

## IGF 2016 Workshop Report

Session Title	Meet TISA: The trade agreement you've probably never heard of
Date	6 December 2016
Time	10:45-12:15
Session Organizer	Burcu Kilic (Public Citizen) and Maryant Fernández Pérez (European Digital Rights, EDRI)
Chair/Moderator	Moderator: Burcu Kilic (Public Citizen) Remote moderator: Pablo Viollier (Derechos Digitales)
Rapporteur/Notetaker	Maryant Fernández Pérez (EDRI) and Burcu Kilic (Public Citizen)
List of Speakers and their institutional affiliations	<ul style="list-style-type: none"> <li>⑩ Deborah James, CEPR</li> <li>⑩ David Snead, I2Coalition</li> <li>⑩ Maryant Fernández Pérez, EDRI</li> <li>⑩ Kelly Kim, OpenNet Korea</li> <li>⑩ Mattias Bjarnemalm, European Parliament (Greens/EFA)</li> </ul>
Key Issues raised (1 sentence per issue):	<ul style="list-style-type: none"> <li>⑩ In terms of the process, the participants agreed that trade negotiations should be more transparent and inclusive.</li> <li>⑩ In terms of substance, the following issues were raised: <ul style="list-style-type: none"> <li>↘ TiSA proposals contain provisions on data flows and (undefined) "data localization", which can have effects on the rights to personal data protection and privacy.</li> <li>↘ Liability protections are important, but proposals in TiSA can present negative effects on freedom of expression and the rule of law.</li> <li>↘ Internet traffic should to be treated equally, without blocking or slowing down certain data. TiSA should not undermine net neutrality.</li> <li>↘ Dispute settlement mechanisms.</li> </ul> </li> </ul>
If there were presentations during the session, please provide a 1-paragraph summary for each Presentation	<p>Deborah James described how trade agreements are negotiated, the typical provisions they contain and the impact for different stakeholders, including SMEs and developing economies.</p> <p>David Snead argued that trade agreements are very important for industry. In his view, data flows and provisions banning data localization are needed. He argued that TISA should at least meet already agreed upon international standards that relate to issues like privacy and other non-trade issues that have already been discussed.</p> <p>Maryant Fernández explained that trade agreements' purpose is to ensure trade liberalization and growth. They are not designed to foster human rights protection. She presented concrete examples on how TiSA proposals have the potential to undermine data protection, privacy, freedom of expression and network neutrality.</p> <p>Kelly Kim presented the situation in Korea for digital rights. Taking into account the dangers for privacy, freedom of expression and the abusive powers of surveillance in Korea, Kim sees a potential for</p>

	<p>trade agreements to improve the situation in her country.</p> <p>Mattias Bjarnemalm contributed with information about how TiSA is being negotiated in the European Union. More specifically, Bjarnemalm presented the position of the Parliament in its Resolution on TiSA. Indeed, the Parliament asked to treat data protection as a fundamental right and not as a trade barrier. In this sense, Article XIV GATS is not deemed to be proven sufficient for the protection of citizens' rights.</p>
<p>Please describe the Discussions that took place during the workshop session: (3 paragraphs)</p>	<p>In the workshop, all participants agreed that they are not against trade.</p> <p>Discussants debated about the need and dangers in including digital rights in TiSA. In particular, the rights to data protection and privacy were the most discussed.</p> <p>The participants engaged with the public mainly on data protection issues, enforcement and intermediary liability.</p>
<p>Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)</p>	<ul style="list-style-type: none"> <li>⑩ The discussions at the IGF showed there was a rough consensus on the need to improve the negotiation of trade agreements like TiSA. This will result in the creation of a Dynamic Coalition on Trade and the Internet. This was presented at the main session on Trade and The Internet.</li> <li>⑩ Trade is not bad per se, but it cannot be used to undermine human rights and fundamental freedoms online. If digital rights are included, these need to be adequately protected in the text.</li> <li>⑩ More debate needs to happen in order to raise more awareness about how trade agreements work and how the internet community can be engaged in these discussions. In order to continue the discussions, the organizers of this workshop have proposed several sessions on TiSA at Rights Con 2017.</li> </ul>