

Geneva Internet Platform


 Digital Watch

*You receive hundreds of pieces of
information on digital politics.*

We receive them, too.

We decode, contextualise, and analyse them.

Then we summarise them for you.



HUMAN RIGHTS GO DIGITAL

Human rights and digital politics are converging. The June meeting of the UN Human Rights Council (HRC) showed a clear trend of the digitalisation of human rights. A report by the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression argues that more privacy is needed for preserving freedom of expression. It also argues that the tools for enhancing privacy - namely encryption and anonymity - deserve strong protection. The first Special Rapporteur on the Right to Privacy has been appointed. Digital aspects featured prominently in the context of the right to education, children rights, and mechanisms for ensuring the protection of human rights.

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A red line has been crossed. Cybersecurity companies are no longer sacrosanct. Until the recent attack on computer security company Kaspersky, the tradition of not attacking cybersecurity companies has been respected. Other attacks have also been reported, including an attack on the Office of Personnel Management of the US Federal Government. At June meeting, the UN Group of Governmental Experts (GGE) discussed how international law can apply on cyber-issues in areas such as jurisdiction, state sovereignty, and human rights. The official GGE report will be published after the summer.

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CYBERSECURITY



INTERNET GOVERNANCE

More consultations are paving the way for the WSIS+10 High-Level Meeting in December. Early July's meetings include informal interactive consultations with stakeholders. In addition, new discussions on the Internet as a global public resource, including analogies with the Law of the Sea, took place in June. With regard to the IANA transition process, it is now more likely that the process will extend beyond the original 30 September 2015 deadline.

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In addition to this newsletter you can find in-depth coverage on the Digital Watch website (www.giplatform.org/digitalwatch/) and join live discussion on the last Tuesday of every month online or at the Geneva Internet Platform premises | Digital Watch is published by the Geneva Internet Platform/DiploFoundation | Design by Viktor Mijatovic, Diplo's CreativeLab | Send your comments to digitalwatch@diplomacy.edu

The month of June in Geneva was dominated by the 29th Human Rights Council session (15 June - 3 July).[🔗](#) Furthermore, the University of Geneva, in partnership with Geneva Internet Platform (GIP), organised a conference on Jurisdiction and Dispute Resolution in the Internet Era: Governance and Good Practices.[🔗](#) The Geneva Internet Platform hosted a debate on a possible analogy between the Law of the Sea and the Law of the Internet.[🔗](#)

15 June - 3 July
2015

At the 29th Human Rights Council, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye, released his first report on the Use of Encryption and Anonymity in Digital Communications.[🔗](#) In light of mass and targeted surveillance and data collection, and a timely answer to recent debates on potential restrictions on encryption, the report presents privacy as a gateway for freedom of opinion and expression. It focuses on state obligations, and encourages states not to restrict encryption and anonymity. Any limitations on these should be based on court orders and only apply on a case-specific basis, when they follow the principles of legality, necessity, proportionality, and legitimacy.

The report also notes the key role of corporations in 'promoting, regulating or compromising privacy and expression online' and urges them to abide by human rights in implementing their policies. The Human Rights Council, has nominated a Special Rapporteur on the Right to Privacy, Prof. Joseph Cannataci, from Malta, to investigate, report, and monitor, as well as provide independent recommendations on privacy-related matters. Online aspects of human rights are increasingly discussed in the context of right to education, children rights and mechanisms for ensuring protection of human rights.[🔗](#)

17-18 June
2015

This two-day event on Jurisdiction and Dispute Resolution in the Internet Era: Governance and Good Practices organised by the University of Geneva in cooperation with the GIP and the Geneva Center for International Dispute Settlement (CIDS), discussed current issues about jurisdiction and dispute resolution mechanisms related to the Internet. The topics addressed included conflict of laws/private international law in the Internet era: which courts shall decide Internet-related disputes; what alternative resolution systems for Internet-related disputes exist today and tomorrow; what mechanisms should be used for solving disputes in ICT industries; the case of the licensing of Standard Essential Patents (SEP) under the Fair, Reasonable, and Non-Discriminatory (FRAND) term; and how shall jurisdictional immunity and inviolability apply in the Internet era. A detailed report will be available during the summer.[🔗](#)

