Transnational Radical Party (TRP)

FILLING THE "DEMOCRATIC DIGITAL DIVIDE"

A. Introduction

1. The main objective of the Second Preparatory Committee meeting will be to begin the consideration of a draft Declaration of Principles and Action Plan, to be submitted eventually for the approval of Heads of State attending the Summit in December 2003. Ever since its affiliation with the Economic and Social Council of the United Nations, the Transnational Radical Party (TRP) has been active in the field of the respect and affirmation of civil and political rights, and therefore democracy. The TRP attaches great importance to the developing of instruments that might improve the enjoyment of fundamental rights, and sees great potentials in the opportunity provided by the information society and the technological revolution as a powerful means for the respect of the rule of law the and consequently for international peace and security. The TRP is of the opinion that Democracy is the only institutional framework that can allow to every citizens the possibility to live a decent life in respect of the one of others. The digital revolution multiplies the individual's possibilities of communication and interaction in an exponential fashion, making it possible to re-launch the classic idea of the individual at the center of the "Res Publica", with the institutions and the powers at his service and not the reverse.

2. The current digital divide is on one hand a phenomenon that concerns the technological and economic gap between poor and rich countries, but at the same time it is in part yet another characteristic of closed societies and authoritarian regimes that still affect the daily life of people living in dozens of member States of the United Nations.

3. The technological revolution is developing a large amount of user-friendly means of communication, access and interaction between citizens and public institutions at very limited costs. Such technology allows the storage of almost an unlimited amount of textual as well as audio-visual information that can be accessed directly and in real time from virtually any part of the world. The TRP strongly believes that bridging the Digital Divide should go hand in hand with filling the Democratic Gap that characterizes entire regions of the world. In fact, the technological revolution does not in itself constitute a guarantee that the freedom and democracy will be strengthened. In fact, technology provides instruments that can be used to increase the control of citizens without necessarily providing at the same time opportunities to allow a fuller enjoyment of the freedoms contained in the International Bill of Rights. for enlarging their. The Internet is just a medium.

4. In several countries we are witnessing campaigned waged by the Administration to restrict, if not deny, the use of new technologies. Many Non-Governmental Organizations (NGO) and the media have recently reported a widespread and increasing pattern of blocking, jamming and monitoring Internet access and censoring its content carried out by authoritarian regimes. That is the case for countries such as China, Cuba, Saudi Arabia, Vietnam, Syria and Tunisia where the control of the Internet is very strict and aimed at stopping the free circulation of ideas that can "pose a threat to National Security"; in many other countries - like North Korea, Laos, Burma - the use of Internet is literally prohibited to the population while it is allowed to a small elite connected with the Government.

5. The TRP wishes to point out that also in democratic societies freedom of the Internet is not an asset. In fact, with various degrees of control electronic surveillance, data retention, over-regulations of the IT sector characterize the Governmental management of the Net, a control that after the event of September 11 has seen an increase in the implementation of special laws and the creation of enforcement agencies. On many occasions, also within the UN Human Rights-related bodies, the TRP has denounced the systematic violations of freedom of speech happening both in democratic and non democratic countries.

6. The fight against terrorism is generating a negative influence on political decisions vis à vis freedom of speech. Many Governments are appealing for the inclusion of generalized and massive surveillance laws to "control" citizens. Recent studies have exposed the fact that the inability to prevent terrorist attacks was not due to the lack of information, but to the inability to process and analyze the information gathered. The TRP is of the opinion that the solution is not to expand the collection of data to the entire population but rather to focus on the collection and analysis of the data and intelligence obtained. A Radical reading of the roots of terrorism and political instability, would emphasize the lack of political freedom in certain regions therefore suggesting the necessity to build democratic societies based on the principle of legality rather than providing an legal and military arsenal to target millions of individuals. The TRP believes that in those regions where freedom and rights do not exist, there is a imminent need to organize nonviolent counter-information "attacks" to support those that dissent in a peaceful way to authoritarian regimes. New technologies can play a fundamental role in this nonviolent movement.

7. If the fundamental characteristic of a State based on democracy and the rule of law is the division of powers, their checks and balances and submission to the law, it is clear that the challenge for the future lies precisely in making the use of the new digital technologies subject to that same law and to the democratic control. This can be done through the ascertainment of individual liberties. The challenge for the "legislator", called to make decisions concerning public investments, security, defense, and intelligence strategies is to respond according to internationally canonized Human Rights. The TRP believes that what is needed is a general strategy that should combine the utilization of the instruments of technology to allow the existence of electronic-democracy, with a gradual conversion of military spending and their transformation into civil structures capable, because better equipped, to prevent the spread of terror, violence and the escalation of armed conflicts, proposing an alternative smart arm the powerful weapon of information, as "open" and "shared" as possible.

8. The present paper intends to contribute to the works of the PrepCom-2 drawing delegates' attention on the relations between three issues that link digital technology to democracy, namely data retention, e-democracy and cyber-non-violence:
- *data retention*: how technology is used by the State to control its citizens.

