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LONDON – ATLAS II Thematic Group 3: Global Internet: The User Perspective - Session 3

Sunday, June 22, 2014 – 11:00 to 13:00

ICANN – London, England

ANNOUNCER: This is ATLAS II, Thematic Group 3, Global Internet: The User Perspective, Session 3, beginning at 11:00 AM Local Time, in Viscount.

SPEAKER: Is it a little more distinct in the room? Hello? As soon as I step away...  
It's the computers in general.

WOLF LUDWIG: Hello. Welcome back to the last session before our lunch break. We are already a little bit behind schedule. Before we closed for the coffee break there were some comments made from some of the EURALO representatives, which were mostly oriented at the public sovereignty and control on infrastructures. I have seen there were two hands raised from Sergio and another colleague from LACRALO.

Before Jean-Jacques will make his summary on the morning session we'd like to include the last two comments from your side. Sergio, you have the floor.

SERGIO SALINAS PORTO: Thank you Wolf. I have some remarks I would like to make regarding what you said, Wolf, and I'm going to make this public. On many occasions I was not in agreement with your remarks, but it was because I didn't understand you. I'm now beginning to understand your line of

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thought, the way in which you reason things out. If the logistics are correct, I agree with you, firstly because you said that you do not believe in governments and you had plenty of doubts about governments.

I wondered why, because from a Latin American's perspective, we do trust our governments. I thought, "What is going on with this European person?" but you hit the right key when you said that we have to participate and control. I believe it's our citizens' duty to control what our governments do. If that's what you're aiming at, I'd put it in a different context and speak about democracy with participation; that is participate and control governments' administration. That is part of a mechanism in which we citizens are included.

Then you spoke about profitability. I have to agree with you in that many a time the problem is that we don't have infrastructure or connectivity. In Argentina for example it may happen in some locations. That's because private companies are not making sufficient efforts because they thought it was not profitable. For instance, in Argentina, plenty of times we've asked our government to work on IPv6, and we've asked the business community to do so to.

Their reply was, "We do not invest in IPv6 because nobody asked us to do so." With technology investment they generate wealth, revenue, even if they use the same technology, so they're not interested in improving the service they provide to users. Having said that, I understand what you said and I fully share it. Thank you.

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WOLF LUDWIG: Thank you Sergio for these additional remarks. There was another colleague, I think from Chile, who raised his hand?

HUMBERTO CARRASCO: Thank you very much, Humberto speaking. Okay, we [phase 00:22:10] a dichotomy that is market rules. These are the public interests. When we speak about infrastructure we have a conflict or a dilemma. That is to promote ISP competition and promote universal access. In that regard, I believe that regulators, somehow or other – and this has been proven by experience – have tried to levy taxes when they grant bids or tenders to ISPs, when they need to reach rural areas.

Notwithstanding that, we as users have to permanently watch, control and analyze these actions so that we can actively and effectively guarantee access in rural areas and access to any user with special needs. Thank you.

WOLF LUDWIG: Thanks for this comment. I'd like to give the floor to Jean-Jacques for his summary.

JEAN-JACQUES SUBRENAT: Thank you Wolf. My role is not to report to you faithfully every bit of the discussion we had this morning. Rather, it's my personal take and perhaps you'll forgive me for accentuating or underlining this or that aspect, which you perhaps have missed or consider less important. It is of course a very subjective exercise and I assume this responsibility.

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First of all, we should concentrate on three things: the technology, the principles and what recommendations we can take away from all this. Technology. Someone said this morning that technology is neutral. That's absolutely true in the sense we think of it, as users. However, I want to underline that we, that you, can influence applications and certain orientation of technology. For instance, someone said this morning – our representative from Armenia – that you can't equate entertainment with education, with training, with awareness, etcetera.

She's absolutely right. It's up to you, through your NGOs, through your ALSes, through your contacts with local and regional governments, to influence this state of mind that entertainment – all Hollywood is not one-tenth or one-hundredth of an encyclopedia. It's entertainment. Entertainment is fine. It exists in its own right. It's perfectly legitimate, but let's not mix up everything. Entertainment is not really culture. It's part of culture.

