

Asia Pacific Regional Internet Governance Forum 2016 Taipei Synthesis Document

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 and to reflect the discussions which take place at the APrIGF conference² each year. Building on the momentum of the inaugural APrIGF Synthesis Document from APrIGF 2015 Macao, the process³ for the 2016 Synthesis document has expanded with an open call for contributions⁴ and two public comment periods⁵ 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 contributions and outputs of 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 Multistakeholder Steering Group (MSG)⁶ and the Drafting Committee⁷ that the development of this Synthesis Document can help drive active participation in the Internet Governance Forum (IGF) process and demonstrate the value of the annual APrIGF meeting as a platform for 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 outcome⁸, renewed the IGF mandate for another 10 years. In its resolution⁹, 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

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

² APrIGF main website: <http://aprigf.asia/>

³ See Appendix I

⁴ Open Call for Contributions, 17-30 May, 2016: <https://2016.aprigf.asia/2016/05/27/open-call-for-contribution-aprigf-synthesis-document/>

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

⁶ APrIGF Multi-stakeholder Steering Group: <http://aprigf.asia/msg.html>

⁷ APrIGF Synthesis Document Drafting Committee: <http://aprigf.asia/drafting-committee.html>

⁸ WSIS+10 outcomes: <http://workspace.unpan.org/sites/Internet/Documents/UNPAN96078.pdf>

⁹ Ibid.

Communications Technology (ICT) towards achieving the Sustainable Development Goals (SDGs)¹⁰.

7. In April this year, the IGF Multistakeholder Advisory Group (MAG) held their first open consultation and meeting¹¹ 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 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 global IGF meeting to be held from 6-9 December in Guadalajara, Mexico.
8. The 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 contributions 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 will be submitted as an input to the 'IGF 2016 Community Intersessional Programme: Policy Options for Connecting and Enabling the Next Billion – Phase II'¹².

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 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 period¹³, participants have responded to the guiding questions contained in the Policy Options for Connecting and Enabling the Next Billion – Phase II: Call for Public Input¹⁴ and have also

¹⁰ UN 2030 Agenda for Sustainable Development:

<https://sustainabledevelopment.un.org/post2015/transformingourworld>

¹¹ 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>

¹² 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>

¹³ Input period into Draft 1: 30 July – 5 August, 2016

¹⁴ See Appendix 2

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. *Universality, Connectivity, Access, and Diversity*

Combined input from public, private and community sectors is needed to create sustainable initiatives to solve issues of affordable access to Internet connectivity, affordable services for access to information, education and digital literacy¹⁵ for all through the application of innovative business models. Ubiquitous technologies including the Internet of Things (IoT) and the increasing availability of fast broadband have advanced digital transformation at 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 benefits 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 users¹⁶, not only for participating in the global economy but also for enhancing their own online skills and knowledge. As improved technological opportunities, such as IPv6¹⁷, Internationalized Domain Names (IDNs)¹⁸ and Email Address Internationalization (EAI), 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 bring to the Internet.

15. II. Security

16. Cyber security, the protection of online 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 and resilience 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)¹⁹. 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 devices²⁰.

¹⁵ WS.79 Overcoming challenges in APAC outreach and participation in the new Internet era: http://igf.asia/ws_79

¹⁶ Ibid.

¹⁷ WS.95 IPv6 in the Asia Pacific Region: http://igf.asia/ws_95

¹⁸ WS.81 Internationalized Domain Names and Implications for the Next Billion: http://igf.asia/ws_81

¹⁹ WS.19 Cyber Security and the Internet of Things: Is Privacy Dead? http://igf.asia/ws_19

²⁰ Ibid.

18. III. Human Rights and the Internet

19. Human rights are central to a 'New Internet Era'²¹. 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 as set out in the WSIS Geneva Declaration of Principles²², Tunis Agenda for the Information Society²³, and other agreed international conventions and declarations²⁴. The impact of existing and emerging laws²⁵, 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, disability, age and sexuality. Respect for human rights is fundamental to the achievement of the Sustainable Development Goals (SDGs)²⁶.

