



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

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### Official Form for Comments on the zero-draft

#### A. Your Information

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**Title:** *President*

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#### B. Formal Input

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Please input your comments below:

##### 1. Introduction

We refer to the zero draft published at:

<http://workspace.unpan.org/sites/Internet/Documents/UNPAN95383.pdf>

We thank and commend the co-facilitators for this draft, which we find to be an honest and fair attempt to produce a text that could be approved by consensus. Nevertheless, we do propose some revisions, see section 2 below. And we offer some general comments in section 3 below.

##### 2. Suggested revisions

Paragraph 8, add at the following at the end: “We also note that the benefits promised for all have not been adequately realized. On the contrary we have seen mass surveillance, abusive use of personal data and their use as a means of social and political control; the monopolization, commodification and monetisation of

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<sup>1</sup> When specifying your stakeholder type, please indicate one of the following: Government, Civil Society, Private Sector, Academia, and Technical Sector.

information and knowledge; inequitable flows of finances between poor and rich countries; and erosion of cultural diversity. Many technical, and thus purportedly ‘neutral’, decisions have in reality led to social injustice as technology architectures, often developed to promote vested interests, increasingly determine social, economic, cultural and political relationships and processes.”

Paragraph 10A, add a new paragraph reading: “We recognize that access to much of the information society is limited by illiteracy, lack of access to electricity, and excessively stringent intellectual property laws, in particular copyright. Indeed, the current copyright regime might run counter to human rights. Further, excessively strong copyright and patent protection stifles innovation and protects outdated technologies. Therefore it is urgent to reform intellectual property law at both the international and national levels to better to balance the interests of creators, implementers and users, by drastically reducing the length of copyright, by legalizing non-commercial downloads of copyright material, and by restricting what can be patented.”

Paragraph 19, add at the end: “Furthermore, we call for the implementation of the provisions of Recommendation ITU-T D.50 and its Supplements.”

Paragraph 24, add at the end: “In particular, we recognize that tax rules at the international and national levels should be adapted to address the taxation challenges posed by the digital economy.”

Paragraph 34A, add a new paragraph reading: “We recognize that the management and administration of Internet domain names and addresses must be truly international, not subject to the laws of any single country, and not dominated by any single country. In particular, the operation of the root zone file must not be subject to the jurisdiction of any single country.”

Paragraph 40, modify the second sentence to read: “We underscore the need for respecting freedom of expression and the independence of press and we recognize that, in the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy.”<sup>2</sup>

Paragraph 43, replace the second sentence with: “Any violations of privacy, any restrictions on the protection of personal data, and any restrictions on freedom of expression must be held to be necessary and proportionate by an independent and impartial judge. No attempts will be made to weaken or compromise encryption standards.”

Paragraph 50, add at the end: “We invite all states to accede to the 2014 International Telecommunication Regulations.”

### **3. General comments**

#### Right to development

We note that the zero draft includes a reference to the “right to development” and we strongly support explicit mention of that right. We note that some of the submissions<sup>3</sup> regarding the non-paper did not support mention of that right and suggested that only “fundamental freedoms” be referenced.

But the right to development is recognized in UN resolutions<sup>4</sup>, whereas “fundamental freedoms” is not a concept that has been adopted by the UN. Further, article 22 of the Universal Declaration of human rights provides that “Everyone ... is entitled to realization ... of the economic, social and cultural rights indispensable

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<sup>2</sup> The last part of the sentence is a citation from the 24 September 2013 speech at the UN General Assembly by Dilma Rousseff, President of Brazil.

<sup>3</sup> <http://workspace.unpan.org/sites/Internet/Documents/UNPAN95356.pdf> ;  
<http://workspace.unpan.org/sites/Internet/Documents/UNPAN95337.pdf>

<sup>4</sup> UN Resolutions A/RES/68/227, A/HRC/RES/25/11

for his dignity and the free development of his personality.” A more explicit provision is found in article 11 of the International Covenant on Economic, Social and Cultural Rights: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

Further, a historically significant enunciation of fundamental freedoms<sup>5</sup> includes “freedom from want”, which can be understood as the right to economic security, that is, to development.

### Referenced documents

We note that the zero draft references only documents that were approved by consensus. This is the correct approach: the outcome document should not reference any documents for which there was opposition at the time of adoption or for which reservations were expressed after the adoption.

### Enhanced cooperation

We note that one of the submissions<sup>6</sup> regarding the non-paper stated that is not clear what new, additional work appropriately should be done regarding enhanced cooperation.

It is important to recall the historical context that led to the adoption of the call for enhanced cooperation in the Tunis Agenda.

The first priority issue identified by the Working Group on Internet Governance was unilateral control by one government of administration of the root zone file and systems. See paragraphs 15-18 of:

<http://www.wgig.org/docs/WGIGREPORT.pdf>

In order to achieve consensus, it was agreed in 2005 to address this issue by “recognizing the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues.” (Paragraph 69 of the Tunis Agenda)

After the conclusion of WSIS, disagreements arose regarding the interpretation of the cited provision, with some arguing that it did not refer to the administration of the root zone file and systems, but rather referred to cooperation in general, and cooperation within the UN system in particular.

The topic has been controversial ever since, and a UNCSTD Working Group<sup>7</sup> convened to deal with the issue failed to reach consensus.

Therefore, it is clear that, at a minimum, discussions should continue regarding what exactly is meant by “enhanced cooperation”.

We submit that enhanced cooperation includes the participation of all states, on an equal footing, in international public policy issues pertaining to the administration of the Internet root zone file and systems, because this is part of their rights and responsibilities for international Internet-related public policy issues (see paragraph 35 of the Tunis Agenda).

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<sup>5</sup> [https://en.wikipedia.org/wiki/Four\\_Freedoms](https://en.wikipedia.org/wiki/Four_Freedoms)

<sup>6</sup> <http://workspace.unpan.org/sites/Internet/Documents/UNPAN95309.pdf>

<sup>7</sup> <http://unctad.org/en/Pages/CSTD/WGEC.aspx>