The second thing I'd like to say is that we must stick by principles. Perhaps we have not, in the past, expressed principles with enough clarity. To make it simple, I'd say it's time to put the general Internet user back at the center of the whole Internet constellation. That's why I had suggested that the title of our whole session here be called the Global Internet: The User Perspective. If we put the user perspective at the center then all the themes that we talked about this morning – access, accessibility, etcetera – are of course all important.

I'd like to come back though to the point made by Aziz, which is that we are expected, in a way, to treat them separately. It's only to the advantage of the technicians, the bankers, the financiers, the

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organization people, that we treat them separately. It's in our interest though to treat them globally. That was the very important point made by Aziz. Otherwise, how do you for instance treat the content matter, which was brought up by our friend from Armenia?

If there is no consciousness that providing a computer and a connection is good, but if you have no local content to provide, what do you get? You only get what is provided free of charge across the world, which is entertaining, but not necessarily relevant to the local user. Now, in the principles, I think it was also clear in our discussion that there was an urgent call to restore trust. Some people expressed this in the form of "We must enhance public control".

Public control I'm not satisfied with, because I know a few countries in the world, including one of the most populous, if not the most populous in the world, where that is exercised with relish by the government, if you see what I mean. Public control. It's quite different from two things: judicial control and parliamentary oversight.

Frankly I don't care for state control, but I care very much about these two things: judicial control and parliamentary oversight. Here I must mention a paradox. We've all been talking about the Internet as if, of itself, it could promote democracy, create equality, give education, etcetera. I'd like to caution you that the Internet can only do this much.

It can't replace the march of a country and its people towards more democracy, towards representative democracy. It also cannot eliminate unfairness of historical proportions. Our friend from India is not seated there, but I'll mention this. I was shocked to learn two or three years ago that more than 50 years after Indian independence, the level of

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illiteracy in India was still around 50%. That's not because the Internet existed or did not exist, it's a question of good governance. Other poor countries have managed to give a higher rate of literacy, so it's a social problem.

Now, amongst the other principles we must really insist on – and I'd suggest we put this somewhere in our recommendations – is the whole thing about whom is to trust whom. Are we to continue trusting, blindly, Facebook and Google, etcetera, when they say, "Your data is safe"? I have to use the analogy of the financial sector, where it's been said for 30 years that the future of the global economy depends on implementing self-regulation.

We don't want governments to interfere in our money problems. Self-regulation. You see what that has led to – some major catastrophes and even great inequalities today. There's a very important study on the WTIF, which gives ratings in countries, but also worldwide, and unfortunately the trend is absolutely clear. You can argue about some of the statistics, but the tendency is that a smaller number of people are possessing a greater number of assets – whether it's money, property, communications means, etcetera.

We either consider this completely normal, or we don't. I think that we have to derive lessons from that for our little preoccupation, which is the Internet. The same thing that happened about property in London, Paris, New York, etcetera, is happening on the Internet. Wake up to that. Finally, my last word is about awareness and empowerment.

I think it's your role, it's our role, to do each in our community, each in our country and region, to make sure that the correct issues are

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presented. What are the real challenges? Is it about having only more connectivity, or is it also about content?

There was a very interesting figure given this morning about Peru, which is 1km of road could represent 10,000 Internet connections, which is a very striking comparison. It's that kind of global thinking about the Internet which was the least present in the general Internet debate among users so far. I suggest that we contribute to this heightened awareness. Thanks.

GUNELA ASTBRINK:

Thank you very much for that insightful summary of this morning's session. Unless we have any other comments on that, I think now is the time to move into the third and final topic for this Thematic Group. Maybe this could be introduced? This particular issue I think we have heard from both Fatima and Jean-Jacque in the introductory comments. Would either of you like to introduce this topic, please?

FATIMA:

[Fatima ? 00:34:25]. This is issue number three, which we initially presented for discussion, and we addressed this issue in a way, yesterday. A colleague raised this issue yesterday, and we told our colleague to wait until today, because we would be addressing the issue today. Now, in view of the recent public announcements about communications surveillance performed by governments – not only one, but several – they argued that surveillance was due to national security reasons.

