

Asia Pacific Regional Internet Governance Forum 2016 Taipei Synthesis Document – Draft v2

1. Background

2. First published in 2015¹, the Asia Pacific Regional Internet Governance Forum (APrIGF) Synthesis Document aims to identify items of common interest and relevance to Internet governance within the Asia Pacific region. Building on the momentum of the inaugural APrIGF Synthesis Document from APrIGF 2015 Macao, the process for the 2016 Synthesis document has expanded with an open call for contributions² and two public comment periods³ to collect wider input from the Asia Pacific Internet community across all stakeholder groups to build a more comprehensive and collaborative open document.

3. Purpose

4. The Synthesis Document aims to document the input from participants at the APrIGF meeting (as well as the broader APrIGF community through remote participation and dissemination on the mailing list and online platform) and is not intended to be representative of the diverse Asia Pacific region. Nevertheless, it is anticipated by APrIGF MSG and the Drafting Committee that the development of this Synthesis Document can help drive active participation in the movement, as well as to allow for a platform to voices, views and thoughts in the Asia Pacific region as contribution to relevant global, national, local and international forums on Internet governance.

5. Introduction

6. In December 2015, the United Nations General Assembly (UNGA) reviewed the outcomes of the World Summit on the Information Society (WSIS+10) and as part of the WSIS+10 outcome⁴, renewed the Internet Governance Forum (IGF) mandate for another 10 years. In its resolution⁵, the UNGA called for the *'close alignment between the [WSIS] process and the 2030 Agenda for Sustainable Development'* and highlighted the contribution of Information and Communications Technology (ICT) towards achieving the Sustainable Development Goals (SDGs)⁶.
7. In April this year, the IGF Multistakeholder Advisory Group (MAG) held their first open consultation and meeting⁷ under the renewed IGF mandate. The MAG recognized the importance of the intersessional work done in the National and Regional Initiatives (NRIs) and strongly supported

¹ APrIGF 2015 Macao Synthesis Document: <http://2015.rigf.asia/macau-synthesis-doc-file/>

² Open Call for Contributions, 17-30 May, 2016: <https://2016.aprigf.asia/2016/05/27/open-call-for-contribution-aprigf-synthesis-document/>

³ First Public Comment Period, 6 June-7 July, 2016; Second Public Comment Period, 5-26 August, 2016
<http://comment.rigf.asia/>

⁴ WSIS+10 outcomes: <http://workspace.unpan.org/sites/Internet/Documents/UNPAN96078.pdf>

⁵ Ibid.

⁶ UN 2030 Agenda for Sustainable Development:
<https://sustainabledevelopment.un.org/post2015/transformingourworld>

⁷ Summary of 1st Open Consultation and MAG meeting 4-6 April: <http://www.intgovforum.org/cms/documents/igf-meeting/igf-2016/magmeetings/732-summary-igf-1st-oc-and-mag-meeting-4-6aprilfinal/file>

continuing the intersessional work on 'Policy Options for Connecting the Next Billion(s) in a Phase II. Both initiatives, along with Dynamic Coalitions (DCs) and the Best Practice Forums (BPFs), will be given space to hold main sessions at the annual IGF meeting to be held from 6-9 December in Guadalajara, Mexico.

8. Asia Pacific Regional Internet Governance Forum (APrIGF) serves as a platform for discussion, exchange and collaboration at a regional level, and also where possible to aggregate national and local IGF discussions, to ultimately advance the internet governance development in the Asia Pacific region.
9. The observations and recommendations set forth in this document summarize the collaborative efforts of the bottom-up multistakeholder community process intended to serve as the Asia Pacific regional contributions towards the international Internet Governance discourse, including the IGF, as well as towards local and national internet governance deliberations in the Asia Pacific region. This document also intends to form an input to the "IGF 2016 COMMUNITY INTERSESSIONAL PROGRAM: Policy Options for Connecting and Enabling the Next Billion – Phase II"⁸.

