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

Comments on the draft outcome of 7 December

A. Your Information

Title: *President*

First name: *Richard*   *Last name:* *Hill*

Name of Organization: *Association for Proper Internet Governance Stakeholder Type[1]: Civil Society, accredited for the 2014 and 2015 WSIS Forums*

Country: *Switzerland*   *Email:* *info@apig.ch*

B. Formal Input

Please input your comments below:

1. Introduction

We refer to the draft outcome of 7 December published at:

http://workspace.unpan.org/sites/Internet/Documents/UNPAN95688.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 offer some general comments in section 2 below. And we do propose some revisions, see section 3 below.

---

[1] When specifying your stakeholder type, please indicate one of the following: Government, Civil Society, Private Sector, Academia, and Technical Sector.

2. General comments

Structure of the document

We support the structure of the document, which appropriately reflects the key issues of the information society: development, human rights, security, and governance. We note that the key priorities identified in 2005 by the Working Group on Internet Governance are adequately reflected in the draft outcome:
1. Unilateral control by one government of the administration of the Internet domain name root zone file and systems is addressed in the section on Internet Governance and the sub-section on Enhanced Cooperation.
2. The relatively high cost of connectivity in developing countries is addressed in the section on ICT for Development and its sub-sections.
3. The issue of lack of security, and its consequences, is addressed in the section on Security.

While the draft outcome document appropriately notes the positive impact of the evolution of ICTs it does not, in our view, sufficiently refer to the threats and challenges that have recently emerged and that are widely recognized. Therefore, we propose to add a paragraph to that effect, see below.

Referenced documents

The fact that the draft outcome should references only documents that were approved by consensus. Thus we regret that a reference to Netmundial has been added, and we are surprised that this reference is suggested for closure when it did not appear in previous drafts.

We reiterate our proposal to add references to relevant resolutions that were agreed by consensus at the Inter-Parliamentary Union[2], in particular:
- Democracy in the digital era and the threat to privacy and individual freedoms, available at: http://www.ipu.org/conf-e/133/Res-1.htm
- Cyber warfare: A serious threat to peace and global security, available at: http://www.ipu.org/conf-e/132/Res-1.htm
- International law as it relates to national sovereignty, non-intervention in the internal affairs of States and human rights, available at: http://www.ipu.org/conf-e/132/Res-3.htm

Net Neutrality

We deeply regret the change introduced in the paragraph on Net Neutrality.

Mass surveillance

We deeply regret that the principles of necessity and proportionality have not been added to the paragraph on network neutrality despite the fact that civil society unanimously called for its inclusion.

Revisiting the Tunis Agenda

We note that some stakeholders are proposing revisions to the text that amount to renegotiating the Tunis Agenda. In our view, it is not advisable to attempt to renegotiate the Tunis Agenda at this late stage of the present review process.

---

[2] http://www.ipu.org/english/home.htm

Further, from a formal point of view, it is not clear that the forthcoming meeting would have the authority to revised or renegotiate the WSIS outcomes, because those outcomes were agreed in a Summit (a meeting of Heads of State), whereas the forthcoming meeting is not a Summit.

Thus we propose not to accept any proposals that are in effect revisions of the agreed language of the Tunis Agenda.

3. Suggested revisions

Paragraph 3A, add a new paragraph reading: "We recognize relevant resolutions of the Inter-Parliamentary Union, in particular: Democracy in the digital era and the threat to privacy and individual freedoms; Cyber warfare: A serious threat to peace and global security; and International law as it relates to national sovereignty, non-intervention in the internal affairs of States and human rights. We invite all states to take due notice of those resolutions."

Paragraph 9A, add a new paragraph reading: "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 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 9B, 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 13, remove square brackets and retain.

Paragraph 27, add at the end: "In particular, we call for the implementation of the provisions of Recommendation ITU-T D.50 and its Supplements."

Paragraph 48, add at the end: "Any violations of privacy and any restrictions on the protection of personal data 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 49, add at the end: "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 51, add at the end: "We invite all states to accede to the 2014 International Telecommunication Regulations."

Paragraph 57, in the first sentence, remove the square brackets and retain it, in order to remain consistent with the Tunis Agenda (the text is question is copied from the Tunis Agenda).

<u>Paragraph 58</u>, last sentence in square brackets: delete this sentence, it is not appropriate in this high-level document.

<u>Paragraph 58A</u>, 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."

<u>Paragraph 59</u>: delete this paragraph: it is not appropriate to refer to meetings whose outcome raised significant reservations, in particular from civil society.

<u>Paragraph 61</u>: revert to the previous language on network neutrality.

<u>Paragraph 70</u>: the date for the next review should be 2020, and the review should not be organized by the General Assembly.

_____