Submission # 75

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How would you define the stakeholder community or communities to which you belong?
Academic

Are there any suggestions that you wish to make in respect of the proposed themes, questions and indicators which are included in the framework as it stands?

netCommons is a Horizon2020 research project, which follows a novel transdisciplinary methodology on treating network infrastructure as commons■, for resilience, sustainability, self-determination, and social integration. Project partners have expertise in engineering, computer science, economics, law, political science, urban, media, and social studies; and close links with successful Community Networks (CNs) like guifi.net, ninux.org, and sarantaporo.gr. In this document, we first describe briefly Community Networks, which we have presented in the meeting we had with the UNESCO freedom of expression team on 30 January 2018, then we answer the 3 questions raised by the consultation. For a more detailed view of the outcomes of the project, and their impact on CNs themselves, we point the reader to our deliverables page, containing all the results we produce in the project
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CNs have been around for over 20 years now. Although not two CNs are the same, they all share some basic characteristics. Notably, they offer an alternative to topology and architecture, ownership, business model, values and social inclusion. In some sense, CNs can be seen as an extension of the community media initiatives around the world, whose contribution UNESCO recognises.
CNs have contributed to expanding Internet access in many rural and underserved areas, in particular. Our deliverable D1.2 documents on several CNs spread around the world, in

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different socioeconomic contexts, from urban areas in rich countries to rural areas in developing countries.
But beyond simply defending the human right to Internet connectivity, CNs offer several additional significant benefits. They typically foster much-desired market competition and diversity, both of which promote sustainability; they provide more affordable and inclusive access; they support openness; and offer strong societal benefits not least by promoting community cohesion.
In order to stress the impact that CNs can have in the context described by the indicators, we report how the presence of a CN can actually be captured by some of the existing indicators.

Subsequently, we provide some input to the three questions raised by the consultation. Indicators that CNs can have impact on:

● R.C2: Does the government block or filter access to the Internet or to specific online services, applications or websites, and on what grounds is this exercised?

● O.A3: Are there restrictions on which organisations or individuals can establish Internet, or Internet-enabled, services?

CNs are operated by a community of people, as a local infrastructure. Generally speaking, the policies they enforce on this infrastructure are decided by the community, and our research shows that they are more liberal than the ones enforced by states. This allows us to say that the presence of CNs can locally reduce the impact of state-defined restrictions on network access.

● A.D1: Are there significant differences in broadband access between urban and rural areas?

The differential coverage between urban and rural areas is due to the failure of the business model adopted in urban areas when applied in rural areas. CNs do not use the same model; instead, they pool resources to build an infrastructure that is affordable for the local community. As such, they adapt to different situations and are successful in re-balancing the gap between urban and rural areas.

● A.F3: What proportion of the population and the workforce is skilled in the use of ICTs?

● A.F1: Do school and higher educational curricula include training in ICTs and Internet, focused on effective and safe use, and are these curricula implemented in practice?

● A.F2: Are media and information literacy programmes (including digital aspects) provided for adults by government or other stakeholders, and used by citizens?

A CN is led by locals. As such, two effects are produced. First, the locals have to acquire the necessary skills to set up and maintain the network. This is generally realised through skill-sharing, training seminars, and informal learning, but also through cooperation with universities and research centers. Second, building a network with a bottom-up approach raises the awareness of the importance and the social impact of communication infrastructure, and of the social control in the hands of those that own it. Thus, CNs increase digital literacy, provide new sources of ICT knowledge and raise awareness among local communities.

Additional Themes:
This detailed part below comes from Recommendations from CNs which have been expressed to the (European) policy-makers in an Open Letter, propositions which can lead to the development of CN-based enablers for the reduction of digital divides or to the inclusion of CNs concerns in existing indicators as explained in the following section (question 2).

To sum up our proposals, making regulation work for CNs involves, at a minimum, avoiding inadequate legislation designed for commercial, large-scale Internet Service Providers (ISPs), which threatens the existence of smaller providers. But regulation can go further and support sustainable commons in telecom infrastructure issues and in policy-making in general, by means of adopting targeted measures, including:

● Fostering the development of wireless community networks
● Enhancing data protection while complying with data retention
● Promoting a shared and unlicensed spectrum
● Creating the appropriate conditions for small ISPs
● Addressing oligopolistic situations
● Lobbying to contribute to the discussion on the Telecom Package
● Conveying stakes for CNs in less technical terms

On that basis we propose:

- Lifting unnecessary regulatory and financial burdens (registration fees and administrative charges should be proportional to the size of smaller operators and not

targeted only at larger companies).
- Getting rid of third-party liability when sharing Internet access, in order to allow the provision of open wifi, and support the right to share Internet connection.
- Expanding the spectrum commons and the availability of unlicensed Wi-Fi bands including white spaces in lower frequencies.
- Updating open-access rules in telecom infrastructures: networks built with taxpayers' money should also be treated as a commons and, as such, remain free from corporate capture. It is sometimes extremely costly for small access providers to interconnect and community networks often cannot have access to the private local infrastructures of incumbent players. In many European markets, the deployment of optical fiber networks is (re)creating monopolistic conditions in local loops through pricing schemes which preclude small actors from accessing these private networks.
- Protecting free software and user freedom in radio equipment: community networks usually need to replace the software included by the manufacturer in radio hardware with free and open source software especially designed to suit their needs, a