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Well, can we confirm that Internet users will be able to continue enjoying a global Internet, as we know it today? The question we're posing for debate... Can we move onto the next slide, please? The question we're posing for debate is if there are some ways Internet users might collaborate in the development of regulator frameworks and policies, so that their own interests are included. This is the topic we'd like to discuss. The floor is open for debate. Jean-Jacques, go ahead please.

JEAN-JACQUES SUBRENAT: Thank you Fatima. May I suggest that when you take up this question, number three, perhaps you don't develop at too great a length the experiences in your country or your community, because we've done that quite a bit yesterday and this morning. Rather, if you can use your experience and what has been discussed this morning, so far, to point at the way forward.

In the interest of your community, how do you see the problems? Are they of a security nature? Are they of an economic or industrial nature? How do you think you can get over those problems? Thanks.

SERGIO SALINAS PORTO: I think there is the issue of privacy, at least from our point of view, and it's related to most of the gathering-data companies are based in the US nowadays. I feel this when we talk about [super piper 00:37:49] and other kinds of issues related to digital [cannon 00:37:58] like that, we had the same issue. The legislation passed in the US would have consequences all over the world. What power could citizens and users



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have, more than sending letters or comments to the governments or those web services, so that they won't share the information?

I think there's no more than that that they could do, because the legal framework of the countries where those companies are based is the one that will govern this. The Google example is a clear example of this, and that is they have an agreement with us. They tell us that they'll commit not to share the data, and on the other hand having a backup of the data in a company.

They won't have that agreement with us, so they share that data with the US. I believe that we should start trying to find a way of intervening in the US policy development, to see if we can have some influence there. It's a coming and going. Thank you very much.

HUMBERTO CARRASCO:

Just briefly, to answer this question on the way forward on what users might do, well, I believe there are several ways forward. The first ones that have come to my mind are creating or producing reports that will be communicated, describing the public policies of regulatory frameworks that might explain the users' interests. This is related to talking to members of parliament of the countries involved.

This is key, in order to be able to get bills passed that will be for the benefit of the Internet users. We cannot be isolated organizations in society. We won't get anything out of it, of just sending complaints, telling people that we're not being heard, if we're not able to work in networks. It's working together with those that have the power to define the regulatory frameworks.

FATIMA:

I'd like to add to this discussion to see if we might answer this question. I think many of you are aware of this. Of the 13 [proportionate 00:41:05] principles, ten were shared by a group of civil society organizations, and after that, other organizations joined this initial group, and through this information about mass surveillance of communications, and which deals with [unclear 00:41:26] the principles that governments have to abide by in order to do surveillance of communications.

Some of the principles – I'm not going to describe all of them. You may Google them – but some of these principles, one of them is a principle of legality. Surveillance has to abide by these principles. These are: legality, legitimate aim, proportionality, competent legal authorities, that due process be followed, that the users be told about it, it should be transparent, it should be monitored by the public opinion. There should be guarantees for international cooperation, and guarantees to prevent illegitimate access.

All those principles are properly defined. Maybe we could take some of these principles to help us develop a regulatory framework so that the interests of end users will be protected too.

SPEAKER:

I need to see my notes. I have three points only regarding the question. Could you go back one slide please? My only issue with the question is the question itself seems a bit vague. It does clarify in the further follow-up questions a little bit. I think the vagueness of that question is

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what I'm having a problem with. I did have a chance to review that NetMundial document, and I'd like to see us use that document. It's already been vetted. It's already been supported by a lot of global people.

I think we should try to incorporate that in our final statement and somehow utilize that to propagate that further. My third point actually deals with this question. Based on arguments of avoiding surveillance, can we [affirm 00:44:31] that Internet end users will continue to enjoy the global Internet as we know it today? That would be great. It goes back to the fact of do we trust our government entities?

Unfortunately, I live in an area where we do not trust our government authorities. I think globally there are entities of government relations that we cannot trust. I'm coming at that in a way that I've had the privilege of working both sides of this coin – both from the government side and from the non-government side. Both sides of the surveillance argument.