19 June
2015

The GIP organised a discussion about the Law of the Sea - Law of the Internet: Inspiring Analogy. The analogy between the Internet and the open sea has been around for some time. More recently, Admiral Rogers, the new director of the US National Security Agency (NSA), suggested that the Law of the Sea should inspire future regulation of the Internet. Dr Alex Sceberras Trigona, former minister of foreign affairs and an expert on the law of the sea, addressed the question and discussed that the analogy between the Internet and the sea can be found in several concepts, most importantly the tension between *res nullius* and *res omnium*. The discussion concerns whether the cyberspace is a *res nullius* – not the object of any legal regime – or a *res omnium* – regulated as a common property of mankind. Regulating the Internet as *res omnium* could take different possible legal gradations in its application, ranging from merely being a 'common concern' to a 'global public good' and finally to being the common heritage of mankind.[🔗](#)

INTERNET SOCIETY - BUILDING BRIDGES



The history of the Internet is intertwined with the history of the Internet Society (ISOC).¹ ISOC was established in 1992 when the Internet moved from scientific circles into the mainstream of modern society. Thus, the evolution of ISOC has followed the way the Internet has both impacted and been impacted by society. ISOC's main focus is on technology and policy. It is the organisational home of the Internet Engineering Task Force (IETF)², the main Internet standardisation body. The shift from core technological issues towards broader Internet governance also influenced the shift of focus in ISOC's activities. Today, ISOC is one of the leading advocacy organisations promoting the concept of an open Internet. It has a wide network of 100 national chapters, 145 organisation members, and more than 65 000 individual members.

One of ISOC's unique features is the diversity of views that you can hear from, for example, national chapters and ISOC as a global organisation. National chapters are quite independent in discussing and following the policy developments.

One of the highlights of ISOC's relevance is its effort to bridge policy and technology silos. Concretely speaking, this will happen in July at the Internet Engineering Task Force (IETF) programme for policymakers, in which ISOC is bringing governments closer to the technical standardisation process. ISOC has also been very actively involved in the WSIS+10 Review Process.

MARIA VICTORIA ROMERO CABALLERO - A LEADING DIGITAL DIPLOMAT IN GENEVA



Mexican diplomat Maria Victoria Romero Caballero received the GIP's first award to a leading digital diplomat. The award was in recognition of her efforts in covering digital policy in the Internet Governance Forum (IGF) and the International Telecommunications Union (ITU), her involvement in online learning, as well as support for new initiatives, including the MIKTA co-operation framework (Mexico, Indonesia, the Republic of Korea, Turkey, and Australia).³

In an interview with *Digital Watch* she talked about how she observed a major shift in Geneva digital diplomacy from the Internet being a minor part in diplomatic work to becoming a major issue at the top of the diplomatic agenda. It is not easy to prioritise in Geneva. 'Digital' has tough competition for attention with human rights, and humanitarian and trade issues, to name a few. However, she has noticed from interacting with her colleagues that digital has definitely moved to 'top 10 if not the top 5' on the Geneva priority list.

Romero Caballero provides the following survival kit for digital diplomats in Geneva. You need essential knowledge of the issues. The GIP courses are particularly useful since they integrate learning and doing. By studying the just-in-time course diplomats can prepare their reports and interventions in the meeting itself. Second is to share the burden with colleagues from other, most likely like-minded countries. You cannot be everywhere. You have to prioritise. Third is to engage colleagues covering other issues. For example, you can help human rights people to cover digital aspects of their policy area. Fourth is to have a very good engagement with non-state actors. They matter a lot in digital policy because of the multistakeholder approach. It takes time, and sometimes involves risks. It is easier for diplomats to operate in our well-known environment of diplomatic circles. But, engagement with non-state actors can be very beneficial in terms of learning more.

Romero Caballero will move to her new position in Denmark this summer as a cultural attaché.

DEVELOPMENTS IN JUNE 2015

Cybersecurity



increasing relevance

In June, cybersecurity remained highly relevant. Two major attacks were carried out: the first was on the Office of Personnel Management of the US Federal Government, and the second on computer security company Kaspersky. The cyberattack on Kaspersky, which used an advanced form of malware derived from Stuxnet, marked the end of the unspoken rule that the cybersecurity industry should not be attacked.

