Panel Session: UNESCO's Draft Recommendations “Concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace”

UNESCO international group of experts
*United Nations Educational, Scientific and Cultural Organisation,
UNESCO, Information Society Division*

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0. BACKGROUND

This documents includes the amendments proposed by the international group of experts in its second meeting from 25-27 March 2002 to document 31 C/25 Corr. of the General Conference at its 31st session.

This document will be discussed at the World Summit for Information Society, Geneva, November 2003. The panel session is one of the occasions to discuss UNESCO positions. It is the purpose of this panel of IT experts to suggest potential amendments.

1. PREAMBLE

The General Conference,
Committed to the full implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized legal instruments, and mindful of

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the two International Covenants of 1966 relating respectively to civil and political rights and to economic, social and cultural rights,²³

Recalling that the Preamble to the Constitution of UNESCO affirms “that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern”,

Further recalling Article I of the Constitution, which assigns to UNESCO among other purposes that of recommending “such international agreements as may be necessary to promote the free flow of ideas by word and image”,²⁴

Affirming the principles embodied in the Universal Declaration on Cultural Diversity, adopted by the General Conference of UNESCO at its 31st session and particularly its articles 5, 6 and 8,

Referring to the Resolutions of the General Conference of UNESCO²⁵ with regard to the promotion of multilingualism and universal use of cyberspace,

Convinced that the development of new technologies provides immense opportunities to improve the free flow of ideas by word and image but also risks to increase the gap between the information-rich and the information-poor that may hamper the participation of all to the global information society,

Noting that linguistic diversity in the global information networks and universal use of cyberspace are at the core of contemporary debates and can be determinant to the development of a knowledge-based economy,

²³ Articles 19 and 27 of the Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, Article 27, and International Covenant on Economic, Social and Cultural Rights, 1966; United Nations Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities (Resolution 47/135 of 18 December 1992); the ACC Statement on Universal Access to Basic Communication and Information Services, issued in 1997; Article 25 of the United Nations Millennium Declaration, 2000; the Okinawa Charter on Global Information Society on July 2000;

²⁴ Article I, paragraph 2(a) and 2(c)

²⁵ 29 C/Resolution 28, paragraph 2.A (h), 29 C/Resolution 36, 30 C/Resolution 37, 30 C/Resolution 41, and 31 C/Resolution 33.

Acknowledging the need, in promoting universal access to information, to take into account international treaties and agreements on intellectual property,

Recognizing that basic education and literacy are prerequisites for universal access to cyberspace,

Considering that different levels of economic development affect prospects for access to cyberspace and that specific policies and increased solidarity are required to redress current asymmetries and create a climate of mutual trust and understanding,

Adopts the present Recommendation:

2. PROMOTION OF MULTILINGUAL CONTENT AND SYSTEMS

1. The public and private sectors at local, national, regional and international levels should provide the necessary resources to alleviate language barriers and promote human interaction on the Internet by promoting the creation and processing of, and access to educational, cultural and scientific content in digital form so as to ensure that all cultures can express themselves and have access to cyberspace in all languages, including indigenous ones.

2. Member States should formulate strong national policies designed to promote mother tongues and language teaching in cyberspace. International support and assistance to developing countries should be strengthened and extended to facilitate the development of freely accessible materials on language education in the electronic form and to the enhancement of human capital skills in this area.

3. Member States, international organizations and information and communication technology (ICT) industries should encourage collaborative research and development on, and localization of, operating systems, search engines and web browsers with extensive multilingual capabilities, online dictionaries and terminologies, and should support international cooperative efforts with regard to automated translation services accessible to all, free or at a nominal charge, as well as intelligent linguistic systems such as those performing multilingual information retrieval, summarizing/abstracting and speech understanding. Software

should preferably be developed and made available in an open source environment.

4. UNESCO, in cooperation with other international organizations, should establish an international collaborative online observatory on existing policies, regulations, technical recommendations, and best practices relating to multilingualism and multilingual resources and applications, including innovations on language computerization.

3. ACCESS TO NETWORKS AND SERVICES

5. Member States and the international organizations should recognize and support universal access to the Internet as an instrument for promoting the realization of the human right as defined in Articles 19 and 27 of the Universal Declaration of Human Rights.

6. Access to the Internet should be promoted by Member States and international organizations as a public information utility service through the adoption of appropriate policies.

7. Member States and international organizations should establish mechanisms at the national, regional and international levels to facilitate universal access to the Internet through affordable telecommunications and Internet costs with special consideration of the needs of public service and educational institutions, and of disadvantaged population groups. New public-private partnerships should be designed to this end including incentives to investment in this area and lowering financial barriers to the use of ICT, such as taxes and customs duties on informatics equipment, software and services.

8. Member States and ISPs should consider provision of concessionary rates for Internet access in public service institutions, such as schools, academic institutions, museums and public libraries, as a transitional measure towards low-cost access to cyberspace.

9. Member States should encourage the development of information strategies and models that facilitate community access and reach out to all levels of society, including setting up community projects and fostering the emergence of local information and communications technology leaders and mentors. Strategies should also support cooperation among

public service institutions on ICT, as a means of reducing the cost of access to Internet services.

10. International solidarity should ensure the interconnection on a fair cost-sharing basis should be encouraged between national Internet peering points combining the traffic of private and non-profit ISPs in developing countries and peering points in other countries whether developing or industrialized ones.

11. Regional organizations or forums should encourage the establishment of inter- and intra-regional networks powered by high capacity regional backbones to connect each country within a multi-hub global network in which none dominates connectivity.

12. Concerted efforts within the United Nations system should promote sharing of information and experience on the application of ICT-based networks and services in socio-economic development, including the promotion of open source technologies, an equitable network governance, as well as policy formulation and capacity-building in developing countries.