As an example, if we say that we can fully trust our government to do what's right, I think that would be great, but I don't think that exists right now, in many cases. My point is, how can we incorporate something that ICANN can do – whether it's a DNSSEC or something along those lines – to help the end user have a little bit more confidence in the reliability?

I point back to a thing that recently again has been made public: what is to stop a government from corrupting CISCO-operating system routers to intercept the data coming through the CISCO routers, switches, hubs and so forth? What can we do to protect against those things? That's

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the argument that I'd like to throw out. If there is something that we, as a group, can do, or ICANN can do, by promoting something, I think we should. Thank you.

JEAN-JACQUES SUBRENAT: Thank you Gunela. I'll try to answer several of your remarks or question. I've entitled them, for myself, "que faire?" – what to do? We're aware of all this, of course. I think there are three levels at which we actually can do something. It's not always great. It's not always earthshaking. Let's see. First of all, at the level of the user, that means you, but also the communities you advise or counsel.

There's an obvious thing you can do. In answer to one of the Latin American questions, no, we cannot directly influence or have an action on the policy choices of Washington. Of course. For instance though, if you're not satisfied with the way that one of your favorite search engines is functioning, because of privacy issues, how about changing that? I, for one, have, for the past few months, been using another one. It's not perfect.

I'm still not completely sure about the privacy issues, but I'm using Qwant. There are many others out there. This is not a plug against Google or anyone else, it's a question about trust. Since we're talking about trust, the day Google provides the same, or better, services, without any issues left, maybe I'll go back to Google, and maybe to Gmail. Who knows? The second thing is at the level of public authority. What can we do?

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I think that we must constantly impress upon our representatives at the local, national and regional level, that we are more and more serious about the crucial question of the protection of the individual. That means of personal data, the right to oblivion or forgetfulness, as far as your data is concerned. Also – and this is more important, in the long run – you must guide your own elected representatives to reviewing existing laws.

For instance, in Great Britain about two months ago, the head of two of the most important intelligence agencies came out in television interviews and said, “This is scandalous. Snowden was a traitor,” etcetera, and of course he said, “We applied the prevalent laws as far as surveillance is concerned.” He forgot to specify that some of these laws in the UK were at least 30 years old.

That was before the Internet was really efficient. The laws need to be at least reviewed, if not renovated, and perhaps even strengthened in some cases. This, in France, is being done also, and in many other cases. Don’t forget the legal dimension. It may not come spontaneously for members of your parliament, unless you remind them how serious we are about this. That was for public authority. My third point was about the community of users which you represent and which you help to organize in your local or regional context.

First, I think that we went through a first stage of creation of a great number of ALSes in all our regions. It was almost the pleasure of identifying ourselves, of being able to say, “We’re Internet users.” You have to think of the next steps. Here I find that there’s a great inequality from one region to another, from one ALS to another. Some are still at

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the stage of identification and the pleasure of communicating. Others are into educational programs. Others are even into creating content.

My point about ALSes is – and I say this from the point of view of a member of the ALAC – each time we authorize the recognition of a new ALS, there’s almost a cheer and clapping in ALAC. It’s a bit childish. Sometimes I ask, very rudely, “By the way, what are they doing really?” and sometimes the answer is, “Well, they only started about three years ago.” You have to set your standards much higher sometimes. This you can do through the ALAC or your representative at the ALAC.

I think that some of you are not aware enough of the possible input of the user community into policy formation; into how policy is elaborated in ICANN. gNSO is the policy shop of ICANN, but more and more you will see that other parts of the community also care, and consider that they can contribute at least partly. Look at all the things that have been done in ALAC over, at least, the past two years. You’ll see that there’s a growing engagement of the At-Large community as represented by ALAC, in the early stages of what later becomes policy.

Third point about community is you must demand, and you should obtain, much greater local transparency. Whilst we’re spending gigantic amounts in ICANN, and human capital, to do this ongoing review process – ATRT 2 – when is ATRT 3? Is it next year? In three years? I don’t know. Whilst we’re doing this, there should be an equivalent energy consecrated to obtaining the same things at your local or national level.

For instance, someone mentioned this morning that in some countries how the ccTLD operator operates is not transparent. Well, this will not come from the top of ICANN, or from Washington or Paris. It will come

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from you. If you are not adamant about that, if you don't insist on demanding transparency, you will not receive transparency. It will not come spontaneously.

