

Dear Secretariat,

I am pleased to be able to forward the text below as an input to your synthesis paper. This is the first of two statements adopted by the Internet Governance Caucus as an input

Ian Peter (Co-Coordinator)

---

### Rights and the Internet as the over-arching theme for IGF-4 in Egypt

The Internet Governance Caucus strongly recommends that 'Rights and the Internet' be made the overarching theme for IGF-4 in Egypt, and that the IGF-4's program be framed by the desire for developing a rights-based discourse in the area of Internet Governance. The Caucus has already expressed support for the letter on this subject which was sent to the MAG by the Dynamic Coalition on an Internet Bill of Rights.

The IGC offers the IGF assistance in helping to shape such a discourse at the IGF meetings, and specifically to help make 'Rights and the Internet' an overarching theme for IGF-4 in Egypt.

### A complex new emerging ecology of rights and the Internet

One important purpose of a discourse on rights should be to clarify and reach greater consensus on how rights with respect to the Internet are defined, how they relate to pre-existing definitions of human rights, and which ones need to be internationally recognized and strengthened.

Within this context, we acknowledge that, even within the civil society caucus, differences of opinion exist as to the nature of various rights and conceptual rights and the degree to which they should be emphasized in Internet governance discussions.

While the Internet opens unprecedented economic, social and political opportunities in many areas, many fear that it may at the same time be further widening economic, social and political divides. It is for this reason that development has been a central theme for the IGF meetings to date. In this new, more global and digital context it might be useful to explore what the term "right to development" means.

With respect to privacy rights, corporations and governments are increasingly able to extend digital tentacles into people's homes and personal devices, in manners invisible to consumers and citizens.

Consumers of digital products thus face new challenges including the right to know and completely 'own' the products and services they pay for. Technological measures to monitor and control user behavior on the Internet are becoming increasingly sophisticated, and often outrun public policies and traditional concepts of what rights users have.

While property rights are of considerable importance, their applicability and mutations in the digital environment have led to widespread political contention over the proper scope of copyrights, trademarks and patents. In fact, intellectual property is emerging as a primary area of socio-economic conflict in the information society. The IGF can explore issues surrounding the public interest principles which underpin intellectual property claims alongside the concept of a right to access knowledge in the digital space. It can also explore how individuals' property right to own, build, test, and use consumer electronics, computers and other forms of equipment can be reconciled with the regulation of technical circumvention to protect copyrights.

It may also be useful to explore if and how other concepts may be meaningful in relation to the Internet – for instance, a ‘right to access the Internet unconditional of the use being made of it (similar to electricity and telephone). Similarly, a right of cultural expression, and a right to have an Internet in ones own language, could inform the important IGF thematic area of cultural diversity.

The right to freedom of expression is at the very heart of the Internet's open and participatory nature, and both new opportunities for, and new threats to, this right have emerged in the digital ecology. Other important Internet policy areas, like network neutrality, are being framed in terms of rights, such as a right to access and share information, or as an extension of freedom of expression itself. The right of the public to access government-produced information presents itself in a wholly new manner in a digital environment, where information is often publicly sharable at little or no extra cost.

Positive acts of withholding digital public information from citizens in fact can be looked upon as a form of censorship. All of these rights-based conceptions may be included in the IGF openness theme area along with open standards. Other rights such as the right of association and the right to political participation may have important new implications in the Internet age,

We recognize that while it is relatively easy to articulate and claim “rights” it is much more difficult to agree on, implement and enforce them. We also recognize that rights claims can sometimes conflict or compete with each other. There can also be uncertainty about the proper application of a rights claim to a factual situation. The change in the technical methods of communication often undermines pre-existing understandings of how to apply legal categories.

These complexities, however, only strengthen the case for using the IGF to explicitly discuss and debate these problems. There is no other global forum where such issues can be raised and explored in a non-binding context.

Internet governance has up to this time largely been founded in technical principles and, increasingly, on the Internet’s functionality as a giant global marketplace. With the Internet becoming increasingly central to many social and political institutions, an alternative foundation and conceptual framework for IG can be explored. It is the view of the IG Caucus that a rights-based framework will be appropriate for this purpose.

A rights-based IG shouldn’t be seen as threatening, but rather rights provide a set of international standards and guiding principles that can help to inform complex policy decisions. It is pertinent to recollect that WSIS called for a people-centric information society, and a rights framework helps develop people-centric IG agenda and policies.

It is the Caucus’ view that the IGF is the forum best suited to take up this task. This process should start at the IGF Hyderabad, where workshops on rights issues are being planned. These issues will also hopefully figure prominently in the main sessions. The IGC fully expects that these discussions will help the IGF work towards developing ‘Rights and the Internet’ as the over-arching theme of the IGF-4 in Egypt.