Cybersecurity also remains high on government agendas. NATO Secretary-General reiterated that Article 5 of the NATO Treaty applies to cyberspace. [Cybersecurity](#) remains a priority for the Organization for Security and Co-operation in Europe (OSCE), under whose auspices the Vienna Cyber Diplomacy Day was organised in June. [The signals](#) are that Germany, which will assume chairmanship of the OSCE from Serbia next year, will continue to place cybersecurity high on the agenda.

The 2014/2015 UN GGE on Developments in the field of Information and Telecommunications in the context of International Security met for the fourth and final time, to prepare the report to be submitted to the UN General Assembly at the end of this year. After the previous 2013 GGE report answered positively the question of whether the existing international law applies to cyberspace, the 2015 Report will focus on how the international law applies to cyberspace. It is expected that the 2015 GGE report will reflect in particular on the questions of jurisdiction, state sovereignty, rights of states in cyberspace, and the use of proxies.

Global IG Architecture



same relevance

Several WSIS+10 consultations are paving the way for the WSIS+10 High-Level Meeting on 15-16 December 2015. The first stocktaking session [was](#) surrounded with the questions: Should the process be government-driven? What should be the role of stakeholders? To what extent should WSIS principles be applied? The process will be led by governments with the extensive involvement of non-state actors. The meetings continued with the First Preparatory Meeting of Member States on 1 July [and](#) an informal interactive WSIS stakeholder consultation, on 2 July. [The](#)

Following US NSA director Admiral Michael Rogers's recent comments on the need to regulate the Internet as a global commons, [another](#) roundtable on 19 June took the discussion further with analogies to the Law of the Sea. [The](#)

ICANN and the IANA Transition



increasing relevance

The chartering organisations of the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions (CWG-Stewardship) have approved the community's final proposal, [which](#) is now with the IANA Stewardship Transition Coordination Group (ICG). The ICG is expected to synthesise the three proposals from the Naming Community, the Numbering Resources Community, and the Protocol Parameters Community.

The parallel track of accountability also proceeded with a face-to-face meeting in Buenos Aires, [in](#) which the accountability architecture (based on four building blocks: an empowered community, the Board, the Bylaws, and the Independent Review Process) was discussed. More face-to-face meetings will take place in the coming weeks.

Meanwhile, the process is likely to go beyond the original 30 September deadline, possibly until mid-2016.

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Online privacy and data protection



increasing relevance

The 29th session of the HRC  dominated the developments on privacy. The annual report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, on encryption, anonymity, and the human rights framework,  established a clear link between freedom of opinion and privacy. While these two areas are often emphasised separately, the report bridges them, explaining that they cannot be separated: 'encryption and anonymity, and the security concepts behind them, provide the privacy and security necessary for the exercise of the right to freedom of opinion and expression in the digital age', and that such security may be essential for the exercise of other rights. The digitalisation of human rights can also be seen through human rights debates, where traditional human rights are increasingly being discussed in the light of the digital world. Finally, the 29th session appointed Maltese national Prof. Joseph Cannataci as the new Special Rapporteur on the Right to Privacy.

In the EU, the Council reached a compromise on the text of the proposed data protection regulation after more than three years of negotiations. Triilogue talks of the Council with the European Parliament and European Commission can now start. However, the proposal was met with criticism, mainly from Civil Society, over the watering down of data protection rules.

Net neutrality



increasing relevance

The EU's plan to end roaming charges by mid-2017 attracted controversy as it was revealed that the plan included a trade-off: giving up the core aspects of net neutrality in return for putting an end to roaming charges. While the watered-down proposal states that all traffic will be treated equally, it also makes provision for operators to 'enable the provision of specialised or innovative services'. This marks a pro-telecom industry approach to net neutrality.