- *e-democracy*: how technology is used to give more power to citizens, facilitating access to civil and political rights and sensitive information pertaining to the individual as well as the political sphere;
- *cyber-nonviolence*: how technology can be used for political initiatives, such as nonviolent opposition to violence or to the abuse of power;

7. In particular, the TRP wishes to stress the three following fields of developments that should become of concern to the international community:
a) *anti-technocratic and anti-censorship initiative*: monitoring of the use of technology by the State to censor and control citizens outside the law, or of the violation of their fundamental liberties in any other way;
b) *e-democracy*: technology used to restore power and information to citizens, facilitating their exercise of civil and political rights;
c) *cyber-nonviolence*: technology used for political initiatives, including nonviolent opposition to violence or to the abuse of power;

a) Anti-technocratic and anti-prohibitionist initiative

Freedom of expression, the right to secrecy of correspondence and the right to the protection of one's personal data are fundamental rights of the individual. After September 11, the role of control by law enforcement authorities, especially control over electronic communication, has been widened, despite the fact that analysts and experts in the sector sustain almost unanimously that the inability to prevent terrorist attacks was not due to a lack of information, but to a failure to analyze the information gathered. The systems of mass control over e-communication not only constitute a danger for individual liberties, but also violate the principles of free-market economic competition through widespread activities of industrial espionage, using national security and the fight against crime as a cover. Systematic censorship and widespread surveillance of Internet users is practiced in authoritarian regimes, also through the physical persecution of Net surfers and on-line activists. Other forms of "control" imply also the forced closure of cyber-cafés, websites and search engines, even in countries considered democratic, e-communication is subject to a regime of censorship, surveillance and repression, often carried out indirectly through bureaucratic and fiscal restrictions.

b) E-democracy

The application of digital technologies to the democratic process can promote participation and the exercise of civil and political rights of citizens. The right of participation in the political process is hindered by complicated procedures and by anachronistic bureaucratic restrictions, which increase the costs both for citizens and public administrations. Moreover, even in countries where the law require the publicity of parliamentary proceedings and acts, such publicity is virtually non-existent. There is a need to simplify voting methods and make them electors-friendly reducing at the same time the possibility of mistakes and invalidations.

c) Cyber-nonviolence

Legislations at all levels tend to follow technological progress by producing increasingly specific, detailed and diversified laws – understandable only to narrow circles of experts - often reflecting corporative interests and a prohibitionist approaches - and continually surpassed by new developments. It is necessary to ensure that international laws and conventions do not alter the fundamental principles of justice penalizing individual behaviors as a result of a mere use of new technologies. This legislative approach should also allow a clear distinction between forms of on-

line political demonstrations, civil disobedience, and demonstrative actions on one hand, and violent actions causing harm to property, and also to people, on the other. The case of those who break into an information system in order to steal, destroy, or even to commit or facilitate violent actions, is very different from that of those who do so to resist violence, to block instruments of oppression, to stop censorship and to bring information where it is not allowed. This distinction is not reflected adequately by the national and international legislations.

The "democratic priority" proposed by the TRP involves the definition of what consists a "cyber-crime". Like-minded Governments should not be allowed to remain neutral before the repression exercised by authoritarian regimes. New legislations should not be "technicized" to such an extent that actions can be deemed to be criminal irrespective of the conditions of those who perform them.

C. Recommendations

On the occasion of the 2nd session of its 38th Congress held in Tirana, Albania, from 31 October to 3 November 2002, the TRP assembly adopted a Special Motion on the "Technological Revolution". The TRP wishes to bring to the attention of the experts and Government delegates the following paragraphs containing issues that should be of concern in the bridging the Digital divide. The whole document can be retrieved at
http://servizi.radicalparty.org/documents/index.php?func=detail&par=227 .

- freedom of speech, freedom of the press, are fundamental characteristics of an open society; individuals, regardless of their nationality, should enjoy the right to communicate freely with others, and to have unrestricted access to information, trough the Internet;
- the application of digital technologies to the democratic process should allow the promotion of the participation and the exercise of the civil and political rights;
- it should be possible to exercise civil and political rights on-line, in full respect of the requirements of security and of the protection of privacy;
- the closure of websites and the surveillance and persecution of surfers and on-line activists constitute a serious violation of the fundamental liberties and rights;
- the access by the State to the personal data of citizens must only take place with the consent of citizens themselves - apart from exceptions that are strictly necessary - limited in time, proportionate in a democratic society, and established by laws that have been voted democratically and made known to the general public;
- the right of every citizen to have access at any time through the Internet to the various public events of a country's institutional life the meetings of the elective and jurisdictional organs, as well as to obtain copies via the Internet of any public document of the Public Administrations and International Institutions, should be recognized by law or promoted according to respective competencies;

In the light of the Above the TRP wishes to propose:

- that the PrepCom 2 include among its priorities the urgent need to support the legislative and infrastructural conditions to strengthen and expand - through new technologies and the primary commodity of information - individual rights and liberties;

- that International Institutions and UN member states should provide that all public meetings of their bodies shall be broadcasted and filed in archives on the Internet; all that

public informations must be presented on the Internet not only in graphic form but also in textual mode to allow it to be used by persons with impaired senses. Moreover, the information should be accessible through data-gathering systems which are not dependent on the use of specific software subject to payment.

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