Forum: The Economic and Social Council

Issue: Achieving Equal and Universal Access to Information and Communications Technology

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Introduction

In the Information Age, achieving equal and universal access to information and communications technology is a rising issue, with many potential social, economic and even political negative global ramifications. Universal Access to Information and Communication Technologies as an issue also poses numerous ethical issues too, with numerous root causes not only including property rights and intellectual rights, but other conflicts on more abstract issues such as national ownership of online resources and intellectual capital, which all make it a far more challenging issue to solve.

There are several implications resulting from achieving Equal and Universal Access to Information and Communications Technology. Some implications include national conflict over intellectual property developed by a member of a certain nation, potential for cyber-warfare between nations over attacks on information infrastructure or information property online. The latter point is especially important, given the increasing reliance on the worldwide web for communications, along with economic and social development.

Though it is true that more than ninety-five percent of the global community is now covered by at least mobile networks and the internet, there is still a strong necessity to bridge this digital divide between and within countries. Multiple international bodies such as the Group of 77 among many other institutions share this sentiment and believe that further actions must be taken.

In this time and era, the world looks to information and communications technologies as a primary mode of transparency, communication (especially between urban areas and remote rural areas), and accountability. Therefore, this issue looms tall in the global community as an issue that needs to be promoted and addressed.
Definition of Key Terms

Intellectual Property

Intellectual property is a work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc.

Copyright

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.

Trademarks

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when craftsmen used to put their signature or "mark" on their products.

Geographical Indications

Geographical indications are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods.

Trade Dress

Trade dress is a legal term of art that generally refers to characteristics of the visual appearance of a product or its packaging that signify the source of the product to consumers.

Trade Secrets

A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers. In the United States, trade secret law is primarily handled at the state level under the Uniform Trade secrets Act, which most states have adopted, and a federal law, the Economic Espionage Act of 1996 (18 U.S.C. §§ 1831-1839), which makes the theft or misappropriation of a trade secret a federal crime. This law contains two provisions criminalizing two sorts of activity. The first, 18 U.S.C. § 1831(a), criminalizes the theft of trade secrets to benefit foreign powers. The second, 18 U.S.C. § 1832, criminalizes their theft for commercial or economic purposes.
Intellectual Property Rights Preceding Information and Communications Technologies

Though in the modern context universal access to information and communications technologies no longer only refers to intellectual property in the form of patents or copyrights, having extensive background knowledge on intellectual property rights that preceded the current Age of Information is key to understanding the underlying issues and legalities that nations contend with on the digital sphere.

Historical Background of Intellectual Property Rights

Modern usage of the term intellectual property goes back at least as far as 1867 with the founding of the North German Confederation whose constitution granted legislative power over the protection of intellectual property to the confederation. When the administrative secretariats established by the Paris Convention and the Berne Convention merged in 1893, they located in Berne, and also adopted the term intellectual property in their new combined title, the United International Bureaux for the Protection of Intellectual Property. The organization subsequently relocated to Geneva in 1960, and was replaced in 1967 with the establishment of the World Intellectual Property Organization (WIPO) by treaty as an agency of the United Nation. According to Lemley, it was only at this point that the term really began to be used in the United States, and it did not enter popular usage until passage of the Bayh Dole Act in 1980. In an 1818 collection of his writings, the French liberal theorist, Benjamin Constant, argued against the recently introduced idea of "property which has been called intellectual." The term intellectual property can be found used in an October 1845 Massachusetts Circuit Court ruling in the patent case Davoll et al. v. Brown., in which Justice Charles L. Woodbury wrote that "only in this way can we protect intellectual property, the labors of the mind, productions and interests are as much a man's own...as the wheat he cultivates, or the flocks he rears."

Modern Context of Information and Communications Technologies

Information and communications technologies, as delegates may and should be aware of, manifesting themselves in the form of the internet and online interactions. Information technologies manifest themselves in software, such as applications used by millions around the world, such as Facebook or WhatsApp. Hardware technologies include computers, smartphones, and high-level military apparatus used either for the purposes of combat or information collection.

