
YESIM SAGLAM:

Good morning, good afternoon, good evening to everyone. Welcome to the third edition of the 2022 monthly roundtable by EURALO. Today's topic is split Internet on Tuesday 26th of April 2022 at 17:00 UTC. In the interest of time, we will not do a roll call, but all attendees' names will be noted on the Wiki agenda page after today's meeting.

We will have English, French, Spanish and Russian interpretation on today's call. A kind reminder to please speak clearly and slowly to allow for accurate interpretation and also to please state your name every time you speak, not only for transcription purposes but also to allow the interpreters to identify you on the other language channels. Thank you all very much, and I will now hand the floor over to Sébastien Bachollet, the chair of EURALO. Over to you, Sébastien. Thanks so much.

SÉEBASTIEN BACHOLLET:

Thank you very much. And thank you very much for all the people attending. I will leave Pari to explain what is the purpose of this roundtable. She prepared everything and I would like to thank her for that.

It's the role of our RALO to try to have topics—hot topics if I can say—and the current situation in our continent, but also the action of other countries in the rest of the world put this split Internet into question and I think it will be good to have this discussion here with nice panelists and with Pari moderating everything.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

It seems that I made a mistake in this slide. Sorry, it was a short time. I will not be moderating. It will be done by Pari. And I would like to thank you all the people who participate from other regions. It's always good to have you. And we will not have another monthly roundtable in May as we are very short in time before the ICANN meeting, hopefully face to face in The Hague. And we will not do I guess something during our northern hemisphere summer and holidays. But we will resume in September, I'm sure. And with that, I would like to give the floor, the key of the truck to Pari and once again, Pari, thank you very much to organizing this call. Thank you. Go ahead please.

PARI ESFANDIARI:

Thank you very much, Sébastien. Hello everyone and welcome to Euro law roundtable. I am delighted to be able to moderate it. A split Internet is a timely discussion. The crisis in Ukraine has brought forth a passionate debate that went far beyond Ukraine, touching on the role of Internet in society, the nature of Internet and the potential for its fragmentation.

Ukraine crisis could be seen as a test case. Analyzing it would help us to better understand the nature of issues we face and enable us to prepare for changes ahead as the global order and its institution reshape.

This topic is particularly important to ICANN as it found itself at the center of Ukraine request and ensuing debate. This topic also is very close to my heart and my work at the Global TechnoPolitics Forum shaping the conversation at the intersection of technology and

geopolitics. So thank you again, Sébastien, for putting this timely debate forward and offering the opportunity to moderate it.

Today we're fortunate to have four highly accomplished individuals. Sébastien was kind enough to provide introductory slides. I appreciate if you show the slides for panelists which you can see on the screen. This is our first panelist. To save time, I'm not gonna read those. So, I appreciate if you go through one by one through panelists. Next slide, please. So as you can see, we have highly accomplished individuals and I am grateful for Sébastien to providing introductory slides for our panelists.

I would like to start with setting the context then offering some background, after which we will be engaging in discussion aimed at unpacking this complex topic, highlighting [steps] and projecting into the future.

We will have a discussion for 50 minutes. After that, we will have a 30-minute Q&A session. That will be followed by five minutes for panelists to make their closing remarks. I encourage you to listen to the discussion, either raise your hand or post your question in the chat. Our wonderful support staff will help me to read them in proper order using the Q&A session.

Now, I appreciate if you bring my slides now. Without further ado, I'm really excited to welcome you here. We begin with a look at the Ukraine's on proving events. Next slide, please.

As most of you know, on February 28, the Vice Prime Minister of Ukraine sent a request to various Internet governance institutions to cut Russia's access to Internet. Next slide, please.

You can see the list of the required action on the screen ranging from revoking Russia's top-level domain name to withdrawing the rights to use IPv4 and IPv6 and more. Ukraine authorities further lobbied private sector and governments to take action. What followed was a mix of reaction. Next slide please.

The Internet institutions, while sympathized with Ukraine's struggle, but collectively rejected the request. ICANN president and CEO Göran Marby in his response to the request stated, "We take action to ensure that the workings of the Internet are not politicized and we have no sanction levying authority. ICANN has been built to ensure that the integrity of the Internet works, not for its coordination role to be used to stop it from working." While, Andrew Sullivan, president of Internet Society, called the request "antithesis of how the Internet was designed and meant to function."

Overall, Internet governance institutions collectively rejected the request while sympathized with the struggle, and they refer to two issues. They refer to the human rights and the need to keep the space open in Russia for activism and information. And more importantly, they wanted to avoid a splinter. Next slide, please.

Meanwhile, Facebook and Twitter are blocked and cut off by Russian government. On the other hand, Apple, Microsoft, TikTok, Netflix and many others voluntarily withdrew from the Russian market. The

European Union banned state-owned RT and Sputnik, blocking and removing them from search engines and social network.

As you can see from this brief introduction, the responses to Ukraine crisis were mixed. Regardless, Russia rapidly joined the likes of Iran as a digital pariah state. Suddenly, the threat of a splinternet became real. But what is a splinternet?

You can see on the screen definition given by Internet Society. Overall it is when the open globally connected Internet, the network of networks is segmented into separate networks that might use the same names and protocols as the global Internet, but the information is controlled. Next slide, please.

Responses to Ukraine's request ignited a passionate debate on Internet among those who think Internet should remain apolitical, those who think it is and always has been political, and thirds group who divide Internet into infrastructure and application layers with different roles allocated accordingly, and finally, those who see Internet as a disruptive force that is reshaping politics altogether. Next slide, please.

Those positions have many implications, and I have selected several topics for discussion. Depending on how much time we have, we will touch on some of these issues that I have listed here. Next slide, please.

Now, I would like to start today discussion with Chris, advisor to RIPE NCC. Could you please tell us what it does and how they responded to Ukraine's request and what was the justification?

CHRIS BUCKRIDGE:

Yeah, thank you, Pari. Hi, everyone, it's good to be here. Chris Buckridge from the RIPE NCC. RIPE NCC is a Regional Internet registry. So we register IP addresses and Internet number sources, also autonomous system numbers, for a service region which covers Europe, Middle East, and part of Central Asia.

