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

Comments on the draft outcome of 4 November

A. Your Information

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B. Formal Input

Please input your comments below:

Introductory remarks

This document is the response of the International Chamber of Commerce (ICC) and its initiative Business Action to Support the Information Society (BASIS) to the WSIS +10 draft outcome document, bringing the perspective of the global business community.

ICC BASIS greatly appreciates the efforts of the UN General Assembly President and the co-facilitators to work within this intergovernmental process to solicit and include input from the non-governmental stakeholder community. We commend the co-facilitators for their participation in the recent Internet Governance Forum (IGF) in Brazil where the importance of this unique platform for capacity building and enriching views was evident. This firsthand experience demonstrates that while the IGF does not produce negotiated output documents, it achieves real results -- including but not limited to the growth and development of practical ideas and relationships between governments, the private sector, technical community, civil society, and academia

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

Dialogue, unconstrained by negotiation of a text, is an essential element of the IGF. We come together to freely share experiences, ideas and practices. This helps form inputs to policy and practice development in other organizations and across geographies. Participants pool views and good practices, so that every community can better understand the needs and ideas of others.

At the IGF, communities meet so that no individual or group misses out from these benefits, or from expressing their own views that may help others form their own ideas. It builds two-way bridges that inform policymaking and enable the further beneficial use of these ideas and practices.

We renew our call that future deliberations on this topic fully integrate the multistakeholder approach that has been a very unique feature of Internet governance thanks to the WSIS vision. The collective investment, engagement and partnership of governments, business, the technical community, academia and civil society attests to the ways in which the multistakeholder community has truly shared responsibility and leadership in Internet governance.

Over the last few months, feedback from the multistakeholder community has emphasised that the WSIS post-2015 should be aligned with the UN's Sustainable Development Goals (SDGs) and should reflect the SDGs' targets. We are committed to working with all stakeholders on the ambitious but worthy societal and economic goals of the 2030 agenda.

Within this submission made on behalf of the private sector, there are excerpts from the statement ICC BASIS drafted in cooperation with the Internet Society (ISOC) and some representatives of civil society to highlight the overarching common priorities of our different communities. These are noted in blue text below.

Specific comments:

Preamble

We support the reinforcement of the vision of the Tunis agenda and the recognition of the importance of ICT and the digital economy for the Sustainable Development Goals.

For paragraph 7 we support the reaffirmation of the values and principles of multistakeholder cooperation but note that the subsequent text separating the government from all other stakeholders undermines this. To make the text more consistent we propose following:

7. We moreover reaffirm the value and principles of multi-stakeholder cooperation and engagement that have characterised the WSIS process since its inception, recognising that effective participation, partnership and cooperation of all stakeholders, including government, the private sector, and civil society, in their respective roles and responsibilities, especially with balanced representation from developing countries, has been and continues to be vital in developing the Information Society.

We commend the close linkage in paragraph 9 between the WSIS action lines and the Sustainable Development Goals (SDGs) and the aligning of any future review to serve as an input into the 2030 agenda assessment.

We support the recognition of the different digital divides to be addressed both within countries and between them. We appreciate the recognition of the importance of addressing the gender divide, as

particular attention to this is essential for addressing the overall gaps between the connected and unconnected.

The multistakeholder approach, cooperatively developed since the inception of the Internet is critical in achieving the WSIS goals. The Internet is one of our most important tools for sustainable development, improved human rights and good governance. The community must safeguard the principles of collaboration, openness, transparency and inclusiveness that have allowed the Internet to flourish.

We propose the following language for paragraph 12:

12.   We recognise that the Internet is a global resource that must be managed in an open and inclusive manner, which serves the public interest. We note that the Tunis Agenda stated that the international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, private sector, civil society, and international organizations. We also acknowledge the value of the open, inclusive, and transparent multistakeholder approach in addressing the ICT challenges and fulfilling the WSIS action lines as well as further the SDG in the past 10 years.