20. *Privacy and data protection*

21. Privacy and data protection are critical issues in this new era. At times privacy and data protection may come into conflict with freedom of expression, and in this context it should be noted that the protection of children and youth from illegal and harmful online contents²⁷ is an important issue not only for the Asia Pacific region. It is vital for all stakeholders to cooperate and collaborate on effective policies and frameworks²⁸ to uphold the freedom of expression online, free flow of information, and the protection of children and youth online²⁹.

22. While expectation of privacy may vary by cultures, comprehensive protection mechanisms must meet internationally recognised right to privacy³⁰. Considering the nature of cross-border data transfer for online services, differing levels of protection in relevant jurisdictions and general lack of user awareness, the highest level of protection should be guaranteed as a default safeguard³¹.

23. *Legislation and Policies Governing ICTs*

24. Across the Asia Pacific region, legislation has been developed to govern various aspects of the Internet. Legislation that traditionally govern offline spaces is also used in tandem with

²¹ APriGF 2016 Taipei overarching theme: <https://2016.aprigf.asia/about-aprigf/>

²² WSIS Geneva Declaration of Principles, 12 December 2003:

<http://www.itu.int/net/wsis/docs/geneva/official/dop.html>

²³ WSIS Tunis Agenda for the Information Society, 18 November 2005:

<https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

²⁴ Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>

²⁵ WS.2 Regional Transparency Report and Online Rights Protection Measures: http://igf.asia/ws_2

²⁶ UN 2030 Agenda for Sustainable Development:

<https://sustainabledevelopment.un.org/post2015/transformingourworld>

²⁷ Merger 1. The Role of the key stakeholders in Disrupting the Dissemination of Child Sexual Abuse Material (CSAM) online: <http://igf.asia/merger01>

²⁸ WS.10 Security and Management of Internet Content from Overseas: http://igf.asia/ws_10

²⁹ WS.58 Asia-Pacific Region's Best Practice in a New Internet Era: Safe and Secure Cyberspace for Youth: http://igf.asia/ws_58

³⁰ Merger 9. Protest, Privacy and the Private Sector in Asia: <http://igf.asia/merger09>

³¹ WS.67 Intrusive surveillance technology could be justified? http://igf.asia/ws_67

these specialised legislation to address violations³². 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 Cybercrime³³. 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 states³⁴.

25. 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.
26. Addressing Intermediary Liability appropriately is a critical step in enhancing the use of the Internet. To that end, the Manila Principles³⁵ have been drafted by a multistakeholder group and published and consulted at the RightsCon 2015³⁶. More work needs to be done to put the Manila Principles into practice³⁷.

27. Internet blocks

28. 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 Rights³⁸.

29. Right to be Forgotten

30. Right to be forgotten as a principle must be approached with caution. Significant and competing issues relating to its extraterritorial application, digitised media archives and the integrity of historical records, the rights of individuals and media freedoms must be weighed carefully³⁹. Moreover, emerging jurisprudence on this subject competes 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.

31. Gender digital divide and ending online gender-based violence

32. 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

³² Merger 7. Threats to Free Expression and Challenges for Reform in Southeast Asia: <http://igf.asia/merger07>

³³ Convention on Cyber Crime: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>

³⁴ WS.71 Internet Architecture & Human Rights: http://igf.asia/ws_71

³⁵ Manila Principles on Intermediary Liability: <https://www.manilaprinciples.org/>

³⁶ RightsCon 2015, Manila: <https://www.rightscon.org/past-events/>

³⁷ Merger 3. Recommendations for Responsible Tech: Digital Rights and Private Sector Internet Intermediaries: <http://igf.asia/merger03>

³⁸ International Covenant on Civil and Political Rights: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

³⁹ Merger 8. Right to be forgotten (RTBF), Privacy, anonymity and public access to Information: <http://igf.asia/merger08>

addressing issues related to connectivity as well as the persistent disparities in literacy and income, barriers in the form of social and cultural norms as well as online gender-based violence⁴⁰.

33. 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 life⁴¹. 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 human rights, including capacity building, more effective complaints and redress mechanisms, inclusive decision-making processes, and/or appropriate legislative and policy-based responses⁴².

