

IGF 2016 Workshop Report Template

Session Title	Aligning Multistakeholder Norms and the Digital Trade Agenda
Date	6 December
Time	9am-10:30am
Session Organizer	Electronic Frontier Foundation & Public Citizen
Chair/Moderator	Jeremy Malcolm
Rapporteur/Notetaker	Jeremy Malcolm
List of Speakers and their institutional affiliations	Burcu Kilic, Public Citizen; Marcela Paiva Véliz, Permanent Mission of Chile to WTO, WIPO, UNCTAD & ITC; Aileen Kwa , South Centre; David Snead; Internet Infrastructure Coalition, Judith Hellerstein, Hellerstein & Associates
Key Issues raised (1 sentence per issue):	<p>There is a case for the relevance of Internet-related issues to trade because the Internet facilitates global trade in information services.</p> <p>However these are not always being dealt with in an inclusive way; in some cases civil society and some private sector stakeholders (particularly SMEs) may be excluded from negotiations and access to text, but developing countries too tend to be excluded or sidelined.</p> <p>Similar problems exist at the domestic level; for example in the United States there is a set of trade advisory committees, but in the committee that deals with ICT services and electronic commerce no civil society representatives are present and the consultations are secret.</p> <p>Some members of the panel expressed that both at the national and international level is important to distinguish the different levels of participation and to recognize the advancements that have also been made in terms of transparency and inclusiveness.</p> <p>Trade negotiators focus their attention on trade and tend to class non-trade considerations such as human rights as “out of scope”.</p> <p>The Brussels Declaration on Trade and the Internet is a recent multi-stakeholder statement that identifies these problems and proposes solutions.</p>
If there were presentations during the session, please provide a 1-paragraph summary for each Presentation	<p>Marcela noted that not all multilateral negotiations are closed, mentioning the case of WIPO. She said that civil society ought to watch its rhetoric, not talking about trade negotiations as “broken” but in a constructive way that actually contributes to the process. She argued that not all Internet issues need to be discussed in FTAs, there are other venues outside of trade for those issues.</p> <p>David said that we shouldn't fall into the trap of condemning the substance of Internet issues in trade agreements; for example, data localization rules are generally good, with some exceptions. Neither is the problem with the USTR staff, who are hard working. But the</p>

	<p>process was designed to deal with measures like tariffs, not Internet-related rules, which arrived later. The extreme secrecy around these issues is not warranted.</p> <p>Burcu said that the digital trade agenda established in the TPP has now reached the WTO, and is also being pushed in other venues such as the OECD, G20 and APEC. It's a U.S. business focused agenda. Developing countries, while resisting this, don't have their own digital agenda sorted out yet. Therefore, it's not a game of equals.</p> <p>Judith compared trade negotiations to Internet negotiations of delegations headed by the US State Department to the UN, the International Telecommunications Union (ITU), UNESCO, WSIS, CSTD, where civil society participants can be admitted onto government delegations. Also Civil Society participants can be active participants advising the US Government on all issues both when the USG is in delegation mode and when they are just in preparatory mode. However, if papers were written when in delegation mode they can not be shared.</p> <p>Aileen gave a perspective from a Geneva-based IGO, and pushed back against the characterisation of the WTO as relatively open in comparison to the plurilateral agreements. She pointed out that at the WTO, key negotiations in the ministerial meetings, such as those most recently held in Nairobi, are still not open to all delegations.</p>
<p>Please describe the Discussions that took place during the workshop session: (3 paragraphs)</p>	<p>Amongst solutions discussed were the recognition that not all Internet issues have to be dealt with in trade agreements, and for those that are, there needs to be much greater transparency (for example, publication of text proposals by each party, and consolidated drafts after each negotiation round), and better accessibility to civil society of the consultation process.</p>
<p>Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)</p>	<p>It was suggested and some agree to take steps towards the formation of a Dynamic Coalition on Trade.</p>