So the main, what you see of that is primarily a public registry that we maintain with information on who's using what IP address ranges. And that's useful for operational purposes, it's necessary for law enforcement and other stakeholders as well.

So this is a really fundamental role, function in the global Internet. We're one of the five regional Internet registries that do this for different regions. And we all cooperate to ensure a consistent global registry of who has those IP address resources.

Now the request came in from the Vice Prime Minister, the Minister of Ukraine, was to deregister IP address resources from Russian Internet users or Russian members of the RIPE NCC. And I think two aspects to this. I think, on the one hand, this is obviously a very fraught and difficult moment emotionally and in terms of politics and understanding that this is sort of a desperate act and trying to do something to save their country.

I think on the principle side, for the RIPE NCC, it was a very straightforward decision. This is not something that the RIPE NCC can do. It would mark a very problematic step away from the principles on which we're based, it would essentially destroy the trust that the global community has in us to operate, in some ways beyond the reach of

political interference, and simply to ensure that we maintain the most accurate and useful registry of who is using Internet resources.

So yeah, we responded to that. I think we've had some good discussions about that. We've seen a lot of support from the community for that position, as has ICANN, I believe. And I think that's really important. And obviously, you referenced the articles Andrew Sullivan and others also wrote in support of that position.

So I think the point that I would make, really in relation to that, is that this was multi stakeholder governance bodies and the multi stakeholder model of Internet governance working exactly as planned. It was doing exactly what it was intended to do.

And that's important, because the argument we have had over the last two decades of Internet governance, discussions about the role of government, one of the really pervasive questions has been that particularly coming from authoritarian states or states not in the sort of Western democracies, if you want to call them that, has been that having these functions in the private sector in the jurisdiction of Western countries, Western European, Northern American, would mean that when the political temperature turned up, when things got rough, when there were conflicts, the organizations responsible for these functions would simply carry out the political will of their domicile Western countries and therefore would do something like disconnecting Russia from the Internet or deregistering Russian resources.

Now, we've actually now seen this happen. And what those organizations have done instead is to say, no, whatever is going on

politically, we're going to stand on the principle here, we are going to remain true to the cause that has been established for us, which is to maintain a global Internet to allow for the functionality of a global Internet.

So I think that's going to be a really important point going forward. I think there do remain other points, which we can maybe get into later, that will continue to be a challenge for global cooperation and coordination necessary to maintain the global Internet. And I think this will be a good opportunity to discuss some of those.

PARI ESFANDIARI:

Thank you very much, Chris. And now I'd like to turn to David, Senior Director, European government and regulatory affairs in the Internet Society. What was the position of Internet Society? How did they justify that? And also, you have chapters around the world. How that comes into play?

DAVID FRAUTSCHY:

Okay, Pari, thank you for the question and thank you for inviting and Internet Society to this event. The Internet Society is a global organization that works to defend and promote an Internet that should be globally connected, trustworthy, secure.

So I have to say that, of course, all these proposals in relation to the Ukraine situation go against this objective of having this infrastructure globally connected, open, secure and trustworthy. As you said, we have this global community that we work with around the globe. And we

wanted to explain to these people that are sitting sometimes in places where this situation with Ukraine and Russia is perceived from very far away, we wanted to convey the message that it is important to ensure that the operations and activity of the Internet remains out of politics.

In these discussions with our community, we really had sometimes a struggle to explain that this is not an issue about Ukraine, this is not an issue about Russia only. Because this can be certainly—the proposals that are being put forward can be a very bad precedent that can be repeated elsewhere, under similar circumstances. And we know that wars are happening around the globe. It's not only the current war. And then these political proposals to interfere with the way the Internet works could be also proposed in the case of [inaudible] other situations where there are happening political turmoil.

And of course, we have to be consistent with our message. We need to maintain the network working for everybody. Finally, yeah, we convey this message and our communities is fully aligned on this issue. And we really need to pass on the message and keep on insisting that this is not only about Ukraine, and this is a global threat. Thank you.

PARI ESFANDIARI:

Thank you very much. Jamal, you have written extensively research and wrote extensively on Internet governance in Europe. The Ukraine crisis was a European issue. How do you define the response within the [digital realm?]

JAMAL SHAHIN:

Thanks, Pari. First of all, it's great to be here and to be in such distinguished company to discuss these issues. Maybe I could swing back a bit on the question a bit in the interest of having a discussion around these issues, maybe raising some points on the way.

So you talk about the fact that this is a European conflict, and that we're dealing with this on the European way. I'd like to maybe take one step a bit further back and look at the Internet itself. David, again, for conversation point. You said that you wanted to keep the Internet out of politics.

I would contest that the Internet is very political in its very nature. And I think that that's one of the things that we need to try and understand as well in this conversation. I can see the clear lines of limitation where this stops. But for me, one of the questions about talking about the fragmentation of the Internet, is also that we seem to mix up quite a few of the different issues that are at stake.

We can talk about the Internet as a tool for economic growth, we can talk about the Internet as a communication tool. But what we're doing is we're talking about different layers of Internet, we're talking about infrastructures, we're talking about content, we're talking about different types of ways or different applications of the Internet and so on.

And there, I think some of these discussions get a bit blurred. And somebody will talk about blocking Facebook, and asking for IP addresses to be blocked in the same sentence. And that's not the same kind of conversation. And I think that's very important. Also, on the political

level, when it comes to European politicians talking about how we are actually trying to govern this Internet space.

So there it becomes useful. And I note we've got people like Olivier and Wolfgang in the crowd as well who talk also about governance on the Internet and governance of the Internet. And there, I think that's one of the issues that we can bring to the table when we're talking about the fragmentation or the future of the Internet and how it's governed, is thinking about these two different ways.

And what's troubling in the European context, in a sense, is that this duality is being blurred again, I think, when it comes to policymaking. So that's a bit of a starter. I can carry on or you can move to Kieron.

PARI ESFANDIARI:

Thank you very much. And yes, I think I now move to Kieron. Kieron, your last book [inaudible] for Internet. And you warned us about [inaudible]. What is your position on this and points made in general and all the conversation we had? The floor is yours.