1. ICT for Development

There is still much work to be done, especially in connecting the unconnected. Access to an open and inclusive Internet is the central issue of our time, and a fundamental tool enabling free speech and empowering people in the 21st century. The newly adopted Sustainable Development Goals recognise the Internet and connected ICTs as critical enablers for economic and social progress. The close alignment between the WSIS action lines and these goals reflects the essential role of ICTs and the Internet in advancing the 2030 agenda. To achieve these goals, and to ensure a secure and trustworthy Internet, it is crucial that the future of the Internet be shaped through an open, inclusive and truly mutistakeholder process.

We affirm and support the reaffirmation and recognition of the valuable contribution of ICTs to development in this document as well as the recognition of the unrealised potential of ICTs to move society towards the Sustainable Development Goals.

In paragraph 18, we note the importance of recognising that ICTs are not the root cause of problems where negatives impacts are seen. Rather, poor implementation, inadequate legal frameworks and enforcement and lack of respect for human rights as well as lack of capacity and training in proper use can all have negative impacts. The statement "with new and unforeseen health and social consequences, many of which are positive, and some of which raise concerns" does not make this distinction.

1.1 Bridging the Digital Divide

We applaud the recognition of the inter- and intra-country divides to be addressed, and in particular the need to address the gender gap.

For paragraph 22, while we appreciate that the innovative technologies do not always manifest their potential benefit, we should take care not to use language that attaches such failure to the technology

but rather to its implementation or the lack of appropriate foundation, skills or capacity building. *We appreciate that divides may worsen or change where technology is not implemented correctly, to maximum effect, or with the proper foundation of infrastructure, capacities and skills…*

We note with satisfaction the recognition of the importance of content that local communities find relevant. To help address this barrier we support inclusion of a call to measure and report on the number of people who do not see the value in an Internet connection because they do not find content and services relevant to their lives.

We note the call for "universal and affordable access to the Internet to all by 2020" in paragraph 24 is not aligned with the targets set in the Connect 2020 Agenda referred to just after and suggest aligning it as this more aggressive target may be less realistically achievable.

2. Human rights in the information society

We propose the following amendment to the following paragraph:

41.   We further reaffirm the principle outlined in Article 19 of the Universal Declaration of Human Rights (UDHR), <u>as complemented by Article 27 of the UDHR,</u> that everyone has the right to freedom of opinion and expression, and that this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 27 of the UDHR recognises the right to freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits, as well as the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author.

3. Building Confidence and Security in the use of ICTs

We support the recognition of the Budapest Convention. For paragraph 45 we support the call for recognition of other multistakeholder activities on cybersecurity, including importantly those outside of the UN auspices, including the capacity building public-private initiative Global Forum for Cyber Expertise (GFCE), the Oxford Martin School Global Cyber Security Capacity Exchange Centre, the Messaging Malware Mobile Anti-Abuse Working Group (M3AAWG), the OECD's revised security guidelines, "Digital Security Risk Management for Economic and Social Prosperity", and APEC's forthcoming Security Framework, which builds upon its Trusted, Secure and Sustainable Online Environment (TSSOE) approach. We also recommend resources developed for businesses of all sizes and individuals to improve cyber security such as the ICC Cyber security guide for business.

Also, in paragraph 45, in acknowledging these multistakeholder initiatives, we recommend that the wording regarding recognition of the need for governments "to play a leading role in ensuring cybersecurity," be modified to read: *to play a leading role in some issues addressing cybersecurity challenges.*

We note the word 'cyber-ethics' is not a commonly understood or defined idea and suggest the important aspects of paragraph 46 could be expressed as meaningfully without it, and proposed the following:

We reiterate the importance of responsible behavior of all stakeholders in establishing a safe, secure, tolerant and reliable cyberspace and strengthening the role of ICTs as enablers of development, as emphasised in paragraph 43 of the Tunis Agenda and mentioned under the Ethical Dimensions of the Information Society of the Geneva Declaration of Principles and Plan of Action.

We note concern about the text calling out cybercrime and terrorism specifically. However, given the specific focus of the WSIS+10 review on bridging the digital divide and achieving the SDGs, references to cybersecurity should be viewed in this context. As such, while the document should consider ways to improve digital security in developing and least developed countries as well as small island states, broader discussions of cybercrime and terrorism are better addressed in venues such as the United Nations Office on Drugs and Crime (UNODC).