34. **IV. The Multistakeholder model**

35. The use of the multistakeholder model in Internet governance has been recognised and endorsed by the United Nations and receives broad support internationally⁴³. Multistakeholder models encourages coordination and planning through a consensus-making process and recognizes the need to incorporate regional and local Internet governance context and strategies⁴⁴. Its implementation and efficiency thus undergo continuous testing, balance and refinement and should form the basis of policy-making processes and initiatives which are inclusive, transparent and accountable to all stakeholders⁴⁵.

36. **V. Digital Economy and Trade**

37. Digital economy and trade are key enablers for the development of the world economy⁴⁶, yet they severely challenge traditional national 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

⁴⁰ WS. 69 Online women violence and awareness of Social Media: http://igf.asia/ws_69

⁴¹ Merger 4. Gender and Access: <http://igf.asia/merger04>

⁴² Ibid.

⁴³ WSIS Tunis Agenda for the Information Society, 18 November 2005:

<https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

⁴⁴ WS. 27 Multi-stakeholder Approaches within Regional and Local IG Context: Diversity and Linkage:

http://igf.asia/ws_27

⁴⁵ WS. 28 Out of Smoke and Mirrors: How will a multi-participation environment be sustained after transition?

http://igf.asia/ws_28

⁴⁶ Merger 2. The Future of Internet Rulemaking Through Trade Agreements: <http://igf.asia/merger02>

recommended. In this regard, close collaboration and thorough discussion among not only governments, but also other stakeholders is indispensable.

38. **VI. Future Impacts**

39. ***Impact of IANA Transition***

40. 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, and implementation of the details are underway. Concurrently, cross-community efforts, which has resulted from the IANA transition process, will continue to produce improvements in ICANN accountability, transparency, structure and processes.

41. ***Impacts of International Agreements and Policies***

42. The Trans-Pacific Partnership and several other multilateral free trade agreements impact Cyberspace⁴⁷, and the implications extend to intellectual property (such as copyright issues affecting access to information, 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 is not compromised in any way and must include offsetting measures that provide a level playing field to all parties involved.

⁴⁷ Merger 2. The Future of Internet Rulemaking Through Trade Agreements: <http://igf.asia/merger02>

43. Appendix I – Process and Participation

44. This APriGF 2016 Taipei Synthesis document⁴⁸ has been developed from comments received during the open call for contributions⁴⁹ before the APriGF, at the APriGF event⁵⁰ both onsite and remotely, as well as comments received during the two public input periods⁵¹ and is finalized by the Drafting Committee on 10 September 2016 for publication. The Synthesis Document is also intended to be submitted to the IGF 2016 Community Intersessional Programme - Policy Options for Connecting and Enabling the Next Billion - Phase II⁵².

⁴⁸ 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 publicly 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 was published for a second public comment period to garner wider input.

⁴⁹ Open Call for Contributions, 17-30 May, 2016: <https://2016.aprifg.asia/2016/05/27/open-call-for-contribution-aprifg-synthesis-document/>

⁵⁰ APriGF 2016 Taipei Archive of Sessions: <https://2016.aprifg.asia/archive/>

⁵¹ First Public Comment Period, 6 June-7 July, 2016; Second Public Comment Period, 5-26 August, 2016
<http://comment.rigf.asia/>

⁵² IGF 2016 Community Intersessional Programme - Policy Options for Connecting and Enabling the Next Billion - Phase II: <http://www.intgovforum.org/cms/policy-options-for-connection-the-next-billion/cenb-ii>

45. Appendix II – Responses to ‘Policy Options for Connecting and Enabling the Next Billion – Phase II: Call for Public Input⁵³:

46. Summary of the ‘IGF Intersessional work / National & Regional Initiatives’ session at APriGF 2016 Taipei and matrix of public comment input available at:

<http://www.aprigf.asia/documents/2016appendixii.pdf>

⁵³ <http://www.intgovforum.org/cms/documents/policy-options/799-2016-cenb-call-for-contributions-11-july-2016-2/file>

47. Appendix III – APrIGF 2016 Taipei Archives and Conference Report

48. All sessions at the Asia Pacific Regional Internet Governance Forum 2016 Taipei have been summarized, webcast, recorded, transcribed and made publically available at <https://2016.aprigf.asia/archive/>.
49. Each annual conference report is published on the APrIGF website: <http://aprigf.asia/events.html>.
50. Starting this year, additional data and statistics were collected on gender-balance and diversity of participation at the Taipei forum.