KIERON O'HARA:

Yeah. Thanks very much, Pari. Thanks for inviting me. Great panel, very pleased to be on it. Yes. I've been thinking about the political philosophy driver. I agree with Jamal that it is a fundamentally political activity, the Internet. To paraphrase Trotsky, you might not be interested in politics, but politics is interested in you.

What our book does, which I will just briefly advertise, for instance, what we do is really look at the history of the Internet and we look at

some of the political ideologies that have driven the design and engineering and governance of Internet.

And it's quite clear that the Internet started off as a piece of engineering designed to facilitate the free flow of information. It was a classic piece of engineering for openness. And David in his contribution described that philosophy of openness very, very eloquently.

And that was fine while the Internet was a small operation run by likeminded people acting in good faith in a reasonably cultural and monoculture context.

Of course, as the Internet grew, as it scaled, problems arose. We had cyberattacks, privacy problems, fake news, misinformation, trolling, crime, money laundering and all sorts of collective action problems that arise the moment highly disparate, diverse groups of people start to pass information between them.

At which point, there was a lot of ideological pushback [inaudible] Internet. And we highlight three in particular in our book. So the open Internet is the first [inaudible] Internet. The other three types of reaction are one is a kind of a human rights protective reaction, which is another characteristic of Europe.

One is more of a sort of commercial view that regards the Internet as a piece of property and let's have market solution solve this. And this is very much an East Coast American position [inaudible] US Supreme Court has adopted it quite strongly.

And then the third is a kind of the terminal fading into authoritarianism, which, clearly, China is probably the most advanced country able to [inaudible] an authoritarian ideology [inaudible]. So we have these four ideologies we're struggling with. Openness, commercial Internet, human rights protection, and the authoritarian Internet.

They're all legitimate. I think all those responses are legitimate. I don't want to criticize any of the reactions, any of those reactions strongly. But they have to coexist, because you're not going to get the Chinese to respect human rights anytime soon, you're not going to get the Europeans to see the Internet as just a piece of property where market solutions reign.

What I would say is that the Internet began with a philosophy of openness. And thank goodness it did, because if openness hadn't come first, we wouldn't have an Internet. And if any of those four ideologies becomes dominant, that would threaten the Internet's integrity. And if any gets shut out, that will similarly do so.

What we're seeing here with the Russian invasion of Ukraine and the response to it is a very strong human rights-based approach to using the Internet as a means of punishing or sanctioning Russia. I think that's a perfectly reasonable thing to want to do. [inaudible] I agree with everything that Chris said, that the Internet really has to remain connected, first and foremost. And once we've secured that, then we can have different ideologies playing around on top.

One other thing I would just add at this stage before I finish my opening remarks is that the Internet isn't a special case, I don't think. We may

indeed [inaudible]. The Internet is not a special case. We've got exactly the same problems is international trade, in responses to climate change, terrorism, finance, and in the energy market. People want to punish Russia for perfectly good reasons. These markets have to stay open for perfectly good reasons. And getting that balance right is very, very hard.

So I don't think we're wrestling with problems that are unique to the Internet here. Although of course, we may well need unique solutions to that particular problem. That's my spiel.

PARI ESFANDIARI:

Thank you very much. Thank you, Kieran. I want to point out [inaudible]. When it comes to Internet, we see that the Internet crosses over borders, so it's border free. And nation states have borders. There's an additional tension there.

And I think we had some of it when during the pandemic, there was some degree of—it sped up digitalization. At the same time, suddenly this whole project of globalization became under question.

So here again, I see it with Internet, this tension between globalized nature of Internet and nation state with their border-defined, territorial-defined nature.

So how do you see this tension? And at this stage, I'd like everyone to feel free to come in and make comments, because this is really a conversation. So please feel free. Who wants to take the flow?

CHRIS BUCKRIDGE:

Well, I can certainly jump in on that. Thank you. And thank you to the others. It's been some really interesting interventions there. I think I mentioned briefly, initially, that there was still challenges here, and I think others on this call have heard me speaking about this, because it has been a very dominant issue for the RIPE NCC, not just in the last few months, but really going back a couple of years. And that's the one of sanctions.

We mentioned sanctions in the situation of Ukrainian and the Russian invasion of Ukraine. But sanctions and the use of sanctions has been sort of a tool of state that has been increasing in use in the last couple of decades. And I think what we're finding is that it is really fundamentally at odds with the model that we have created, a model that has served to facilitate a global Internet.

And that I think it's also—and this is a little by the by—it's becoming apparent just how improbable that level of global coordination for that period of time to get the Internet from startup to where it is now, to the level that it is now, as we look back at that sort of from this point, of this sort of temperature of political conflict and argument and concern, it boggles the mind that we were able to get this far with that sort of level of global cooperation and coordination. And it reinforces that that's what we need to prioritize, is protecting that level of cooperation and coordination to actually maintain a global Internet.

PARI ESFANDIARI: I wanted to ask you about [inaudible] What was the impact? Because you're talking about this level of cooperation. But these two decided to cut their services. And how do you see that impact?

CHRIS BUCKRIDGE: Well, I think if we're talking about Internet—and I can go into why I'm not a big fan of that term. But we'll be talking about that. I think sort of individual service providers cutting connections is not hindering the Internet. It's not fragmenting the Internet. It is network operators making choices.

And there are absolutely discussions to have in that sense about consolidation and the amount of impact that a single network operator cutting ties can have. The Internet Society has done some good work on that. But it's essentially how the Internet works. This is what the Internet does. And that's okay.

When we come back to questions of sanctions now, one of the things that we have talked about is that because sanctions are such a powerful tool of state, because noncompliance is such a dangerous situation for commercial or corporate entities to be in, what we see is those corporate entities actually over-sanctioning, doing more sanctioning than they're necessarily required to, because it's not clear where the line is, where the line should be drawn.

And I think that's, from my understanding of the communications I saw about the Cogent situation, it's kind of an example of that where Cogent said there are these US sanctions coming in, we're going to have to cut our ties here. And then they gradually realized, oh, hang on, okay, we

can still have some data flowing here. It's not such a problem. But that's obviously a huge problem for the people on the other end and for the services that were not intended to be affected or disrupted by those sanctions.