For paragraph 48, we recommend replacing the entire paragraph with the following text:

48.   We reiterate our belief that a global culture of cybersecurity needs to be promoted, developed, and implemented in cooperation with all stakeholders and international expert bodies in order to foster trust and security in the Information Society. We recognise the growing number of multistakeholder initiatives dedicated to addressing cybersecurity capacity building at the local, national, regional, and global level, and their roles in enabling this global culture of cybersecurity.

Paragraph 49 includes an acknowledgement for a "call for a convention against international cybercrimes." We believe that this does not reflect a consensus view from all governments and other stakeholders, and as mentioned above, recommend that issues related to cybercrime and cyberterrorism be referred to UNODC and other expert organizations that already have ongoing initiatives addressing these challenges.

4.   Internet Governance

We appreciate the recognition of the Geneva Principles and Tunis Agenda as the on-going basis for Internet governance and believe the open and inclusive development of the Internet has been made possible thanks to cooperation across all stakeholder groups. We believe this cooperative approach is the best way to continue to ensure that the Internet is brought to every person around the world.

We recognise the text and definition of Internet governance from the Tunis agenda and note with concern that the multistakeholder stewardship that has been at the heart of all that has been achieved in ten years is not contextually explained by the insertion of this language on its own. We suggest the following text to explain the evolution since Tunis of this important cooperation.

50.   We recognise that the Internet is a global resource that must be managed in an open and inclusive manner, which serves the public interest. We note that the Tunis Agenda stated that the governance of the Internet as a global resource should be multilateral, transparent and democratic, with the full involvement of governments, private sector, civil society and international organizations. We reiterate the working definition of Internet governance set out in paragraph 34 of the Tunis Agenda, as 'the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision making procedures and programmes that shape the evolution and use of the Internet'. We also acknowledge the value of the open, inclusive, and transparent multistakeholder approach in implementing the WSIS vision and action lines in the past 10 years.

We fully agree with Paragraph 52, on the need for fuller participation from all stakeholders, from developing countries, and middle-income countries. We have been working, and will continue to work, towards realizing this goal in our initiatives around the world.

We reiterate concern with the term 'network neutrality' that has diverse interpretation and overly specific scope for this document. We propose the following language for paragraph 53.

We recognise the principle and importance of an <u>open Internet</u>*, and call for its protection accordingly.*

The IGF, harnessing the benefits of the community's diversity, has become a primary vehicle for identifying issues and solutions through a collaborative approach, on an equal footing and in a free and open environment. The proliferation of national and regional IGF initiatives is a sign of its relevance, and an example of an inclusive, bottom-up approach to global issues, rooted in local communities. We fully support the IGF mandate renewal. In addition, further efforts to implement recommendations for improvements to the IGF will be essential for the community's ability to continue addressing complex problems, and the challenges of the future.

The private sector applauds the extension of the IGF for at least 10 years with its original mandate and would even support a longer extension to coincide with the next revision of the SDG agenda in 2030. It is vital to maintain momentum and continue to develop ways for the IGF to add value across all the stakeholder communities; and to ensure that the IGF mandate is adhered to in a way that preserves and protects all the things that have made this unique forum a success. Everyone at the IGF benefits from hearing different perspectives from every vantage point. This approach has received widespread support from the Internet stakeholders, who recognise the value of collaborating on an equal footing and in an open and free environment.

Regarding improvements we strongly support the call to increase participation of stakeholders from developing countries and encourage the IGF Multistakeholder Advisory Group (MAG) for 2016 to prioritise working collectively on proposals for addressing that. We note that the creation of specific IGF documents should not be a goal in and of itself but rather the goal should be focused on exporting the learning, connections and capacity gained in the global IGF to serve local and regional development and capacity building efforts.

We see great potential in strengthening the linkages between local and regional IGFs for achieving that. The engagements of regional and national IGFs, in countries including Zimbabwe, Nigeria, Paraguay, Mexico, and Costa Rica and the subnational IGF in Nigeria are tangible success stories heard recently at the IGF 2015, which should be sustained. We are already seeing the benefits of this two-way communication.