My last point is to rebound on a suggestion that was made by [RJ 00:54:11] early on. It was to use existing material. The NetMundial declaration is now universally known. Let's piggyback on that. How do we do that? One way I think of doing it is to use that reputation, which is already very high, by trying to improve, by stating it very clearly in very curt terms. You don't want a 12-page commentary on one line of the NetMundial declaration.

You want two paragraphs, not more than one page, on one important item. It has to be readable by heads of ministerial departments and hopefully heads of state. May I suggest – and this is a recommendation that I submit for your perusal, before it's taken up by the rapporteurs of our session – could we think of an ALAC statement on what is lacking and how to improve the NetMundial statement? I think that would be a very worthwhile exercise.

As the Founder and Co-Chair of the Future Challenges Working Group of ALAC, I'm prepared to receive your suggestions and your comments on how to do that, in what format, and with what timescale. Thank you.

FATIMA:

This is Fatima, for the record. We have a question from a remote participant. This is a question from Javier Rodriguez. He says, "The fragmentation of dividing the Internet into small, international or national pieces began in 2005 when Yahoo! started segmenting

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publicity, depending on the user location. Today, Netflix lets you see films according to the country where you are located or based. It's not only governments who have divided the Internet. The corporations and the big companies have done so as well.

"The question is whether we can, and we want to say something about Internet fragmentation for commercial purposes. We're no longer globalized. The thing is that they want to measure us, control us, so that they can sell more things to us. We, the users in At-Large, can say, "Enough of that. We want to be global users and not victims of corporate marketing." Thank you." That is the end of the comment from the remote participant.

GUNELA ASTBRINK:

Thank you. I'll ask Yuliya to make the next intervention, but maybe consider some of those comments from Javier when there are further comments and question. Thank you.

YULIYA MORENETS:

Thank you Gunela. I'll be very brief and go into the direction of the comments already made. What I wanted to say is that we all know that the question of surveillance is directly related to a secure and resilient Internet, and of course privacy issues. What I wanted to say is maybe we should reaffirm in our message the points that were raised and are in the NetMundial declaration, concerning two points.

First of all, to have a balanced approach, in order to have a secure and resilient Internet, as well as to have the respect of privacy issues and in order to have this balance, which is actually stated by the NetMundial.



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That brings me to the second point, which is to underline the need of the multistakeholder approach to security issues. It's what is lacking today, I do think. What Jean-Jacques just mentioned is to have the viewpoint on how to improve the NetMundial statement.

Maybe we should also propose something like an implementation, because [what is always 00:58:55] an implementation, how to do this? What I'm thinking is maybe we should propose how to do this; how to implement from the perspective of civil society. Thank you.

JEAN-JACQUES SUBRENAT: Thank you moderators. I'd like to rebound on that last remark. Two things. First, I'd like to read to you – don't worry it's quite short, unfortunately – the NetMundial statement about mass surveillance. It's in Chapter 3.2. This is it: "Mass and arbitrary surveillance undermines trust in the Internet and trust in the Internet governance ecosystem.

Collection and processing of personal data by state and non-state actors should be conducted in accordance with international human rights law. More dialogue is needed on this topic at the international level, using forums like the human rights council and IGF, aiming to develop a common understanding on all the related aspects." You see that because this had to be a consensus statement, of course it was watered down, and that's what you get. It's better than nothing though. I come back to [RJ's] suggestion that we react as a collectivity, perhaps through the ALAC, to this.

Coming to Julia's comment and suggestion, yes. I think that we should not only comment the shortcomings of the NetMundial declaration, but

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also be stronger on the possible implementation, at various levels – at the universal level, at country level, at regional or local level, at user level. Thank you.

FATIMA:

I will go back to Javier’s comment, briefly. We have colleagues from countries that have really undergone fragmentation, and they’re asking us to stop using the term in relations to what happens in the Balkans, so we should use the term “fragmentation”. Regarding what Jean-Jacques was saying, I believe that the point that deals with massive surveillance of communications was raised by certain civil society organizations that were not in full agreement, because massive surveillance was not sanctioned as strongly as expected.