Now, I think that's where we also see, not exactly that same situation, but when we see sanctions applied to the functions such as IP address registry, global registry system, again, it's an unintended consequence. That's not something that those countries and those governments who are levying sanctions are trying to disrupt or are trying to destroy. But it has a profound effect, like the fact that, in our instance, EU sanctions mean that there are limits placed on the RIPE NCC's ability to serve as regional Internet registry to all of our members in the service region for which we are responsible. That disrupts the trust and the cooperation that the global registry system is founded on.

Now, if we break that, A, getting it back to the very difficult, if not impossible, but B, what are you left with? You're left with essentially a fragmentation, a splintering of the cohesive single global registry system which is actually necessary for a global Internet to work.

So it is really a dangerous moment. But I think having the focus put on it by this perhaps also gives us a moment in which we can try to have some cooperation and input to governments to help them, if they're going to use sanctions, better structure and better define those sanctions to avoid the kind of risks that we're talking about here that I don't think are in anyone's interest.

PARI ESFANDIARI: There is a trend in Europe towards sovereignty. What are the trends we see in Europe? Jamal, maybe you want to take this question.

JAMAL SHAHIN: Thanks. But first, I would like to react to what Chris just said. I think you mentioned the word trust, Chris. And I think that's crucial and central to how this works. And there's a bit of a paradox going on, in the way that the sanctions debate is being rolled out.

Because on the one hand, you have this idea, I think, that we promote the Internet as a global communications mechanism that is able to withstand all sorts of attacks, whether they be nuclear attacks—that's the reference to [inaudible] by the way—nuclear attacks or whether they be attacks on other countries.

But by putting sanctions or trying to impose sanctions, you're actually then reducing this trust in the system. And I think that's crucial to bear in mind and a message that needs to be taken to, to policymakers. I'm sure you've already done it. But there's a kind of a paradoxical relationship there between what they're trying to do and what they will in the end achieve, because it bears down on that trust. And I think that's really crucial.

PARI ESFANDIARI: Before we get into trends, I'd like to ask Wolfgang, because his hand was up, to make comments. [inaudible]

JAMAL SHAHIN: I'm always ready to cede to Wolfgang at any moment. So please, Wolfgang.

PARI ESFANDIARI: Apologies. Wolfgang, please.

WOLFGANG KLEINWAECHTER: You know, one of the problems we have since the invention of the Internet is that on the one hand, we have this one word, one Internet philosophy so that everybody can communicate with everybody regardless of [inaudible]. This is to philosophy of article 19 of the human rights declaration. On the other hand, we know although you know from the early beginning that the Internet is not a law free zone. And we live in a world with 193 jurisdictions.

I think Pari in her opening slides mentioned, the Internet is a layered system. And the two main layers, the transport layer and the application layer are based on two different philosophies which create a conflict or a contradiction.

So on the transport layer, we have this one world one Internet, and on the application layer, we have this one world 193 jurisdictions. So those layers are interlinked. And moving forward that the Internet now penetrates all aspects of life, you have at least two options, or three options.

One option is that the one world one Internet philosophy is moved to the application layer, which is an illusion. So there will be never a

harmonization of 193 national jurisdictions that will harmonize all the laws.

The other option would be to bring the 193 jurisdictions to the transport layer. Then you would have a system like we have in travel. That means if you leave one country or one domain, you need an exit visa and an entry visa to the other domain. And this would be like in a pre-Schengen time, that you will always probably have to pay a fee, you have to get a license to leave your domain on a governmental controlled authorities. So this would be the 193 national jurisdictions on the transport layer. And this would be the splinter ne.

[So the problem with this jurisdiction process, try] to find the protocol which would allow, let's say, to something like a cohabitation between the two philosophies, the one world and one Internet, and one world and 193 jurisdiction

I think this is the core of the problem. We have to find an arrangement, at least how to live together. And here we should be very clear that our expectation 20 years ago that the Internet will produce [inaudible] democracy was wrong. So that means like the industrial revolution produced two types of economies, a free-market economy and a state planned economy. So the information revolution produced two types of information society. We have an autocratic information society and a democratic formation society.

And then so far, we have reinvent something what was called 30, 40 years ago peaceful coexistence. So we should give up the idea that the Internet will introduce democratic procedures and rules of law in

autocratic systems. We have to live with them and have to find a way, but we live on the same planet. That's why the approach from RIPE NCC and ICANN and ISOC, to give solidarity to Ukraine but to say we do not touch the one world one Internet philosophy, is a very important thing. But we have to live with this contradiction. And I do not see that this contradiction will go away. That means we have to be creative to live with as a value system. Back to you.

PARI ESFANDIARI:

Thank you very much, Wolfgang. Anybody wants to make a comment?

KIERON O'HARA:

I'd like to chip in if possible on that point. I agree with everything that Wolfgang said. That was very much the line that we take in our book. Part of the problem, the holy grail here is to have a transport layer that's totally intact and global, the application layer that's sensitive to government interference. And the problem is just the dividing line between the two simply isn't strong enough or clear enough. They shade into each other. And we have all sorts of ambiguities and difficulties as a result. And absolutely, we do have to find some way of coexisting.

Just to go back to the sanctions discussion earlier, I think it's also worth reflecting, Chris, discussed sanctions at some length, very interesting points, it's also the case that sanctions are something that can be anticipated. Countries, particularly those that expect to be on the receiving end of them, will act in such a way as to try and neutralize them in advance.

And we've seen Russia do this. After the Crimean annexation in 2014, Russia has basically transformed its economy to become very autarkic or sort of a fortress economy that it hopes will withstand international sanctions. And it's done the same to the Internet.

As we all know, it claims to have cut the Russian Internet off from the rest of the global Internet briefly is an experiment in 2019. I've never met anyone who believes they succeeded in doing that. But they claim they haven't and they clearly want to try and do it.

There's three things that the Russian government's been doing for some time to try and shore up its own domestic Internet. One is promoting its domestic technologies from social media right down to semiconductors. [inaudible] it's taken a much harder line on controlling the information space in Russia. And we've certainly seen this since the invasion on the 24th of February.