4.1. Enhanced Cooperation

The multistakeholder approach, cooperatively developed since the inception of the Internet is critical in achieving the WSIS goals. The Internet is one of our most important tools for sustainable development, improved human rights and good governance. The community must safeguard the principles of collaboration, openness, transparency and inclusiveness that have allowed the Internet to flourish.

We repeat our wish for recognition that there have been many examples of enhanced cooperation on a range of Internet governance issues catalogued by the Working Group on Enhanced Cooperation

under the United Nations Conference on Trade and Development (UNCTAD). This approach, where governments and stakeholders work together to identify, understand and address important and emerging Internet governance topics based on their respective expertise, roles and responsibilities should serve as the basis for continued cooperation aimed at achieving the Sustainable Development Goals (SDGs).

In paragraphs 55 and 56 we note with concern that while enhanced cooperation is an activity all stakeholders are engaging in, the text suggests that it is for "governments on an equal footing", that it has not been implemented and calls for an intergovernmental working group with only participation and input of stakeholders. While we appreciate the concept of varying roles and responsibilities across stakeholders, the drafting creates an impression of government as separate and apart from stakeholders as opposed to an integral part of the stakeholder ecosystem.

We believe that enhanced cooperation is not an end by itself, but rather an evolving process that will vary depending on the issues involved. There is not a single model of enhanced cooperation that will work for all issues, and this needs to continue to evolve through practice. From this perspective, the concept of "full implementation" is not practicable, nor is an intergovernmental working group that would discuss the concept in abstract.

We respectfully recommend that the outcome document better reflect the fact that this activity must be grounded on the voluntary but critical participation of all stakeholders. Given the inclusive basis on which this WSIS review has been conducted, we do not believe it is prudent to sideline stakeholders on this important issue.

5. Follow-Up and Review

We support the continuation of the annual review by the CSTD of the WSIS outcomes, and for an overall review of the implementation of the WSIS outcomes through to 2030. We stress that all reviews of the WSIS should be done in an open and inclusive manner with the multistakeholder community fully engaged to ensure the full breadth of understanding and perspectives.

Moreover, given the important role of non-governmental stakeholders in the ongoing work of bridging the digital divide, we believe that it would be prudent for the output document to more directly call for the type of consultations and collaboration between stakeholders that have made this WSIS review so productive. To that end, we believe that paragraph 57 could be improved if the following was appended at the end:

To help develop further commitment by these communities we request the Secretary-General and international organizations with a role in WSIS follow-up to intensify their efforts developing effective mechanisms for partnership with non-governmental stakeholders on an equitable and transparent basis to more fully integrate their activities within development frameworks and processes.

And, for similar reasons, we respectfully submit that paragraph 58 could be further improved by adding the following text at the end:

We call upon CSTD and its Secretariat to pursue opportunities for greater collaboration on the practical implementation of agreed WSIS outcomes and to include relevant information on efforts in this regard in its reports to other UN bodies.

We welcome the alignment of any proposed review with the assessment of the 2030 agenda. The current recommendation of another review in 10 years is sufficiently long to enable meaningful progress on the goals and provide a sufficiently stable environment for investment and financing to enable this progress. We believe that anything shorter would be counter-productive to fulfilling the WSIS vision and advancing the 2030 Agenda. Given what we know about the impact on outcomes, accountability and implementation where stakeholders are working cooperatively, we strongly urge any future review to take a truly multistakeholder approach where non-governmental stakeholders are fully integrated into the process rather than kept at the perimeters of the exchanges by modalities of an intergovernmental set up.

Conclusion

ICC BASIS acknowledges and appreciates the opportunity to contribute its views to the WSIS Review and commends the efforts of the UN General Assembly President and co-facilitators for openly engaging with the stakeholders to the greatest extent allowed by the modalities. We remain committed to working with the UN General Assembly alongside the rest of the community of stakeholders to take forward the vision and actions we agree on in this process.