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collective process that improves security and encourages the recycling of hardware, among other benefits. Instead of incentives for manufacturers to lock down their devices and prevent third-party modifications of the hardware, we suggest a general exception for all free software installed on radio devices by end-users and operators (the latter being liable if their software leads to violations of the regulatory framework), so that users' rights are safeguarded.
- Abrogating blanket data retention obligations: CNs strive to safeguard human rights in communication, and in particular the right to privacy and the confidentiality of communication. It should be ensured that only targeted and limited retention obligations can be imposed on hosting and access providers.
- Bringing direct and targeted public support could benefit smaller actors, for instance through small grants, crowd-funding and subsidies, giving them access to public infrastructures (e.g. the roof of a public building to install an antenna), or supporting their research on radio transmission, routing methods, software or encryption, as CNs have pioneered various models for the provision of free public access points. Thus, it would allow to meet the same policy objectives at a fraction of the cost that would be charged by mainstream telecom operators
- Opening the policy-making process to CNs requires regulators to pay more attention to their activities when drafting regulation, and re-inserts the public interest in technical and legal debates over broadband policy in which traditional commercial ISPs are over-represented.

Additional Indicators
OPENNESS
● In some circumstances, the legal provisions governing telecommunications are framed to target publicly available infrastructure with only large for-profit Internet Service Providers in mind. The provisions fail to consider the presence of alternative, not-for-profit, and/or community initiatives, and this hinders their growth.
potential indicator: ■Does the law make it possible for bottom-up associations to provide connectivity?
potential indicator: ■Do public authorities have specific policies in place to promote the development of community networks?
potential indicator: ■Does national legislation have provisions enabling the development of non-profit and cooperative ISPs, such as lighter requirements in terms of infrastructure they need to maintain and data they need to store?
● CNs need freedom to build physical infrastructures (e.g., rights of way to lay down fiber, or use existing infrastructure to deploy fiber).

potential indicator: ■Are there specific rules (e.g. right of way) that promote or hinder the deployment of landline networks by SMEs and cooperative or non-profit entities?

● Installing novel software technical solutions in existing hardware is key to reduce the price of the infrastructure, prolong the life of devices and reduce e-waste. In some legal texts this is not always permitted (as in the EU RED directive).
potential indicator: ■Are there rules to promote or hinder the use of free software in existing networking hardware, for instance by replacing existing proprietary software with free software?

● CNs need unlicensed spectrum in order to build low-cost wireless-based local loop connections. Among the various frequency bands, those that allow non Line-of-Sight communication are particularly precious for CNs, such as the so-called TV-white spaces.
potential indicator: ■Are large parts of the spectrum bands available without restrictions on use (unlicensed) ? Is radio spectrum used efficiently or it is taken over by commercial entities? Are TV-white-spaces available without restrictions of use?

Are there any suggestions that you wish to make in respect of the proposed themes, questions and indicators which are included in the framework as it stands?

For each indicator, we report the indicator and a comment on it.
RIGHTS
B6 Freedom of Expression: Are low-cost online services available which enable citizens and civil society organisations to make use of the Internet to express their views
Comment:■ CNs are also enablers of alternative services for citizens and civil society to express themselves in addition to connectivity: some of them also offer independent services for streaming, self-hosting, local broadcasting, digital communication tools (Virtual Private Network, Instant Messaging, wiki) and can support community media.

E2 Privacy: Is the protection of personal data guaranteed in law and enforced in practice, with respect to governments, businesses and other organisations, including rights of access to information held and to redress
Comment:■ In many cases, CNs promote data sovereignty and the right not to be data mined. CN users/participants have a bigger say in the terms of use of services and this results in more balanced terms of use.

E4 Data: Are provisions concerning the location and duration of data retention consistent with international standards of data protection and supportive of effective access?

Comment:■ Data retention best practices have been produced by netCommons deliverable 4.2:
https://netcommons.eu/?q=content/european-legal-framework-cns-v2

ACCESSIBILITY TO ALL
A1 Does the government encourage participation by other stakeholders in national governance through the Internet?
Comment:■ It is crucial that participation extends to CNs. The right not to be

excluded from telecom discussions should be implemented as, at the moment, they are often not invited to sit at the policy table together with commercial and state actors, while CNs can represent not only themselves but also users and consumers rights.

MULTISTAKEHOLDERS
A1 Does the government encourage participation by other stakeholders in national governance through the Internet?
Comment: ■The effectiveness of the right not to be excluded from telecom discussions should be checked.

What sources and means of verification would you recommend, from your experience, in relation to any of the questions and indicators that have been proposed?

As an overall remark, the numerical data on percentage of connectivity are generally given at a macro scale level (nation or region-wide). Since CNs work at the local- and in some cases micro-level it is important to give data that can be disaggregated down to the municipality level in order to produce evidence of the gap between rural and urban areas, even in rural counties.

MULTISTAKEHOLDERS
B.1 Are there active associations of Internet professionals, consumers and other stakeholder communities?
Such associations can be used for verification. For example, in France, FFDN structuration & advocacy.