And thirdly, they are trying to produce new generation services like e-government, digital payments, identity systems that function within Russia independently of anywhere else.

So those three developments are trying to, in a sense, carve out a Russian space on the Internet that will be self-sufficient. After which, you have the Russian language in play, which means that virtually all links to the—basically, very few non-Russian speakers want to access the Russian Internet and very few Russians want to access the non-Russian speaking Internet.

Fifthly, there's a very strong nationalistic feeling in Russia at the moment, which means that attempts to produce a sovereign Internet

are actually quite well supported. So the talk of sanction that's been floating around since 2014 produced that kind of response, which again, as an unintended consequence, made some kind of splintering, or at least the fragmentation of the Russian bits of the Internet a bit more likely than it was 10 years ago.

PARI ESFANDIARI:

Thank you very much. I think we talk about authoritarian versus democracies. But I think here also, we need to think about those value differences and the fact that there is right now a trend in Europe towards sovereignty and we are seeing more localization of data. Maybe Jamal could tell us about trends in Europe and how things are progressing.

JAMAL SHAHIN:

I would be very happy to, Pari, but David had his hand up, and I'm sure in the interest of—

DAVID FRAUTSCHY:

Thanks. Just wanted to make a comment on the transport layer that has been mentioned. Yeah, it is important that we have to realize that this transport layer is not well designed everywhere. And sanctions against Russia, cutting out Russia from the Internet could also have the consequences of cutting out a number of countries, especially in Central Asia, that depend on Russia for connectivity.

These countries would be mostly quasi isolated, because they depend so much on Russia to get out to the international networks. So this is

the collateral [inaudible] this is another reason for thinking well and with detail how sanctions can impact. And I returned the floor to Jamal on the issue of sovereignty, and then I have also some comments on this topic.

PARI ESFANDIARI: Please do make your comments before we go to Jamal.

DAVID FRAUTSCHY: The European Union is putting forward a large number of legislative [inaudible] that have digital sovereignty embed somehow in them. So we can maybe mention the DNS4EU, the NIS2 also have important impacts on sovereignty, the DMA, the DSA that this week has been finally agreed on, the Data Act.

And it doesn't stop here because there's also initiatives that are not legislative, but they also have aspects on sovereignty. [inaudible] of course, I forgot to mention.

So the European Union is working very hard towards a model of not of isolation, but a model of self-assurance that they can do by themselves. What we are seeing is a trend we come from two decades of working a lot towards globalization. And this has brought many benefits to most of the people.

Of course, there is also always claims that some are being left behind by globalization and now, we are shifting because of—I don't know the reasons, but it's a mix of COVID and other circumstances. And we are shifting away from this globalization agenda.

And this is something we have to reflect and think about, because the Internet is about globalization. It's about fostering communication, fostering data flows, allowing people to get connected to each other, reducing frontiers. But now we are coming into an era, I think, of a different model where globalization is going to be somehow diminished, so we have to reposition ourselves in this new scenario.

PARI ESFANDIARI:

I wouldn't be too fast to read obituary for globalization, but I agree with you. It seems that way. So Jamal, finally, and my apology for [inaudible]. Please go ahead.

JAMAL SHAHIN:

No, it's a conversation. And that's really good. And what David just mentioned is crucial to the debate. So I'm very happy. I wanted to pick up on something that Chris mentioned that ties into what David was saying about globalization.

And I think that's kind of a key point that the Internet has spread, and has become a global technology, a global network, communications network. But this is also in part, not just due to state actions, but also due to the private sector.

And I think that there's this dual hand in hand—and I'm sure Kieron would want to say something about that, how you see—once in my days as a PhD student, I once gave a presentation on the Internet as a metaphor for neoliberalism. And it didn't get very far as a paper.

But that idea of how the networks run across private networks were able to connect up to the Internet and join and be part of this global communications network was very important, I think, as one of the driving features.

But to link to Joanna's question in the chat, and the conversation about sovereignty, what I'm seeing as very important in the way that the European Union is pushing, it's clear that it's being used as a very kind of broad ranging concept to cover lots of things that in the end are partially referring to ideas of control and autonomy. But also trying to link that towards this continuing support for the notion of globalization.

So talking about managed interdependencies seems to be the concept that at least the Commission vice president, Margrethe Vestager, talks about how digital sovereignty is supposed to work in the world of managed interdependencies, and so on.

But the message that comes out is quite contentious in the sense that even if the European vision of digital sovereignty is not about complete control and complete autarky, that message can be misinterpreted by other actors as to mean the European Union wants to close its borders to everything.

And you see in some of the policy discussions that are emerging, that these debates are taking place, right? Oh, we need our own DNS system. Oh, we need to [inaudible] our data flows. Oh, we need to create this space where Europe is able to create its own semiconductor chips and semiconductors and so on.

And you see that kind of debate, or you see those discussions within the debate. And I think that's very important, that at least we as scholars try and maintain that this is not the direction in which this debate should go. And that we try and push for a different concept of sovereignty around this discussion.

So thinking more about cooperation rather than competition, thinking more about ordering rather than thinking about bordering. That's a good phrase, right? There you go. But those kinds of concepts, I think, there is this contentious, there is this fine line that we're walking along when we talk about sovereignty that could make us fall towards unintentionally splintering the Internet or fragmenting the Internet, even without—in the end saying, “But that's not what we wanted.” It's important that we raise that.

PARI ESFANDIARI: [inaudible] more minutes for panelists to react to one another. Anyone wants to take the floor in response to—

CHRIS BUCKRIDGE: If I can jump in, I think Jamal makes some really good points there. And yeah, said in an ironic tone, I guess, in the chat, yet when he says that this idea that dependencies and managed dependencies, etc. doesn't necessarily mean closing borders, I think there are those who think it. And it's not always those outside the commission walls or outside the parliament doors who have that misapprehension.

But I think I'm very wary here of jinxing anything because I know that the final trial of the NIS2 is happening very shortly, it was supposed to happen yesterday and got postponed. So I don't want to jinx any of what we're hoping will there be a reasonably good outcome in removing the root server operators from scope.