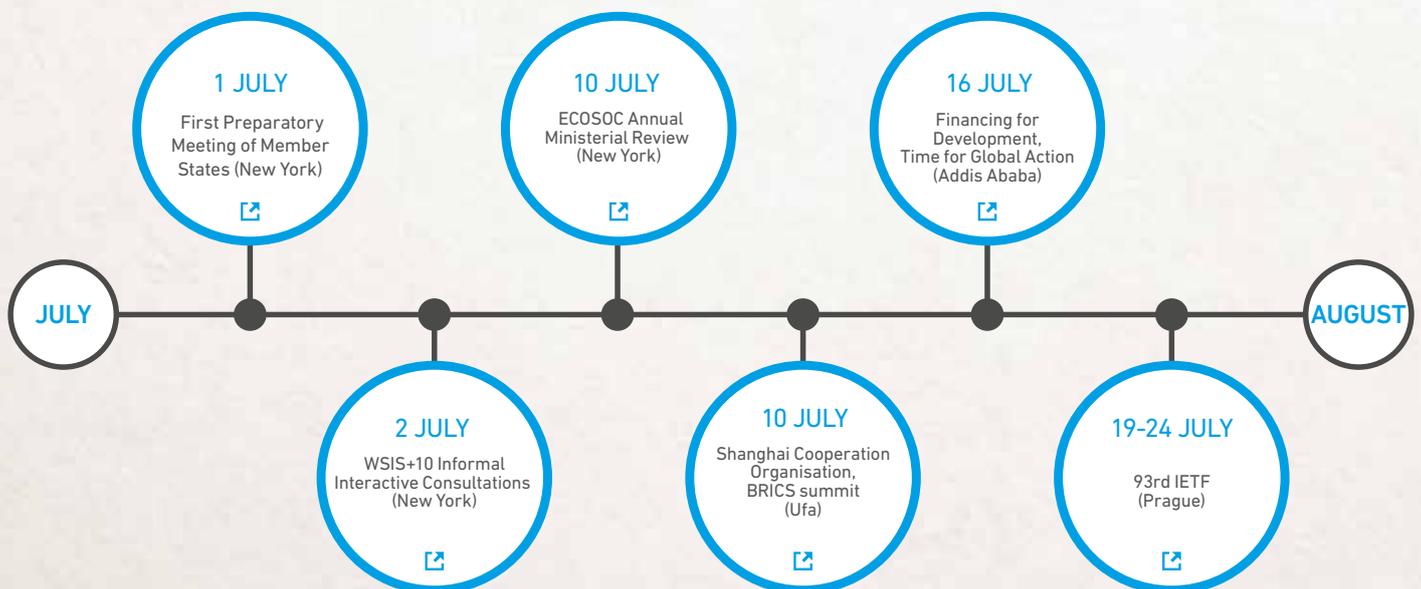
E-commerce



same relevance

It was a relatively quiet month for e-commerce. A ruling by the Swiss Federal Tax Administration - that no VAT applied to Bitcoin - led Switzerland to be one of the first countries to take such a step. It remains to be seen if this decision will inspire other countries to make similar decisions. In social media, a buzz was created on whether, hypothetically, Greece could temporarily embrace Bitcoin if it exits the Eurozone.

AHEAD IN JULY



WSIS+10 PROCESS (June–December 2015) 

Timeline includes major events  and process of drafting Resolutions  for the review process of the World Summit on the Information Society (WSIS+10).

June	 1 June Appointment of two co-facilitators to lead the intergovernmental negotiation process New York	 8-9 June Expert Group Meeting to discuss ICT-related issues in the context of SDG and WSIS+10 processes New York	 10-11 June Co-facilitators' first Stocktaking Session New York	
	 1 July First Preparatory Meeting of Member States New York	 2 July Informal interactive WSIS Stakeholder Consultations New York	 6-10 July ECOSOC review of the CSTD report during ECOSOC High-Level Segment Week New York	 31 July Deadline for stakeholders to submit written contributions for 'non-paper' New York
	 End of August 'Non-paper' to be published. To be eventually developed into final outcome document for adoption in December			
September	 2nd week of September Deadline for written submissions on 'non-paper'	 15 September Opening of UN General Assembly 70th Session New York	 24-27 September UN Summit to adopt post-2015 development agenda New York	 Last week of September 'Zero draft' paper published
	 15 October Deadline for written submissions on 'zero draft' paper	 19 October (TBC) Informal Interactive WSIS Stakeholder Consultations New York	 20-22 October Second Preparatory Meeting New York	
November	 3-18 November UNESCO General Conference Paris	 10-13 November Internet Governance Forum 2015 João Pessoa	 27-29 November Commonwealth Heads of Government Meeting Malta	 Last week of November Second draft published
	 First week of December CSTD Intersessional meeting Budapest	 15-16 December UN General Assembly High-Level Meeting on WSIS+10 Overall Review New York	 For updated timeline of this and other processes, consult the interactive timeline at www.giplatform.org	

WSIS+10 REVIEW PROCESS - SUMMARY OF DEVELOPMENTS

Between 2013 and mid-2015, preparations for the WSIS+10 Review process took place in Europe. There was the 2013 WSIS+10 Review Event [\[link\]](#) hosted by UNESCO in Paris, the 2014 WSIS+10 High Level Event [\[link\]](#) hosted by ITU in Geneva, and the CSTD's 10-year Review of Progress Made in the Implementation of WSIS outcomes, [\[link\]](#) published in May 2015.