If we are to draft a document on which we all agree, we can lay emphasis on this massive sanctioning or disapproval of massive surveillance. Regarding the ALAC taking over this issue, yes, we in the ALAC can continue this discussion as an ALAC group, but here we have the entire At-Large community, so we can all disapprove of mass surveillance of communications – all of us together – and take that back to our countries and ALSes to demonstrate that the global user community insists on not wanting massive communication surveillance. Thank you.

GUNELA ASTBRINK:

...Concrete way to forwards, and maybe we have a possibility to draft some words, which we can then look at later in the afternoon, to see if we’re all happy with those words. We can then contribute them to the

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last session on Thursday, after it's been harmonized. Have you any comments about that approach? Do you agree with that approach? Okay. Good. Do we have general agreement in the room? Is there anyone against that type of approach? If so, maybe that person can explain why.

I think we have unanimous approval of that, which I think is very, very exciting. What is the next step then? Well, yes, this is a large group to be drafting wording, but we have a basis in the NetMundial document, and we agree that that has been watered down. We have the opportunity here to maybe strengthen that wording and see how we go. Wolf?

WOLF LUDWIG:

The logical question or consequence out of it is just asking here, what do you think is missing? Just turn the question around. Or what is too weak? What should be added to this far too short paragraph, which was, as we all know, terribly watered down, compared to the inputs that were delivered for this part. The question, as a sort of pre-exercise for a drafting, would be can you precisely name an aspect or a formulation that you'd like to be added to this paragraph of the NetMundial declaration.

YULIYA MORENETS:

Thank you Wolf. I do actually have a question. Do you refer to the NetMundial paragraph? Just to be clear on what we're all speaking about. Can we just read it, for everybody? Do you refer to the NetMundial paragraph?

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WOLF LUDWIG: I think we're all talking about what Jean-Jacques was presenting. This was an extract to the NetMundial.

JEAN-JACQUES SUBRENAT: Thank you Wolf. In response to Yuliya, yes, I suggest that we start with that, which is the part I quoted, but certainly not to limit ourselves to that. There are two parts in the NetMundial document. First there is the NetMundial multistakeholder statement. That's one. The two is roadmap for the future evolution of the Internet governance. I think that if we are to engage in an exercise – and again, I suggested that we do it within ALAC; to convince the ALAC Leadership that it could be in that context, perhaps in the Future Challenges Working Group – we have to take the whole thing.

Of course, some of us may want to insist more on the excesses of global surveillance, but there are many others points that have to be taken up also – about access, about equality, about many things. Does that answer your remark, Yuliya?

YULIYA MORENETS: Actually, partly. Thank you Jean-Jacques. Do we speak about the particular paragraph on surveillance, or should we work on all the chapters? Or do we focus now on the paragraph about surveillance? Just to be clear.

JEAN-JACQUES SUBRENAT: Now I better understand your question. It depends on the timing. Our immediate purpose in this part of our TG 3 session is actually to

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concentrate on those few lines of the Mundial declaration on mass surveillance. What I was suggesting is a slightly longer timescale, which is my proposal that you engage, through the ALAC, in a collective exercise, about evaluating the whole NetMundial declaration. Say what's good, point out the shortcomings and, if possible, suggest improvements and implementation.

WOLF LUDWIG:

Jean-Jacques, this would be a post-ATLAS II exercise. What can be the outcome from today's session today, for the immediate need as an input in the final declaration from ATLAS II? We need input more or less today, to be collected and added? Therefore let's come to the question. If you have a look on this short paragraph, what do you think is missing? What would you like to be added to this precise formulation, which was watered down? Maybe it's not complete, in your opinion. Let us know which aspects, which phrase you'd like to add to it.

JEAN-JACQUES SUBRENAT:

Wolf, perhaps that's one way of doing it. Perhaps another way is not to try and improve the wording of that short paragraph. It's to make a comment on it, to say, "We're grateful that the leaders assembled at NetMundial took up the subject, following upon the Snowden revelations. We're glad that it was identified as a real, crucial problem, but we think that the tone is still too shy and we propose..." etcetera. We're not bound by any contract to respecting this wording.

