

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

**Intergovernmental Council for the Information for All Programme
(Second Session)**

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Item 7 of the provisional agenda

**Draft Recommendation concerning the
Promotion and Use of Multilingualism and Universal Access to Cyberspace**

Summary

Following the consultation process undertaken by the Director-General in pursuance of 31 C/Resolution 33 of the General Conference, a revised version of the draft recommendation was elaborated. The revised text takes into account the observations formulated by Member States and international governmental and non-governmental organizations, as well as the comments made by the representatives of the States members of the Executive Board during its 165th session (October 2002).

The present document provides an update on the report by the Director-General on the consultation process and on the revised version of the draft recommendation.

No decision required.

**UNITED NATIONS EDUCATIONAL,
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**REPORT BY THE DIRECTOR-GENERAL ON THE CONSULTATION PROCESS
AND THE REVISED DRAFT RECOMMENDATION ON THE PROMOTION AND
USE
OF MULTILINGUALISM AND UNIVERSAL ACCESS TO CYBERSPACE**

Paris, February 2003

BACKGROUND

1. At its 30th session, the General Conference reiterated “its conviction that UNESCO should play a leading international role in promoting access to information in the public domain, especially by encouraging multilingualism and cultural diversity on global information networks” and invited the Director-General to submit to it “a draft recommendation on the promotion and use of multilingualism and universal access to cyberspace” (30 C/Resolution 37).

2. At its 31st session, the General Conference invited the Director-General (31 C/Resolution 33) to:

- “(a) pursue the consultation process on the draft recommendation contained in document 31 C/25 and Corr. and Corr.2 by organizing an experts meeting (category VI) in the first half of 2002 to advise him on the elaboration of a revised draft recommendation;
- (b) further pursue his consultations with relevant international intergovernmental and non-governmental organizations including the newly created Intergovernmental Council for the Information for All Programme, and the private sector;
- (c) submit the revised draft recommendation to the Executive Board at its 165th session and subsequently to submit it as well as the Executive Board’s comments thereon to the General Conference at its 32nd session”.

3. At its 165th session, the Executive Board (165 EX/Decision 3.6.1) invited the Director-General to “submit the revised draft recommendation to the General Conference at its 32nd session together with the comments made by the Executive Board at its 165th session”.

REPORT ON THE CONSULTATION PROCESS

4. In accordance with 31 C/Resolution 33, a meeting of experts,¹ responsible for providing advice on the elaboration of the revised draft recommendation, was held from 25 to 27 March 2002. The representative of the World Intellectual Property Organization (WIPO) and 52 observers representing 32 Member States and 12 non-governmental organizations also took part in the meeting.

5. After reviewing the various aspects of the draft recommendation, the group of experts noted that a satisfactory consensus was reached on the first three parts of the text, namely: “Development and promotion of multilingual content and systems”, “Access to networks and services” and “Development of public domain content”. The fourth part of the document, “Reaffirming and promoting the fair balance between the interests of rights-holders and the public interest” was the subject of considerable discussion and it was recommended that this part of the text should be further elaborated and improved.

6. The experts also considered that the draft recommendation should explicitly emphasize the need to take international treaties and agreements on intellectual property into account while promoting universal access to information. A paragraph along these lines was inserted in the

¹ Experts proposed by the following Member States took part in the meeting in a personal capacity (category VI) on the invitation of the Director-General: Belgium, Bolivia, Canada, Cuba, Egypt, France, India, Iraq, Japan, Jordan, Lithuania, Mexico, Mozambique, New Zealand, Poland, Republic of the Congo, South Africa and Ukraine.

preamble of the text. Moreover, an ad hoc working group consisting of six specialists² in intellectual property law examined the part of the text covering this aspect, in order to ensure that the draft recommendation complies with the provisions of existing conventions in this field.

7. In accordance with Article 2(b) of 31 C/Resolution 33, the Director-General also pursued his consultations with relevant international governmental and non-governmental organizations including the newly created Intergovernmental Council for the Information for All Programme.

8. Thus, after examining document IFAP-2002/COUNCIL.I/Inf.6, the Intergovernmental Council for the Information for All Programme, meeting from 15 to 17 April 2002, took note with appreciation of the significant progress made by the group of experts and the Secretariat in their efforts to acknowledge and adjust the balance of different sensitivities and perceptions in relation to the issues addressed.