But that was a discussion that we were having over the last 12 months where that idea of okay, we're going to be autonomous, we're going to make sure that we have our sovereignty, extended then into in the policymaking process and we're going to extend our regulatory reach over an element of the global Internet.

And the points that many of us in the technical community, many of us on this call have been making to various parliamentarians and council members especially, also the commission, perhaps some less success, has been to say that this is not what you want to do. This will have unintended consequences that will jeopardize the global Internet that you are trying to protect your access to and use of. And so you need to be very careful in that regard.

And I think there are examples of that, that can be compared to that, in relation to the Digital Services Act, in relation to the Digital Markets Act, in relation to various other—like the DNS4EU conversation which we had in another EURALO webinar earlier this year.

So I think one of the big challenges here is that it's playing whack a mole at the moment. There are so many forces in the current political climate, different governments, different bodies, different levels, whether it's the UN or the EU or national governments, the online

safety law in the UK, there are so many different attacks—and attacks is perhaps not quite the right word, but so many developments that are putting at risk the fundamental elements of a global Internet. And that's what we need to be defending.

PARI ESFANDIARI:

Thank you. Before we move into the Q&A section, I wonder if any of the panelists have questions for one another. Feel free to ask.

KIERON O'HARA:

Well, there was one point I just wanted to make. This kind of speaks to things that everyone has said, and it would be interesting to get their take on this. But I think we do need to be careful that we avoid Internet exceptionalism. We always bear the geopolitical context in mind.

The Internet really took off and became a global phenomenon in the 1990s after the Soviet Union collapsed. We had a single superpower and the Internet was largely American dominated, certainly relatively compared to now, at that point, and surprise, surprise, it goes global, because there's only one global force.

Now we have rivals to America in China, Russia, India, Iran and the [Sunni arc, the Shia arc, sorry,] we have America going off in its own way, we have the EU going off its own way, we have Britain going off from everywhere and paddling out into the middle of the Atlantic Ocean with no destination in sight.

Now, it's a much more fragmented world with superpowers all over the place wherever you look. So it's not surprising that getting the Internet

global was relatively easy in the 1990s, and keeping it that way is getting harder and harder in the 2020s. I just wanted to make that point. The Internet sits in a world, it's not a place of its own.

PARI ESFANDIARI:

To add to your point as well, I think on top of the fact that geopolitical context is changing, we have also to realize that the architecture which was created for a different geopolitical context no longer is working. So it needs updating. We have a lot of problems with actually architecture that served us very well up to now. But now, with the digital age, it seems that it's not up to the task and needs updating itself.

And on that note, I think I would like to move into Q&A session. So I want to thank every one of you for your stimulating conversation. They have 30 minutes for Q&A. So I'm going to start with the first question from Joanna. Question is for Jamal and Chris. She asks, "How does the EU policy on digital technological autonomy fit into this discussion? Does it add or reduce the threat of Internet splintering?"

JAMAL SHAHIN:

I think I addressed this briefly. I wouldn't want to add too much more to my comment. But just to say that I think there is a great danger in the way that the message is communicated, or there needs to be more subtlety made in the way the message about what digital sovereignty means for the European Union is communicated.

It's a market project in one sense. It's used as if to say, look, we need to develop sovereignty within the European Union, which is a contentious

issue for anybody who sits within the European Union or in the UK. I remember hearing people in the debates who would not normally talk about politics, suddenly talking about the fact that British people have no sovereignty. It's become an important concept in European political debates writ large, right, since Emmanuel Macron used it in 2017 or so.

And digital sovereignty is seen as kind of an extension of this political project, I think. And that's where the term then takes on this double-edged sword because it's being used by other partners, or it's being interpreted by other partners as meaning what traditionally sovereignty meant, which was closing down borders, having absolute control over one's territory, and so on and so forth.

There's a parallel to that, maybe I'll just add that in, which is this question about legitimacy. Sovereignty implies legitimacy. And some of the work that I've been looking at recently uses sovereignty as a legitimizing instrument. So people will claim sovereignty in order to legitimize their position in the world. And you see that's how the United Nations model works as well. People claim sovereignty and then they're accorded sovereignty by and 192 other states. But that's also what you can see at the European Union level, is that there is this claim for digital sovereignty which is part of the legitimization process.

PARI ESFANDIARI:

Thank you. I see a question. Can Internet exists in a multipolar world?

JAMAL SHAHIN:

That was my question.

PARI ESFANDIARI: So who wants to answer to this? I think [I would refer to the points] I made at the beginning and points made by Wolfgang that, yes, Internet would exist, but depends which part of Internet we're talking about. And still even that needs safeguarding, needs a lot of work from all of us to ensure that it exists. But anybody else wants to jump in, maybe Jamal himself could make a comment.

CHRIS BUCKRIDGE: Sorry, I can jump in. It. Coming from the perspective of the RIR communities, I think it's interesting to sort of see the way in which those RIRs developed around their communities in a way that didn't really reflect the sort of political polarities or the multipolar political world so much.

And I think there have been problematic intersections with the sort of politics and with how those RIR structures have formed. And just to take a very sort of straightforward example, some of the perceptions and realities and discussions of the Internet development in Africa versus the exhaustion of IPv4 address space before most of Africa was at a point where it was anywhere like competitive with the RIPE community or the ARIN community. So that's an interesting and worth considering intersection.

But I also think, if we look at the IANA stewardship transition that took place, that's a really important data point in that it, again, maybe took a sort of quite practical, but also very formal way of separating that global registry system from its anchor point in the global superpower that

invented the Internet, if you will, and made it into—again, just talking about the number functions here, the stewards of those number functions will actually be the five regional Internet registries, so the entire global multistakeholder community. So I like to think, if I'm in my more optimistic moments, that that can survive this sort of breakdown of a unipolar world into a multipolar world. We're yet to see whether that will come through, I guess.

PARI ESFANDIARI: Any comments from anybody?

KIERON O'HARA: I am interested to know what Jamal's answer to those questions would be. But that aside, yeah, I agree with everything everyone said, I think we'll just go back to the point that Jamal made right at the beginning of the discussion, which is that different things actually have different levels of being mentioned in the same sentence.