10. Key Issues in the Asia Pacific region and suggestions for ways forward

11. The majority of the next billion people coming online will be from the Asia Pacific region, and critical priorities need to be addressed from local to national to region-wide levels. Given the wide spectrum of social, economic, political and geographic diversity in the region, comparative analysis of cross-regional trends will allow the development of policy framework building on the momentum and knowledge of previous work.
12. Among the discussions held at the APrIGF Taipei 2016 and subsequent input period⁹, the participants have given input on the guiding questions¹⁰ and have also identified the following issues and concerns for the Asia Pacific region (in no particular order):

13.I. Continuing Efforts in Bringing the Next Billion Online

14. *Connectivity, Access, and Diversity*

Combined input from public, private and community sectors are needed to create sustainable initiatives to solve issues of affordable accessibility and digital literacy for all and to support innovative business models. Ubiquitous technologies including the Internet of Things (IoT) and the increasing availability of fast broadband have advanced digital transformation at such an unprecedented rate and also have the potential to build global industrial economy and wealth. However, they also create new digital divides as they skew wealth further towards those who already have access to the necessary skills and resources. Mobile technology has become a more accessible and affordable option for rural and other isolated users, not only for participating in the

⁸ Policy Options for Connecting and Enabling the Next Billion – Phase II: Call for Public Input: <http://www.intgovforum.org/cms/documents/policy-options/799-2016-cenb-call-for-contributions-11-july-2016-2/file>

⁹ Input period into Draft 1: 30 July – 5 August, 2016

¹⁰ See Appendix 2

global economy but also for enhancing their own online skills and knowledge. As improved technological opportunities facilitate access for the next billion internet users, it is important that explicit measures are taken to support, conserve and enhance their individual and collective uniqueness, and the language, geographic and cultural diversity that these new users will contribute to the world of the Internet.

15. ***Universality***

The next era will involve global changes to the Internet, such as the deployment of IPv6, Internationalized Domain Names (IDNs), Email Address Internationalization (EAI), and to some extent Over The Top (OTT) applications.

16. **II. Security**

Cybersecurity, the protection of information systems from damage and disruption, is critical not just to the stability of cyberspace, but also increasingly important to the physical world. Whether it is security, stability & resiliency of the internet infrastructure or security of network and information systems, collaboration is needed to mitigate and prevent cyber security incidents within and beyond the Asia Pacific region, and the setting of global encryption standards is encouraged.

17. ***Protection of Critical Information Infrastructure***

Emerging technologies, such as IoT, pose new security considerations and challenges. Challenges for Critical National Infrastructure when merging with Industrial Control systems include difficulties to patch large amounts of outdated devices, privacy violations from Big Data and linked data (made possible by large-scale data collection and smarter algorithms). Machine-to-Machine (M2M) communication will be an integral part of internet expansion. Security issues arising from M2M communication and IoT should be considered from the design-stage of the devices.

18. **III. Human Rights and the Internet**

Human rights are central to a “New Internet Era.” Human rights agreements should apply to the internet environment in the areas of access and development, freedom of expression, right to assembly and privacy as well as on the right to information, education, health, culture, and to a broad range of other rights. The impact of existing and emerging laws, policies, and practices on the security of network and information systems, data protection, surveillance, anonymity, intermediary liability and cyber-crime must protect human rights and meet international standards for guarantees. These issues have been the subject of intense scrutiny and debate by all stakeholders at the APriGF meeting. The application of human rights should also consider issues of gender, age and sexuality.

19. ***Privacy and data protection***

Privacy and data protection are critical issues in this new era. The protection of youth from illegal and harmful online contents is an important issue not only for the Asia Pacific region. It is vital for all stakeholders to cooperate and collaborate to uphold the freedom of expression online, free flow of information, and the protection of youth online.

20. While expectation of privacy may vary by cultures, comprehensive protection mechanisms must meet internationally guaranteed right to privacy. Considering the nature of cross-border data transfer for online services, users’ difficulties in being aware of these complications and differing

levels of protection in relevant jurisdictions, the highest level of protection should be guaranteed as a default safeguard.

21. *Legislation and Policies Governing ICTs*

Across Asia legislation has been developed to govern various aspects of the internet. Legislation that traditionally govern offline spaces is also used in tandem with these specialised legislation to address violations. These provisions must respect internationally recognised human rights and standards for restrictions. They must also draw from other documents on ICTs including the Council of Europe's Convention on Cybercrime¹¹. Particularly, states should be urged to reconsider the manner in which mutual legal assistance agreements (MLATs) are currently implemented. The right to privacy, access to justice and rule of law must be upheld when data of individuals are shared by states.

22. A three-part test of legality, legitimacy and proportionality must be ensured to be passed for all relevant jurisdictions in the investigation or prosecution. An oversight of the process must be required from all participating countries. Data about requests should be made available to the public, for the interest of transparency and accountability.

23. Addressing Intermediary Liability appropriately is a critical step in enhancing the use of the Internet. To that end, the Manila Principles¹² have been drafted by a multi-stakeholder group and published and consulted at the RightsCon 2015. More work needs to be done to put the Manila Principles into practice.