9. At the end of April 2002, the new version of the draft recommendation, which duly took into account the proposals put forward during the meeting of experts and the comments made by the members of the Intergovernmental Council for the Information for All Programme, was sent to the Member States and Associate Members for comments. This new version was also forwarded to relevant international governmental and non-governmental organizations (Annex II – list of organizations consulted).

10. Following this new consultation, changes were introduced in the text on the basis of the comments received and the revised draft recommendation was enhanced in the light of the various suggestions made by Member States and international governmental and non-governmental organizations.

11. In accordance with Article 2(c) of 31 C/Resolution 33, the revised draft recommendation was also submitted to the Executive Board for comments at its 165th session (document 165 EX/16, item 3.6.1). In total, 33 Members of the Board addressed the issue of the revised text during this session of the Board; nine in Plenary, during the general debate, and 24 Members of the Board intervened during the debate of the Programme and External Relations Commission on this item.

12. According to the views expressed and to the comments made by the majority of the representatives of the States Members of the Executive Board, the new version of the text was welcomed and represented a clear improvement with regard to previous versions. Several Member States considered that, by incorporating as much as possible the different positions formulated, the revised draft recommendation took into account all the concerns of the various parties involved and appeared to strike a suitable balance between the different interests.

13. Several concrete proposals were made for amending the formulation of the draft recommendation in its part covering the copyright aspects. Thus, some Members of the Board presented in writing their comments in this respect and subsequently, part four, “Reaffirming and promoting the equitable balance between the interests of rights-holders and the public interest”, was redrafted accordingly. Other pertinent comments made by the Members of the Board on this item were incorporated in the revised text as well.

14. It was further considered by the Members of the Board that the draft recommendation, once adopted, would constitute a significant contribution by UNESCO to the work of the World Summit on the Information Society (Geneva, 2003; Tunis, 2005), in view of the fact that the promotion of

² This group consisted of experts attending in a personal capacity from Belgium, Canada, New Zealand and Japan, and representatives of the International Confederation of Music Publishers (ICMP/CIEM) and of the International Publishers Association (IPA/UIE).

linguistic diversity on global information networks and universal access to cyberspace were already central to contemporary debates and that the conclusions of these debates and their follow-up would play a determining role in the development of a fairer and more equitable information society.

ANNEX I

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

**DRAFT RECOMMENDATION
CONCERNING THE PROMOTION AND USE OF MULTILINGUALISM
AND UNIVERSAL ACCESS TO CYBERSPACE**

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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 the two International Covenants of 1966 relating respectively to civil and political rights and to economic, social and cultural rights,¹

Recognizing the “central and important role of the United Nations Educational, Scientific and Cultural Organization in the field of information and communication and in the implementation of the relevant decisions in this area adopted by the General Conference of that Organization and of the relevant parts of the Assembly resolutions on the subject”,²

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”,³

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 UNESCO⁴ with regard to the promotion of multilingualism and universal access to information in cyberspace,

Convinced that the development of new information and communication technologies (ICTs) provides opportunities to improve the free flow of ideas by word and image but also presents challenges for ensuring the participation of all in the global information society,

Noting that linguistic diversity in the global information networks and universal access to information in cyberspace are at the core of contemporary debates and can be a determining factor in the development of a knowledge-based society,

Taking into account international treaties and agreements on intellectual property, in order to facilitate the promotion of universal access to information,

Acknowledging the need for capacity-building, particularly for developing countries, in acquisition and application of the new technologies for the information-poor,

¹ 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.

² United Nations General Assembly resolution 35/201 (97th plenary meeting, 16 December 1980).

³ Article I, paragraph 2(a).

⁴ 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.

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:

DEVELOPMENT OF MULTILINGUAL CONTENT AND SYSTEMS

1. The public and private sectors and the civil society at local, national, regional and international levels should work to provide the necessary resources and take the necessary measures to alleviate language barriers and promote human interaction on the Internet by encouraging 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 and international organizations should encourage and support capacity-building for the production of local and indigenous content on the Internet.

3. Member States should formulate appropriate national policies on the crucial issue of language survival in cyberspace, designed to promote the teaching of languages, including mother tongues, 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 electronic form and to the enhancement of human capital skills in this area.