Key Issues

Disparities Arising Between Nations with Differing Access to Information and Communications
The multiple issues arising from differing levels of access to information and communications include disparities in the economic and political spheres within and between nations. The potential socioeconomic implications arising from these disparities could have wide ramifications.

**Political Disparities**

Though this council indeed does focus on economic and social issues, it is important to explore the political effects of this technology disparity resulting from differing access to information and communications technology, as politics often holds a significant sway over the economic and social developments of nations in the global community. Political disparity could manifest itself in forms such as a weaker ability to exercise democracy domestically (as technology continues to play a key role in elections). A lack of communications technologies could lead to highly underdeveloped military capabilities for individual nations, which are key for the protection of domestic national sovereignty.

**Economic Disparities**

Numerous visible economic issues arise from differing access to information and communication technologies. For instance, nations with low levels of internet, computer or mobile usage generally experience lower worker productivity and less information capital, which hinders economic development. A lack of access to information technologies also results in a lowered flow of discussion of ideas, leading to a loss in potential intellectual and academic innovation that also would contribute to stifling economic progress in a nation.

**Increased Potential for International Political Tension**

**International Surveillance and Socioeconomic Impacts**

With the relatively recent case of Edward Snowden and the NSA, surveillance has proven to be a contentious issue, increasing the possibility of conflict between nations. For instance, after the expose by Edward Snowden via Der Spiegel, international approval ratings for the US fell throughout the world, straining relations. Though no economic issues arose from the conflict, the tensions generated serve to show how international surveillance could become a flashpoint for hindering economic development (whether through potential embargoes, etc) but also could lead to changes.

**Cyber-Warfare and Socioeconomic Impacts**

Cyber-Warfare has been a deeply disruptive form of warfare economically and socially between nations. When cyber-warfare is used to illegally seize and disseminate corporate trade
secrets (such as the Sony Pictures Hack by North Korea), it too causes large damage to large financial and economic entities, which in turn and threatens the integrity of domestic economies of nations by discrediting these firms, which sometimes make the cornerstones of national economies. Cyber-Warfare also has the ability to severely compromise nationwide communications systems (for instance, if Facebook or Twitter were hacked by military hackers of foreign nations) and thereby also cause large ripple effects in the social sphere and economic sphere.

**Major Parties Involved and Their Views**

**Group of 77**

The Group of 77 (G77) at the United Nations is a coalition of developing nations with the goals of promoting joint negotiating capacity in the United Nations. As a coalition of many nations with lagging information and communications technologies infrastructure, this group has a key stake in this issue.

**Stance**

They advocate for the implementation of equal access to information and communications technologies to be disseminated from developed nations to less developed nations.

**United Nations Organs**

The United Nations Organs believes that internet access is a fundamental human right that is not to be violated by nations, based on the 2011 UN Special Rapporteur report.

**Stance**

The 2011 UN Special Rapporteur Report elaborates and mentions how “79. The Special Rapporteur calls upon all States to ensure that Internet access is maintained at all times, including during times of political unrest.”, also adding the clause “85. Given that the Internet has become an indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress, ensuring universal access to the Internet should be a priority for all States.”

**European Union**

The Vice President of the European Union European Commission, Vivian Reding, officially stated that “The rules therefore provide that any measures taken regarding access to or use of, services
and applications must respect the fundamental rights and freedoms of natural persons, including the right to privacy, freedom of expression and access to information and education as well as due process.”

**Situation**

The European Union too sees access to the internet and other related information as a crucial human right in step with UN values, acting on it through initiatives aiding with Digital development with Sub-Saharan African partners.

**African Union**

The African Union has made steps in recent years to promote information and communications technologies to its member nations. One such case has been through the launching of a “dotAfrica” domain to be implemented throughout the continent of Africa.