24. *Internet blocks*

Uninterrupted access to the internet is essential for the free exercise of rights online. Network shutdowns and blocking have serious economic consequences and impede the right to information, expression, assembly and association among other rights as well. Any disruptions to the access to mobile and internet services must comply with strict standards established in national legislation and must meet the threshold of legality, necessity and proportionality laid down in the International Covenant on Civil and Political Rights¹³.

25. *Right to be Forgotten*

Right to be forgotten as a principle must be approached with caution. Significant issues relating to its extra territorial application, digitised media archives, and balancing media freedoms and preserving the integrity of historical records must be weighed carefully. Moreover, emerging jurisprudence on this subject conflict with public interest as it imposes a burden of proving public interest on people searching for information or intermediaries facilitating that search such as libraries, educational institutions, archives and search engines.

26. *Gender digital divide and ending online gender-based violence*

The gender digital divide is a continued and important concern in efforts to address disparity in internet access in the region. Meaningful and equal access for women includes addressing issues related to connectivity as well as importantly, existing disparity and discrimination such as literacy

¹¹ Convention on Cyber Crime: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>

¹² Manila Principles on Intermediary Liability: <https://www.manilaprinciples.org/>

¹³ International Covenant on Civil and Political Rights: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

and income, barriers in the form of social and cultural norms as well as online gender-based violence.

27. Taking effective action to counter gender-based violence online is important in ensuring the internet fulfils its potential as a positive driver for change and development, as well as in helping to construct a safe and secure environment for women and girls in every sphere of life. Gender based violence can, among other things, limit women's ability to take advantage of the opportunities that ICTs provide for the full realisation of women's human rights, act as a barrier to access that can exacerbate the gender digital gap, violate women's human rights, and reproduce gender stereotypes and discrimination. It is important that all stakeholder groups participate in addressing the issue of online gender-based violence through a range of strategies from the framework of women's human rights, including capacity building, more effective complaints and redress mechanisms, inclusive decision-making processes, and/or appropriate legislative and policy-based responses.

28. **V. The Multistakeholder model**

The use of the multistakeholder model in Internet governance was approved by the United Nations and receives broad support internationally. Multistakeholder models encourages coordination and planning through a consensus-making process and recognizes the need to incorporate regional and local Internet governance context and strategies. Its implementation and efficiency thus undergo continuous testing and refinement.

29. **VI. Digital Economy and Trade**

Digital economy and trade are key enablers for the development of the world economy. Now that the digital economy has becomes the economy as such, it does not have any borders. The digital economy and trade cannot be successful without the free flow of information and appropriate domestic and global rules. On the other hand, there is a growing trend that some governments take protectionist approaches on trade by limiting the free flow of information and/or requiring data localization, and the trend hinders the further growth of the world economy. Therefore, constructing the further network of free trade agreements which requires member states to maintain the free flow of information and to ensure the prohibition of data localization as well as source code disclosure unless there is a legitimate public policy reason is highly recommended. In this regard, thorough discussion among not only governments, but also other multistakeholders is encouraged.

30. **VI. Future Impacts**

31. ***Impact of IANA Transition***

The IANA transition process is an ongoing example of the multistakeholder approach at work. The IANA transition proposal has been submitted to United States Government in March 2016. There are ongoing efforts to explore means for greater participation in multistakeholder processes and to work towards a more inclusive multistakeholder method. There are many new designs arising from the proposals, from those related to institution to those of mechanism, some of which are very different from what we are used to.

32. *Impacts of International Agreements and Policies*

The Trans-Pacific Partnership and several other multilateral free trade agreements impacts Cyberspace, and the implications extends to intellectual property (such as copyright and domain name dispute resolution) and cross-border data flow issues. Necessary mechanisms should be inbuilt in these treaties ensuring that the further development of digital economy for the developing countries are not compromised in any way and must include offsetting measures, that provide a level playing field to all parties involved.

33. Appendix I – Process

34. The first draft of this document, which was circulated on the APriGF Multistakeholder Steering Group (MSG) and Synthesis Document Drafting Committee mailing lists and posted publicly¹⁴ to solicit comment, was based on the submitted and accepted workshop proposals for the APriGF containing the placeholders for topics to be discussed at the APriGF event. The second draft incorporated comments and input from the series of “Synthesis Document Discussion” sessions at APriGF 2016 Taipei as well as input received on the online public commenting platform, and will be published for a second public comment period¹⁵ to garner wider input. The Drafting Committee will shepherd and finalize the Synthesis Document for publication.
35. THIS APRIGF 2016 TAIPEI SYNTHESIS DOCUMENT HAS BEEN DEVELOPED FROM COMMENTS RECEIVED DURING THE OPEN CALL FOR CONTRIBUTIONS BEFORE THE APRIGF, AT THE APRIGF EVENT BOTH ONSITE AND REMOTELY, AS WELL AS COMMENTS RECEIVED DURING THE TWO PUBLIC INPUT PERIODS¹⁶ AND IS FINALIZED BY THE DRAFTING COMMITTEE ON [INSERT DATE].