I think a commentary by the At-Large would be perhaps even more useful than just a drafting exercise on the existing paragraph.

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CHRISTOPHER PARSONS: Hello. For some who didn't perhaps follow the NetMundial as closely... Sorry, Christopher Parsons, with NARALO. In the second bullet under privacy, there's the clause "should be reviewed". That was one of the key aspects that was watered down. Previously it was "should be prohibited". One of the critiques from civil society and others who work in this area was that review is insufficient and that what was going on is, by default, inappropriate, illegal, unconstitutional and a violation of human rights.

For some in the room it might be helpful to identify specifically where the watering down took place. I just wanted to add that from my perspective, reversing it back to that stronger language would be a very helpful move forward. Of course, that's something the room could discuss.

JEAN-JACQUES SUBRENAT: I'd like to bounce back on that. Thank you for that very interesting remark. We have to get to results, so may I suggest, moderators, that we do the following thing? You as moderators, and our dear rapporteurs at the end of the table, will be getting together, in any case, in the early afternoon or something? Those who are most interested and have actually been in the drafting exercise in NetMundial – it seems that you, from Canada, have been in that, or at least you knew the wording precisely.

Perhaps it would be useful if you joined heads and came up with a commentary on this paragraph, including, if you can do it, proposing

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different wording. I'm just saying that we don't want to remake the paragraph. No one has mandated us to change that paragraph. It exists. My point was instead of just trying to improve it, let's have an opening commentary saying that we, in the ATLAS II, discussed this, and we found that it was good for this reason, bad for that reason, and in fact one of the ideas would be to revert to the initially proposed language.

Could those who are really the most interested in this particular topic join Gunela, Wolf, Glenn and Judith, or send them an email, to get that input?

WOLF LUDWIG:

Yes, but to avoid misunderstanding here, this is a session for all. This is not just a session for the team here. This should include, and I hope it will include, all of the people who are in the room now.

FATIMA:

I agree in that there are three clear points, according to what Jean-Jacques suggested. We do not need to rewrite or redraft the text on mass surveillance, but we can reinforce it and convey our message. We don't need to rewrite the text and replace that wording. Additionally, we within ALAC are committed to continuing the discussions of the NetMundial statements, for instance in LACIGF, in the Global IGF, discussions will continue.

Further to that, regarding the final document of this Thematic Group, I agree with what Wolf has said. We are all committed to contributing to that document. If we have no further topics for discussion, my suggestion is that in the afternoon session, we can see what we have

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compiled so far. Together we can review everything, propose or suggest amendments, or additions, and we should do that in a collaborative fashion – all of us together, and on the basis of consensus. Thank you.  
[Applause]

WOLF LUDWIG:

...Part of the rapporteur function to now list the suggestions from our participants here to be added as a recommendation to the final report. The whole exercise of reporting was not minute-taking from yesterday afternoon and this morning. The goal of reporting is coming up with concrete recommendations and policy conclusions. This would be the challenge of the afternoon sessions – to bring it all and condense it down to very concrete proposals.

If you have, as we had always during the coffee breaks, twice I was standing with people from our group, and there were some interesting discussions going on. If even over the lunch break, or after the lunch break, you come up, two or three people, and say, “We think this should be added,” you can come to the afternoon session with a concrete proposal and the recommendation. Then we’ll list it and consider it for the final input from our group to the final report.

GUNELA ASTBRINK:

If I can just make a comment on that? Certainly, after lunch we will have a summary of what has been discussed, and we have assistance from Patrick Dodson, who is summarizing, as well as with the Rapporteurs. We’ll be presenting that on some slides. That is an opportunity to ensure that we’ve covered all the main points. For you then to say,



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“Okay, we need to include this point or this point,” or, “We believe that should be stated in a particular way”... That’s very important, in the next session, after lunch.

Now we have about 40 minutes before the lunch break to ensure that we have covered off this particular topic, in detail, in the way we want to. Then we can have the reporting and the discussion on those reports after lunch. This is an opportunity to talk more, maybe a little bit more about those particular clauses in the NetMundial document that are very important to us here, or some other aspect of this particular topic.