4. Member States, international organizations and information and communication technology industries should encourage collaborative participatory research and development on, and local adaptation of, operating systems, search engines and web browsers with extensive multilingual capabilities, online dictionaries and terminologies. They should support international cooperative efforts with regard to automated translation services accessible to all, as well as intelligent linguistic systems such as those performing multilingual information retrieval, summarizing/abstracting and speech understanding, while fully respecting the right of translation of authors.

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

FACILITATING ACCESS TO NETWORKS AND SERVICES

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

7. Member States and international organizations should promote access to the Internet as a service of public interest through the adoption of appropriate policies in order to enhance the process of empowering citizenship and civil society, and by encouraging proper implementation of, and support to, such policies in developing countries, with due consideration of the needs of rural communities.

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

9. Member States should encourage Internet service providers (ISPs) to consider provision of concessionary rates for Internet access in public service institutions, such as schools, academic institutions, museums, archives and public libraries, as a transitional measure towards universal access to cyberspace.

10. Member States should encourage the development of information strategies and models that facilitate community access and reach out to all levels of society, including the setting up of community projects and fostering the emergence of local information and communication technology leaders and mentors. Strategies should also support cooperation on ICT among public service institutions, as a means of reducing the cost of access to Internet services.

11. Interconnection on a negotiated cost-sharing basis in the spirit of international cooperation 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.

12. Regional organizations and forums should encourage the establishment of inter- and intra-regional networks powered by high capacity regional backbones to connect each country within a global network in an open competitive environment.

13. Concerted efforts within the United Nations system should promote the sharing of information about and experience on the use of ICT-based networks and services in socio-economic development, including open source technologies, as well as policy formulation and capacity-building in developing countries.

14. Member States and international organizations should promote appropriate partnerships in the management of domain names, including multilingual domain names.

DEVELOPMENT OF PUBLIC DOMAIN CONTENT

15. Member States should recognize and enact the right of universal online access to public and government-held records including information relevant for citizens in a modern democratic society, giving due account to confidentiality, privacy and national security concerns, as well as to intellectual property rights to the extent that they apply to the use of such information. International organizations should recognize and promulgate the right for each State to have access to essential data relating to its social or economic situation.

16. Member States and international organizations should identify and promote repositories of information and knowledge in the public domain and make them accessible by all, thus shaping learning environments conducive to creativity and audience development. To this end, adequate funding should be provided for the preservation and digitization of public domain information.

17. Member States and international organizations should encourage cooperative arrangements which respect both public and private interests in order to ensure universal access to information in the public domain without geographical, economic, social or cultural discrimination.

18. Member States and international organizations should encourage open access solutions including the formulation of technical and methodological standards for information exchange, portability and interoperability, as well as online accessibility of public domain information on global information networks.

19. Member States and international organizations should promote and facilitate ICT literacy, including popularizing and building trust in ICT 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 should also include awareness of ethical principles and values.

20. Inter-agency cooperation within the United Nations 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.

21. UNESCO, in close cooperation with other intergovernmental organizations concerned, should undertake the compilation of an international inventory of legislation, regulations and policies on the generation and online dissemination of public domain information.

22. Definition and adoption of 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.

REAFFIRMING THE EQUITABLE BALANCE BETWEEN THE INTERESTS OF RIGHTS-HOLDERS AND THE PUBLIC INTEREST

23. Member States should undertake, in close cooperation with all interested parties, the updating of national copyright legislation and its adaptation to cyberspace, taking full account of the fair balance between the interests of authors, copyright and related rights-holders, and of the public embodied in international copyright and related rights conventions.

24. Member States and international organizations, when appropriate, should encourage rights-holders and the lawful beneficiaries of limitations and exceptions to copyright and related rights protection to ensure that such limitations and exceptions are applied in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights-holders as required for in the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).

25. Member States and international organizations should pay careful attention to the development of technological innovations and to their potential impact on access to information in the framework of copyright and related rights protection under international treaties and agreements.

* * *

The General Conference recommends that Member States apply the above provisions by taking whatever legislative or other steps are required to give effect within their 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 and services responsible for public and private works on ICT policies, strategies and infrastructures, including use of multilingualism on the Internet, the development of networks and services, expansion of 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 32nd session, which was held in Paris and declared closed the day of 2003.

