenience and progress has come at a significant price to our liberties. The abject lack of robust accountability and regulatory mechanisms has led to the evolution of a sector lacking in demonstrable commitment to human rights and accountability for the harms caused at the behest of their operations, products and services. As states are grappling with the reality of needing to balance innovation, job creation and development through technology with responsible business conduct, international mechanisms, regulatory bodies and courts are stepping in to provide the roadmap for sustainable tech-facilitated futures.

Technology companies have a clear responsibility to respect human rights and comply with the requirements set out in national and international frameworks. In line with the UN Guiding Principles on Business and Human Rights, companies need to ensure that they comply with national and international requirements, and an essential part of this is human rights and environmental due diligence. This is a process through which companies assess actual and potential negative impacts of their products and services, and take measures based on this to prevent, address and mitigate harms. A critical part

of this process is stakeholder engagement. Directly engaging with affected communities, their representatives/proxies and experts allows companies to gain valuable insights on harms and prospective solutions that would work for all parties. In addition to intentional direct engagement, sustained participation in multistakeholder spaces provides tech companies with a broad spectrum of inputs. It also presents them with an opportunity to engage in dialogue and share their perspectives and measures taken to fulfil their responsibilities towards consumers or communities.

The World Summit on the Information Society (WSIS) is one key space for tech companies to demonstrate their commitment to stakeholder engagement. WSIS was developed with the purpose of building a people-centred, inclusive and development-oriented information society with the participation of various stakeholders, including governments, the private sector, civil society, academia and technical communities. The WSIS's Action Lines¹ are aligned with the Sustainable Development Goals and focus on areas such as access, infrastructure, e-health, e-learning, e-agriculture and e-governance, and using ICT innovations, which are central to the private sector.

Companies, including Google, IBM, Microsoft, Cisco Systems, Huawei, Intel, Meta and Amazon, among many others, participate in WSIS directly and through industry collectives by being present, represented in discussions, workshops or panels, and through engaging in policy advocacy. The extent of their participation varies over time, and is dependent on factors such as the thematic focus of

¹ <https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=102&menu=3170>

discussions, priorities of individual companies, and broader trends in the tech industry. Their participation, perspectives and expertise are critical in shaping policies and initiatives aimed at harnessing the potential of information and communications technologies (ICTs) for sustainable development. Their participation is also key to initiatives linked to their corporate social responsibility programmes.

Overall, WSIS serves as a strategic forum for tech companies to engage with stakeholders, influence policy decisions, showcase innovation, forge partnerships, and demonstrate their commitment to driving positive change through ICTs. By actively participating in WSIS, tech companies can advance their business objectives while contributing to global efforts to harness the power of technology for sustainable development.

This participation has become even more critical as media and civil society have consistently raised alarm about the pervasive negative impacts of unchecked technologies. Engagement with tech companies has proven to be an uphill battle, particularly for civil society based in the global South.² As the role and failure of tech companies in conflicts such as those in Myanmar,³ the Occupied Palestinian Territory,⁴ Ukraine⁵ and Nigeria⁶ have become apparent, the

responsible business conduct of global platforms has become paramount. Sustained participation in WSIS and similar processes including the Internet Governance Forum (IGF) and the Global Digital Compact may help tech companies regain trust and the social licence to operate with the support of other stakeholders.

However, the presence of the private sector in several multistakeholder processes including WSIS and the IGF has been on the decline, at least from a civil society perspective. One of the key shifts that are identifiable in the dynamics between civil society and companies pertains to allyship or a sense of shared vision in fighting back against censorship by states, an issue that was discussed in the initial periods when digital rights started finding more prominence in the reports of UN Special Rapporteurs before the Human Rights Council. This equation has unquestionably shifted since.

On the one hand, as states have opted for more regulation, companies invariably welcomed the move,⁷ as it shifts the burden of decision making to a large extent from them, especially in terms of decisions relating to content and artificial intelligence. On the other hand, while tech companies, especially those setting up offices in multiple jurisdictions, are dependent on licensing and regulatory clearances issued by states, governments have increasingly become clients of large tech companies. As a result, a mutually dependent relationship between states and the private sector has evolved. This bilateral relationship is often with the exclusion of civil society. Therefore, the two major players who impact our rights online have also shifted to a model of direct engagement with each other, making it harder for civil society to glean information on the nature of these engagements or their outcomes. Moreover, company engagement in multistakeholder processes is yielding diminishing returns as the processes themselves do not seem to have sufficient influence on national decision making and frameworks.