At the beginning of June, the WSIS review process moved to New York. First, the two co-facilitators of the intergovernmental preparatory process were announced on 2 June: Permanent Representative of Latvia to the United Nations, Ambassador Mr Jānis Mažeiks and Permanent Representative of the United Arab Emirates, Ms Lana Zaki Nusseibeh. Next, the UN Department of Economic and Social Affairs (DESA) held a two-day Expert Group Meeting on Advancing a Sustainable Information Society for All [\[link\]](#) on 8-9 June, followed by a short Stocktaking Session on WSIS [\[link\]](#) quickly organised by the two co-facilitators of the intergovernmental preparatory process on 10-11 June. UNCTAD held an hour-long briefing on progress made in the implementation of WSIS outcomes over the past ten years [\[link\]](#) just before the stocktaking session to provide an oral overview of the CSTD's 10-year report.

The majority of participants at the Expert Group Meeting were regular participants in the Geneva-based WSIS processes and many stayed on for the stocktaking session. At both formal meetings in June, there were very few New-York-based missions present, with other UNGA-related processes with more pressing deadlines taking priority. In particular, a higher priority for many missions in New York is the process leading up to the UN Summit to adopt the post-2015 development agenda, 25-27 September, [\[link\]](#) as it is the same representatives from the Second Committee, [\[link\]](#) on economic and financial matters, who are handling both the sustainable development and WSIS activities in New York.

While the intergovernmental preparatory meetings will continue to strictly follow UNGA protocols, accredited observers are also able to attend the meetings. In addition, all WSIS-accredited entities can apply to attend the stakeholder consultations being convened by the President of the General Assembly. The intergovernmental and stakeholder meetings are being webcast live via UN TV. [\[link\]](#) Written submissions [\[link\]](#) on a non-paper to be published in advance of a zero draft of the outcome document are due 31 July (see timeline [\[link\]](#)). Submissions are being accepted from all WSIS stakeholders, including both governments and non-governmental stakeholders. The process will culminate in a High-Level Meeting during the UNGA's 70th Session, with the dates likely to be 15-16 December.



HOW TO DRAFT A DIGITAL POLICY SPEECH

Cooking recipe

After watching many demonstrations of verbal dexterity in the digital policy events in May and June (WSIS Forum, CSTD, WSIS+10, ICANN), and inspired by the wonderful *Geneva Perception* team cookbook on International Geneva [\[4\]](#), our speech cooks have come up with the following recipe for writing a digital policy speech, guaranteed to satisfy all appetites and keep your audience coming back for more.

- Mix a handful of Internet opportunities with a handful of challenges, taking care to balance them carefully.
- Select from the almost limitless larder of risks and threats, taking care to add one sweet ingredient for every savoury one - for example, security and privacy.
- To fully engage with the audience, liberally sprinkle with the terms 'multistakeholder' or 'multistakeholderism' - it's a popular ingredient that many would love to have more of. If you're out of multistakeholderism you can substitute with inclusiveness.
- For a touch of spice that might be too hot for some to handle, add measures of gender and youth.
- To neutralise the spice, consider a cup of net neutrality.
- Throw in a few first names of people everyone should know but no one is sure that they do, and don't add last names - this will pique people's interest.
- No digital speech would be complete without a healthy topping of paternal references to Vint Cerf or another father of the Internet.
- Gain credibility by adding a teaspoon of techie slang - particularly if you've never cooked before.
- Additional credibility can be gained by the smart mixing of three ingredients in the form of Venn diagrams. Chose any. If in doubt, cybersecurity, human rights and business would work.
- If you run out of ideas, add 'connect the dots' or look for the 'weakest link' if you want to add a cybersecurity taste.
- And don't forget those acronyms. Here you walk a delicate line between creating a mysterious taste or losing your audience entirely.

Mix well. Smile constantly. Add the occasional rueful shrug. Deliver with confidence.