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

The President of the
General Conference

The Director-General

APPENDIX

DEFINITIONS

For the purpose of this Recommendation:

- (a) **Backbone** is a high-capacity network that links together other networks of lower capacity;
- (b) **Copyright limitations and exceptions** are provisions in copyright and related rights laws restricting the right of the author or other rights-holders with regard to the exploitation of their work or object of related rights. The main forms of such limitations and exceptions are compulsory licenses, statutory licenses and fair use;
- (c) **Cyberspace** is the virtual world for digital or electronic communication associated with the global information infrastructure;
- (d) **Domain name** is the name given to an Internet address, which facilitates access to Internet resources by users (e.g. “unesco.org” in <http://www.unesco.org>);
- (e) **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 nuances that are implied but not necessarily explicitly stated in inter-human communication within and across languages, thus allowing the simulation of human communication to a high degree;
- (f) **Internet service provider (ISP)** is a supplier of Internet access services;
- (g) **Interoperability** is the ability of software and hardware on different machines from different vendors to share data;
- (h) **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 instructions in their original form or programming language) of a computer program is made available free of charge to the general public;
- (i) **Peering** is a relationship between two or more ISPs in which the ISPs create a direct link between them and agree to forward each other’s packets directly across this link instead of using the Internet backbone. When peering involves more than two ISPs, 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;
- (j) **Portability** refers to the ability of software to be used on a variety of computers without necessitating a particular machine or hardware;
- (k) **Public domain information** is publicly accessible information, the use of which does not infringe any legal right, or any obligation of confidentiality. It thus refers on the one hand to the realm of all works or objects of related rights, which can be exploited by everybody without any authorization, for instance because protection is not granted under national or international law, or because of the expiration of the term of

protection. It refers on the other hand to public data and official information produced and voluntarily made available by governments or international organizations;

- (l) **Search engine** is a software application that searches documents for specified keywords and localizes or retrieves the documents where the keywords were found;
- (m) **Universal access to cyberspace** is equitable and affordable access by all citizens to information infrastructure (notably to the Internet) and to information and knowledge essential to collective and individual human development;
- (n) **Web browser** is a software application used to locate and display World Wide Web pages.

ANNEX II**LIST OF INTERNATIONAL GOVERNMENTAL
AND NON-GOVERNMENTAL ORGANIZATIONS CONSULTED
ON THE NEW VERSION OF THE DRAFT RECOMMENDATION**

African Council for Communication Education
Arab League Educational, Cultural and Scientific Organization (ALECSO)
Asian Media Information and Communication Centre
Central American Educational and Cultural Coordination (CECC)
Commonwealth of Independent States (CIS)
Computer Law Association
Council of Europe
European Bureau for Lesser Used Languages
European Commission
The European Institute for the Media
International Association of Broadcasting (IAB)
International Association of Scientific, Technical and Medical Publishers (STM)
International Council on Archives (ICA)
International Council for Engineering and Technology (ICET)
International Council for Film, Television and Audiovisual Communication (ICTC)
International Council for Philosophy and Humanistic Studies (ICPHS)
International Council for Science (ICSU)
International Federation of Journalists (IFJ)
International Federation of Library Associations and Institutions (IFLA)
International Federation of the Phonographic Industry (IFPI)
International Federation for Information and Documentation (FID)
International Organization of the Francophonie (OIF)
International PEN
International Press Institute (IPI)
International Publishers Association (IPA)
International Social Science Council (ISSC)
International Telecommunication Union (ITU)
Internet Society
Inter-Parliamentary Union (IPU)
Islamic Educational, Scientific and Cultural Organization (ISESCO)
Latin American Social Sciences Council
Latin Union
Pan-African Union for Science and Technology
South-East Asian Ministers of Education Organization (SEAMEO)
Summer Institute of Linguistics (SIL)
Union of African Parliaments (UAP)
World Association of Newspapers (WAN)
World Federation of Engineering Organizations (WFEO)
World Health Organization (WHO)
World Intellectual Property Organization (WIPO)
World Press Freedom Committee (WPFC)
World Trade Organization (WTO)