**Situation**

The African Union is committed to expanding communications and information technologies through various mutually beneficial initiatives among member nations, as opposed to limiting this. Aside from the “dotAfrica” initiative, the African Union is also making steps, through The African Union Commission along with the East African Communications Organization, to create the East Africa Regional Internet Exchange Point, where internet can be routed locally instead of via Europe.

**ASEAN**

The ASEAN Economic Community sees and acknowledges that “Internet interconnectivity and interoperability of systems and platforms between and within countries are instrumental in driving the free flow of information, goods, services and investment across Southeast Asia.”

**Situation**

There remains gaps in network coverage of ASEAN countries that need to be bridged if Internet access is to be more universal. For middle-income and low income ASEAN citizens, the wireless broadband is an increasing means of internet access. However, a lack of international bandwidths along with noncompetitive conditions for ISPs translate into poor wireless speed in countries needing it most.

**Timeline of Relevant Resolutions, Treaties and Events**

The following events are all events relevant to the issue of expanding access to information and
communications technologies.

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<tr>
<th>Date</th>
<th>Description of event</th>
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<tr>
<td>May 16, 2011</td>
<td>United Nations General Assembly Human Rights Council Seventeenth Session</td>
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<td>During this session, Special Rapporteur Frank La Rue presented the case of how access to the internet is a fundamental human right not to be breached by nations. This session defines the UN’s stance regarding communications and information technologies such as the internet and broadband.</td>
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<tr>
<td>December 10, 2014</td>
<td>The Third International Conference on Trade, Investment and Technology</td>
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<td>The Group of 77 clearly highlights their points to the UN regarding their goals of increasing internet access, among other initiatives.</td>
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<tr>
<td>March 11, 2017</td>
<td>African Union opens the “dotAfrica” internet domain</td>
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<td>This event serves to show how other major international bodies such as the African Union are making their own strides to equal and universal access to information and communications technologies among their own members,</td>
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**Evaluation of Previous Attempts to Resolve the Issue**

One attempt to resolve the issue was through various United Nations conventions, along with conventions by other international bodies such as ASEAN with its economic forum. As this is an recent issue arising mainly in the past 2 decades, yet is to be seen of the long term effects of these conventions and the solutions proposed at these events.

Another attempt at resolving this issue has been through individual initiatives by regional international bodies. The African Union has achieved great success through its own initiatives. Other regional international bodies such as the European Union have given economic aid to neighboring regions in terms of expanding internet access. Though ASEAN has extensively discussed the issue in various economic forums, there is yet to be concrete actions to be taken by the respective member nations.

**Possible Solutions**

One possible solution is to create a UN Sub-Committee in the ECOSOC Council to specifically address this issue. This sub-committee should work to address the economic and social disparities.
arising between member nations as a result of differing access to information and communications technologies.

Another would be to make a new set of human rights regarding the cybersphere and information and communications technologies. In conjunction with the Human Rights Council, the ECOSOC Committee could work to flesh out and identify key areas where these technologies have become so crucial to the daily functioning of individuals and the economy that if it were deprived of them, it would worsen their living and thereby breach their human rights.

A third potential solution lies in bilateral treaties between nations, to coordinate and assist less developed nations in their bid to increase information and communications technologies. However, all in all, this issue has been a relatively new phenomenon, and there have been many solutions that remain untried and untested.

A fourth solution would lie in the creation of international bodies solely responsible for the enhancement of global cooperation of information and communications technologies. This could be fostered through the United Nations, or done through initiatives by nations independently. This could be done within the domain of the ECOSOC body in the United Nations, or through regional groups such as the African Union, the European Union, ASEAN, or other such bodies. Focus should especially be given on developed nations helping developing nations reach their goals and standards for information and communications technologies.

A fifth solution could be to encourage more and newer bilateral trade deals with a much higher emphasis on information and communications technologies. This could allow for economically beneficial intellectual property to be distributed throughout the global community and most importantly to nations that most need it. This will allow for positive economic development, and most likely social development in nations, which is key in gaining and implementing information and communications technologies to bridge the gap between nations and promoting the betterment of the domestic situation in nations.
Bibliography