And I think that goes to the question of what actually do we mean by a splinternet. We haven't really teased this out at any stage. And perhaps that's good, because you can get into one of those navel gazing discussions that we could all do without.

But there are questions about what happens if different technical standards are used. What happens if different governance bodies get involved? Are we including very big walled gardens when we think about the fragmentation of the Internet?

I've been looking at it in terms of geopolitics and ideology. There's also people going off into their own echo chamber which kind of creates a de facto splintering of the Internet. So there are many ways in which the Internet could fragment.

Someone made the point in the chat that we're probably going to see the Internet oscillate between fragmentation and coming together again. And that's probably right, I think. But what we mean when we're worried about the Internet splintering will affect the way that we detect signs of its splintering. Is it a political thing? Is it a technical thing or something else? A social thing?

PARI ESFANDIARI:

I think what we mean with splinting is [inaudible] technical issues, I wouldn't be worried about. There will always be solution. It's the geopolitical section that's difficult. Otherwise, technology, we will always find a way of bridging the differences.

And we have an interesting question that's a bit worrisome. But anyway, from Alejandro Pisanty. He's asking, what are the unspoken assumptions about the future behind the speakers' views? That's some sort of normalcy and peace will arise again? What if the war is protracted and there is a split in geopolitics deeper than today? Would a single Internet have survived Worl War II? Who wants to take that question?

DAVID FRAUTSCHY:

I'll take that one. I think it's very speculative, right. But the telephone system survived World War II. And there's no reason why we should think that the Internet would not survive. I think we are forgetting here one essential component, which is the users. The users want it. The users want to get connected, and we cannot avoid that.

We built the network for people to be used to use it. Of course, there are still unconnected people out there. And we continue working to get them connected. People realize how beneficial it is for them to be learning, to be exchanging, to be making business, to be entertained. And they are going to request that this is working.

Of course, you will always have governments where they believe this is not positive for the citizenship. I wonder, how long would that last? The power of people is important and we tend to forget it.

PARI ESFANDIARI:

Thank you. Very insightful. Any other comments?

JAMAL SHAHIN:

I'd love to support what David just said. The users make the Internet. And I think that line of discussion, when we talk about fragmentation or we talk about the role of states and so on, Wolfgang, you made the comment also making the distinction there between states and between citizens. And I think it's important that we realize that this is a dual discussion that's going on, that we're not just talking about how states will determine the regulations. Citizens will always find ways around using technological solutions to break technological features. I

don't know if you saw the same infographic that I saw recently, but the most popular downloads for apps in Russia were VPN applications in March. So people will always find ways around things. David, you just said the same thing. I think that's really, really useful to make that point, that the Internet is now not just a thing that states manage. Even in countries where they have this vision that they can control the Internet, it's not always the way that it works. We have a hand raised from Sebastien.

SÉBASTIEN BACHOLLET:

Thank you very much. It's just a push [inaudible] therefore, you consider that Internet will survive the users. It's half a joke, but it's interesting the way you are discussing this issue. You consider that we will still be alive and I consider that we have to take care of that. We have to use Internet to bring peace to the world. Because if we use Internet to bring war as it is, right now, when you hear the current leaders in Russia as they are already talking about the third world war, my fear is yes, we survived, mankind survived the second world war. I am not sure that we will survive the third one. Therefore, why we are struggling for unsplit Internet? It's not for technical reason. It's not because we want to have a good tool. Yes, we want that. But it's also because we want that Internet to bring peace to the world. Thank you.

PARI ESFANDIARI:

Thank you. Let's move to—we're talking about technology, and innovation continues. We are going to have a smart cities, they're already happening. So there will be an explosion of input points. Then at

the top with cloud and [inaudible] we're having concentration of control points. How do you see that will impact the situation that you're in at the moment?

JAMAL SHAHIN:

Maybe I'll try. So I guess the idea that what you're looking at here is saying, for example, that there is this explosion of computing power that is being distributed rather than being centralized. So the question is then, how do we then think of digital sovereignty when we start thinking about how states, how cities, and how other parts of the edge will actually take on here? And I think that's an interesting thought piece to think about the future. But Chris has his hand raised.

PARI ESFANDIARI:

Chris, the floor is yours.

CHRIS BUCKRIDGE:

I'm going to try and bring together a few things here. I don't have a huge amount to say about smart cities or AI or emerging technologies. What I do have to say is that all of them, all of these new technologies, and all of this innovation, relies, perhaps even unconsciously, a lot of the time, on that global Internet being there, on those very sort of fundamentals that packets can move from one point on the network to the other, and they can do it globally and we're all working with the same address pool and DNS and how this all works.

And I think that really, yeah, I've been falling back recently often on the sort of tried-and-true metaphors of the technical community. That

hourglass is one that's really useful. And I think also sort of one reason why I'm a little iffy about the splinternet idea is because the Internet has always been about diversity, it's always been about that the top of the hourglass is lots of applications, lots of services, lots of different things. But you need that narrow waist of the hourglass, the IP layer, to actually make it all interoperate.

And that means that that's the point where you really do run a risk, if you start tampering with it. If you start messing with that, inadvertently or otherwise, you kind of jeopardize the value in that diversity there. So I think that's sort of where the splinternet conversation probably is quite good, in that there are so many different topics that get talked about when we talk about fragmentation, when we talk about splinternets.

And Jamal mentioned that sort of—you're losing access to Facebook alongside deregistering IP address resources. Part of what we need to do I think as a community, as people who are sort of involved in this discussion, is to really be precise in what it is we're protecting and what it is that policymakers need to look after here, because there are ways in which the Internet can be used or employed that are awful from a human rights perspective or from an ethical perspective that I certainly wouldn't want to vouch for or support, but they're not breaking the Internet. They're just using the Internet, using the Internet for what the Internet can be useful for.

There is another category which actually threatens to break the Internet and we need to be really mindful of getting that message across and explaining what it is that policymakers need to be careful in that regard.

PARI ESFANDIARI:

Thank you. And I certainly support that point of view. And I don't think there has been enough discussion. Most discussion has been around privacy, around content, which are very important. But I think this part of conversation hasn't been well understood and well discussed.