13. Member States and international organizations should promote private/public partnership for the management of domain names and an enhanced role of governments in ensuring access to new domain names.

4. DEVELOPMENT OF PUBLIC DOMAIN CONTENT

14. Member States should recognize and enact the right of universal on-line access to public and government-held records including information relevant for citizens in a modern democratic society (by way of example only: statistics, laws and regulations, primary health and environment information, etc.) giving due account to national security concerns.

15. Member States and international organizations should identify and promote repositories of information and knowledge in the public domain and make them accessible by all, by adequately funding public institutions to undertake the preservation and digitization of public domain information. The establishment of support schemes to promote local and indigenous production on the Internet should be considered .

16. Member States and international organizations should encourage cooperative arrangements which balance public and private interests in order to ensure global universal access to and free flow of information in the public domain without geographical, economic or social discrimination.

17. Member States and international organizations should encourage mechanisms for voluntary open access to information, including open source software. They should also ensure the formulation of technical and methodological standards for information exchange, portability, interoperability and online accessibility of public domain information available on global information networks

18. Interagency cooperation within the UN system should be reinforced with a view to building up a universally accessible body of knowledge, particularly for the benefit of developing countries and disadvantaged communities, from the massive amount of information produced through development projects and programmes.

19. Member States and international organizations should facilitate ICT literacy, including popularising and building trust in its implementation and use. The development of “human capital” for the information society, including an open, integrated and intercultural education combined with skills training in ICT is of crucial importance. ICT training should not be limited to technical competence but also include ethical awareness.

20. UNESCO should create a special fund to support the efforts of the developing countries, especially the least developed countries, to facilitate the promotion and use of multilingualism and universal access to cyberspace.

21. UNESCO, in close cooperation with WIPO, should undertake the compilation of an international inventory of legislation, regulation, and policies on the generation and online dissemination of public domain information.

22. Best practices and voluntary, self-regulatory, professional and ethical guidelines should be encouraged among information producers, users and service providers with due respect to freedom of expression.

5. REAFFIRMING AND PROMOTING THE FAIR BALANCE BETWEEN THE INTERESTS OF RIGHT-HOLDERS AND THE PUBLIC INTEREST

23. Member States and international organizations, including UNESCO, should encourage, in close cooperation with all interested parties, the updating of national copyright legislation and its adaptation to cyberspace, taking full account of international copyright conventions and ensuring a fair balance between the interests of authors and right-holders, and of the public.

24. Member States and international organizations should encourage right-holders to make sure that the beneficiaries of exceptions and limitations to copyright protection may benefit from these, provided that they are applied in certain special cases which do not conflict with normal exploitation of the work or protected work or performance and do not unreasonably prejudice the legitimate interests of the right-holders.

25. Member States and international organizations should pay careful attention to the development of technological protection measures and their impact on access to information in the framework of agreed exceptions and limitations to copyright protection.

The General Conference recommends that Member States apply the above provisions by taking whatever legislative or other steps are required to give effect within the respective territories and jurisdictions to the norms and principles set forth in this recommendation.

The General Conference recommends that Member States bring this recommendation to the attention of the authorities or services responsible for the public and private works on ICT policies, strategies and infrastructures, including the development of networks and services, promotion of multilingualism on the Internet, expansion of the public domain information on the Internet and intellectual property rights issues.

The General Conference recommends that Member States should report to it, on the dates and in a manner to be determined by it, on the action they have taken to give effect to this recommendation.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural organization during its thirty second session, which was held in Paris and declared closed the Day of November 2003.

IN FAITH WHEREOF we have appended our signatures this..... day of November 2003.

The President of the
Conference

The Director-GeneralGeneral

6. ANNEX: DEFINITIONS

For the purpose of this Recommendation:

Backbones, a high-capacity network that links together other networks of lower capacity

Copyright limitations and exceptions are legal provisions in copyright and related rights intended to limit the term and/or scope of protection, or to grant an exception to these rights in specific circumstances.

Cyberspace is the virtual world for digital or electronic communication associated with the global information infrastructure.

Intelligent linguistic systems combine the rapid computational, data retrieval and manipulation power of today's computers with the more abstract and subtle reasoning skills and understanding of such things as nuances that are implied but not necessarily explicitly stated in inter-human communication within and across languages thus allowing the simulation to a high degree of human communication.

Internet service provider (ISP) is a supplier of Internet access services.

Interoperability, The ability of software and hardware on different machines from different vendors to share data.

Multi hub global networks This refers to the ubiquitous communication system with myriad links that allows the simultaneous connection of computers and other communication devices either directly or via intermediary connecting points.

Open source technologies are based on the premise of open source, a certification standard issued by the Open Source Initiative (OSI) that indicates that the source code (program instruction in their original form or programming language) of a computer program is made available free of charge to the general public.

Peering, A relationship between two or more small- or medium-sized ISPs in which the ISPs create a direct link between each other and agree to forward each other's packets directly across this link instead of using the standard Internet backbone. Peering can also involve more than two ISPs, in which case all traffic destined for any of the ISPs is first routed to a central exchange, called a *peering point*, and then forwarded to the final destination.

Portability refers to the ability of software to be used on a variety of computers without necessitating a particular machine or hardware.

Public domain information, also known as the "information commons" is publicly accessible information, the use of which does not infringe any legal right, or breach any other communal right (such as indigenous rights) or any obligation of confidentiality.

Search engine, A program that searches documents for specified keywords and returns a list of the documents where the keywords were found.

Universal access is equitable and affordable access by all citizens to information infrastructure and to information and knowledge essential to collective and individual human development.

Web browser, a software application used to locate and display Web pages.