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

36. **Appendix 2** – Responses to ‘Policy Options for Connecting and Enabling the Next Billion – Phase II: Call for Public Input :

<http://www.intgovforum.org/cms/documents/policy-options/799-2016-cenb-call-for-contributions-11-july-2016-2/file>

37.

Question	Input
1. How would you define, or how do you understand, the theme “Connecting and Enabling the Next Billion”?	
2. The first phase of Connecting and Enabling the Next Billion (2015) identified a set of policy options aimed at the creation of enabling environments, including deploying infrastructure, increasing usability, enabling users, and ensuring affordability. What are the factors to consider when adopting these policy options at local levels (e.g. the state of a country’s market development, the available infrastructure, level of capacity-building, etc.).	
3. Are you aware of any specificities around connectivity at a local or regional level? (In other words, do you know of factors that impact connectivity in, for instance, rural areas but less so at an urban level? Or factors that affect connectivity at regional or larger scale, but not as noticeably at local or smaller scale?)	<p>In Asia Pacific, majority of the connection is via mobile phone. There is a different quality of accessing meaningfully the Internet via laptop or PC versus via mobile phone. The early adopter countries –which have access to Internet way before others– started their connection via cable and PC. The quality of accessing Internet via mobile phone, certainly has more limited quality.</p> <p>It would be good to have specific intervention on how to make mobile access Internet better engaged with people.</p> <p>Technology is not working in vacuum, the same with Internet. It depends on many factors and how you connect is also important.</p>

	<p>Last mile issues for developing countries. For example, although Pacific Islands governments realise the value of many newly established cable connections, many have not fully factored in the ongoing costs of ensuring that infrastructure and future maintenance, governance structures and human and other capacities match the potential of the connectivity.</p>
<p>4. Data shows that the growth of Internet adoption is slowing down in some areas, especially as broadband services extend to more remote, less densely populated areas (facing challenges beyond affordability and availability). What are some of the barriers or limitations preventing people who do have Internet access from being enabled or empowered through such connectivity?</p>	<p>Internet adoption is increasing slowly in the Pacific mainly due to its lack of affordability. There are still island countries where monopoly Telecoms (and even some where there are multiple providers, e.g. Papua New Guinea) put the internet out of reach of those who need the access, but it is too expensive. Many Pacific users only have access to the internet at work, Private connections are unaffordable on their low local wages. The cost for businesses as well as for learning, information and other valuable uses is quite prohibitive.</p>
<p>5. What does meaningful access mean?</p>	
<p>6. How can connectivity contribute to reaching the new SDGs?</p>	<p>The SDGs provide significant focus areas for development in regions such as the Pacific and ICTs and internet connectivity could be a major contributor to this development. Unfortunately there is not enough research being done to identify how appropriate technologies and internet connectivity can effectively contribute to the future-proofing of mitigation measures being introduced by local donor-funded projects.</p>
<p>7. Do you know examples of stories where using ICTs to support development has not worked, and why?</p>	
<p>8. Can you think of ways in which ICTs or Internet connectivity could be used to help reach the SDGs?</p>	
<p>9. Do you know of examples of success stories that can illustrate how Internet access can help to</p>	<p>The use of ICTs in Chennai, India in 2015/2016 during the floods for rescue efforts and for relief work</p>
	<p>The Nepal Wireless Connectivity Project (WS#90)</p>

<p>address real-world problems (in either developed or developing countries)?</p>	<p>Internet Access has hugely changed my personal life and helped me change that of other women around me. The Women's Digital League was formed when I was fired from my teaching job because the private school I was working at would not give me maternity leave. Sitting at home with a simple dial up connection I found remote work. Earning my first \$2.5 writing an article for someone in the US gave me much-needed confidence in my abilities. It was a stepping stone to becoming financially empowered and independent; being recognized as the top most impactful entrepreneur in Pakistan; and in showing women they didn't have to accept status quo. With greater financial empowerment I have seen young women not settle for the first proposal that came for them as they were no longer a burden on their household; send siblings to school/college; have greater say in decisions at home; be more respected and therefore have a higher self-esteem.</p>
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