Now we are running out of time. So we have a question from Adam. The question is for Kieran and Jamal. Do you think EU policy would be different if the UK had remained in the union, a moderating influence, a deliberate positioning in the mid-Atlantic rather than the accidental paddling around governments on pedalo we see now? Who wants to take it? Maybe Kieran, you want to start?

KIERON O'HARA:

Well, it's a nice point. Personally, I think Britain leaving the EU left the EU worse off. I'm not sure in this respect it had the same terrible effect, precisely because we have a tendency, I think, both to be much more sympathetic to the American view of the Internet as a commercial property but also, we do have our own authoritarian tendencies with the online harms bill, for example, and stuff like that.

So I'm not sure Britain's interaction was particularly constructive even while we were in the EU. [inaudible] I think we ought to stay focus focused on not drowning more than anything else. It's a nice question. Thank you for asking that. Jamal almost certainly has something more interesting to say.

PARI ESFANDIARI: Thank you. And we are out of time, so if you have any closing remarks, I'd like to hear from you. And then each panelist has one minute for closing remarks. Do you have anything to add, Kieron?

KIERON O'HARA: Not really. The point I would always emphasize is that we, as in Tolstoy, every happy family is the same. All unhappy families are unhappy in different ways. And we in the Internet community are having, I think, very much the same problems as people in the trade community, people in the climate change world, people in the crime fighting world, of how we keep our efforts to solve global problems consistent with the fact that there's huge diversity and lots of bad actors at the national level.

This is just a serious problem. The Internet is not uniquely plagued with that problem. But of course, we have to invent our own solutions. Otherwise, I echo everything everyone said. We've got to keep this thing together because it's a wonderful thing and it provides so much more values than the harms that it does.

PARI ESFANDIARI: Thank you. Jamal, one minute.

JAMAL SHAHIN: It's been a great conversation. I've enjoyed it thoroughly. I learned quite a bit. One of the things that I wanted to pick up on, Kieron just mentioned Internet exceptionalism, the Internet shouldn't be an exception. I agree, Kieron, that there are many common challenges

across the world that look from a common perspective on different things, the environment, trade and whatever.

But one of the things that I'm really kind of fascinated by is that the Internet community has always made the Internet exceptional. And that fits into this debate and this discourse quite tellingly, as well, saying, "Oh, no, we're above all of these discussions." And I find that—also, this recognition that states do play a role also kind of like, duh, yes. There is going to be a moment when states are going to wake up. And they have started doing so in very slow ways.

And I think what's challenging now is to make sure that when we start using this term, sovereignty, that we make the concept of digital sovereignty something that's based on more horizontal values, rather than more vertical [inaudible] values, but we actually try and push these values a bit more, try and say that this is about cooperating with each other, this is about building on a common network, rather than the old ideas of sovereignty which were based in a vacuum. International Politics took place in a vacuum. We don't have a vacuum anymore, we have a really good functioning network that actually brings us together and that should be our basis for our discussions on sovereignty.

PARI ESFANDIARI: Thank you. Chris.

CHRIS BUCKRIDGE: I'll try to be very brief. from a RIPE NCC perspective, I always make the point that in a way, I'm not talking about keeping the Internet and

keeping people online for peace or for understanding or anything like that. From the RIPE NCC perspective, it's just an accepted proposition that a global network is what we're here to protect. And why I'm saying these things like sanctions etc. are bad is because they threaten that.

And I think that's sort of really the big point I'm bringing here, if I sort of wax philosophical about why I sort of see that global network as something worth fighting for, I think that there are arguments for it increasing understanding, bringing us towards peace. There are equally arguments to say some of the ways it's been used have taken us in exactly the opposite direction to that.

I do think for myself in thinking about it, Jamal mentioned the environment, I think now, unlike any other time in human history, we face global scale problems that we need to resolve on a global scale. And I think the only way we do that is with a global scale communication network that allows us to work together. So I think whatever the social sides of it, we need this global Internet. And it's worth fighting to keep.

PARI ESFANDIARI:

Thank you. David.

DAVID FRAUTSCHY:

Yeah, difficult to wrap up with so many interventions. But if the Internet was not working as it is working now, what would have happened during COVID times? It would have been impossible to continue any

kind of job. This is just an example of what we achieved and what the results are.

We need to preserve something that allows us to get connected. Splinternet, I didn't want you to use the word during my intervention, it's a horrible word and it is a horrible vision. There's somebody here saying that instead of focusing on the [splints,] we should try to focus on how to [heal] them and what are the ways that we can use to glue back or to bring back those who want to split.

And I think that's also an interesting thing to think about, right? There are some nations out there that defend a different model. And perhaps now is not the time to convince them. But eventually the time might come and we should set the path for that now as well.

PARI ESFANDIARI:

Thank you. I think we're running out of time. So I want to thank everybody. I think that after this conversation, we understood, I think, that political Internet is an illusion. But one and open Internet is not. Differences causing fragmentation. And as everybody points out, it's worthwhile fighting for it.

And at the end, it's the people who make the Internet and are the magic of Internet and I think it's upon every one of us to inform and make sure that Internet remain one and open and accessible.

And on that note, I want to thank all the support team, Gisella, everybody, all the participants. Thank you for your time. Panelists.

Wonderful discussion. I'm grateful. I hand the floor to Sébastien for closing remarks. Thanks, Sébastien.

SÉBASTIEN BACHOLLET:

Thank you, Pari, and I will just add my thanks to the one of Pari. And I hope that we will see you in other activities from EURALO but also from the other RALOs, and of course, during ICANN 74. Once again, I really hope that it will be face to face. I hope all the best for the Berlin meeting of RIPE face to face. I was trying to come but it seems that ICANN decide that we can't travel in Europe, therefore, I will be on my armchair to follow RIPE NCC meeting.

Have a good meeting, and all of you take care of yourselves in this difficult time. I wish all my best to my colleagues who participate to this meeting who are in Ukraine. Of course, Oksana, we really think of you, if not all the time, very often and I hope the best for your country in the future. And for all, once again, have a good evening, good day, good morning, good afternoon, and take care and see you soon. Bye.

YESIM SAGLAM:

Thank you all for your participation. This meeting is now adjourned. Have a great rest of the day. Bye.

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