2 Business & Human Rights Resource Centre. (2023, 18 April). Dismantling the facade: A global south perspective on the state of engagement with tech companies. <https://www.business-humanrights.org/en/from-us/briefings/dismantling-the-facade-a-global-south-perspective-on-the-state-of-engagement-with-tech-companies>

3 Business & Human Rights Resource Centre. (2022, 22 February). Myanmar: Civil society calls for tech companies to resist military pressure to activate surveillance and abuse social media platforms; includes company responses. <https://www.business-humanrights.org/en/latest-news/myanmar-civil-society-calls-for-international-community-and-tech-companies-to-resist-military-control-for-surveillance-and-abuse-of-social-media-to-propagate-fear-and-insecurity-includes-company-responses>

4 <https://www.business-humanrights.org/en/big-issues/global-spotlight/bhr-israel-palestine>

5 <https://www.business-humanrights.org/en/big-issues/russian-invasion-of-ukraine>

6 Business & Human Rights Resource Centre. (2016, 6 April). Nigeria: President Buhari blames MTN for Boko Haram attacks, says unregistered sim cards were used to plan attacks. <https://www.business-humanrights.org/en/latest-news/nigeria-president-buhari-blames-mtn-for-boko-haram-attacks-says-unregistered-sim-cards-were-used-to-plan-attacks>

7 Deutsch, J. (2023, 27 June). Big Tech Companies Want AI Regulation – But On Their Own Terms. *Bloomberg*. <https://www.bnnbloomberg.ca/big-tech-companies-want-ai-regulation-but-on-their-own-terms-1.1938321>

Another key issue relates to the lack of a prominent presence of both tech companies and digital rights in corporate accountability spaces that do not have an exclusively digital focus. This essentially limits the participation of companies and rights defenders to specialised spaces, skipping an essential layer of a larger and holistic approach to business models and business conduct.

Encouraging the continued engagement of tech companies, a critical player in multistakeholder processes, in forums such as WSIS and the IGF requires further effort from all parties. States must replicate efforts geared towards mandating human rights and environmental due diligence similar to the European Commission's Corporate Sustainability Due Diligence Directive,⁸ taking into account the specificities of the tech sector. This will provide the much-needed impetus for tech companies to participate in WSIS-like processes, going beyond a check-box approach. WSIS and states involved in organising summits could better take into account the needs of the private sector,

particularly in organising closed and open spaces for civil society and other stakeholders to engage with them in different formats. This will create a better context for all actors, including the private sector, to present their initiatives, progress and perspectives relating to human rights challenges. While holding the private sector to account in all spaces and through all mediums is critical for civil society, multistakeholder processes like WSIS can also be helpful for fruitful engagement, even on issues where there is deep mistrust. They present civil society with an opportunity to ask tough questions while also providing the leeway to work collaboratively in addressing complexities, and evolving creative solutions.

WSIS and the 20 years of progress since then have remarkably brought different stakeholders, even those that have mismatched interests, together. Ensuring that the path forward is charted with the aim of transparency and engagement towards shared prosperity and accountability requires deliberate action, one that is within reach when we work together.

⁸ https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en

WSIS+20: REIMAGINING HORIZONS OF DIGNITY, EQUITY AND JUSTICE FOR OUR DIGITAL FUTURE

Twenty years ago, stakeholders gathered in Geneva at the first World Summit on the Information Society (WSIS) and affirmed a “common desire and commitment to build a people-centred, inclusive and development-oriented Information Society.”

This special edition of Global Information Society Watch (GISWatch) considers the importance of WSIS as an inclusive policy and governance mechanism, and what, from a civil society perspective, needs to change for it to meet the challenges of today and to meaningfully shape our digital future.

Expert reports consider issues such as the importance of the historical legacy of WSIS, the failing multistakeholder system and how it can be revived, financing mechanisms for local access, the digital inequality paradox, why a digital justice framing matters in the context of mass digitalisation, and feminist priorities in internet governance. While this edition of GISWatch asks: “How can civil society – as well as governments – best respond to the changed context in order to crystallise the WSIS vision?” it carries lessons for other digital governance processes such as the Global Digital Compact and NETmundial+10.

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