We had a very useful intervention about what was stated in the first drafts of the NetMundial document and how that was changed. That is very important for us, to know those changes. There might be other wording that we can clarify now, whilst we have this time opportunity.

CHRISTIAN CASAS:

Good morning. I am Christian Casas from the Center of Studies of Workers in the Legal Area of Argentina. As a recommendation I’d like to have this added, which will deal with all this invasions of privacy. We should consider them as harmful for mankind. Consider them a crime against mankind, because this will be the beginning of other interventions or activities against activists of social organizations.

SPEAKER:

Can you hear me now? My name is [Munich ? 01:22:16]. I will speak in French. I’d like to start by thanking you for this opportunity to talk about the role of the users. This is very important and I hope we’ll have more opportunities to meet again and not wait for five years to meet

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again. I'd like to give a few elements that are very important for us. We work in Quebec, and work with about 10,000 people a year to really be the owners of the Internet.

I work with handicapped people. I work with people coming from all social classes. We work with our government. We talk to our government to make sure that the users are respected. A big issue we have is the future of the Internet. The Internet of Things is going to be a huge issue, and we'd need to have a standard for the Internet of Things, because private life can be really gone, because of the Internet of Things. We really have to think about that.

ICANN has to think about the standards for the Internet of Things and the respect of users, in view of the new applications that are going to be Internet applications.

GUNELA ASTBRINK:

The Internet of Things is obviously going to have a massive impact on end users, and we need to look at where ICANN can work on these issues. Is this a role for ICANN, and how would that be done? Any other comments on that, please?

AIDA NOBLIA:

I'm Aida Noblia. Just taking up the concerns, of which some I share, to have a more concrete declaration, for example that on mass surveillance and the Internet of Things, I am talking about standards. I think there could be a recommendation or statement for us saying that we are against mass surveillance. We should have practical and technical and lawful steps taken in order to prevent mass surveillance.

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Then we can get to a point in which to prevent those issues or penalize those events, or penalize anybody who may break those laws. Also, we should talk about human rights, so that we would give priority [unclear 01:25:43] constitution in our country we have these human rights, which are included in the legal framework in Argentina, and also in international standards and regulations.

This gives them some standing, some regulatory standing. Regulate this from a legal and technical point of view, so as to implement practical steps or measures.

**DIEGO ACOSTA BASTIDAS:** Free Software from Ecuador. I'd like to repeat that as far as possible, this group should insist on a recommendation so that the feasibility of setting up a space of single representation, where a user will be represented next to, or separate from, civil society representation. Secondly, as there is a community, which has increasingly more influence – I'm talking about the community of developers, or users of open standards – if possible we should try and have these communities, who are highly influential in information, communication and knowledge society.

We'd like this community to be acknowledged and listened to in this space of independence for users within ICANN.

**GUNELA ASTBRINK:** There is a comment from a remote participant, [unclear 01:28:11]. For question three the statement is: "I think some local ALS structures

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should be the venue of the Internet users for the discussions and collaborations.” Sergio, please?

[SPEAKER]:

[Unclear 01:28:33] from Azerbaijan, from APRALO. I’d like to add some comments to this introduction. You are right in that the obligation of the international humans rights law. I’d like you to add something that there are many European countries that accepted this law on protection of personal information, and about the limitation on surveillance.

As you know, the European Council and also the European Union Institutions, year by year, issue a model law. All European [unclear 01:29:15] country, they actually have to implement this recommendation and actually many of them are doing that. Regarding that, I’d like to say that in many cases it’s actually done – this recommendation for many European countries. That’s why I would like to make some concrete comments, or concrete [unclear 01:29:44].

What kind of the international human rights laws is meant by this? That’s the first question. Second, I don’t know in which place of these documents this was noted, but you know that after the attack in the United States in 2001, the declaration on cooperation between the countries was accepted, on the anti-terrorist surveillance of the Internet space. It was not that all countries have to be in close cooperation, and to mutually inform on what some [unclear 01:30:36] is doing by special services by this country.

Actually, in many countries, that’s happening now. What we all know is that surveillance should be done, at least to stop terrorist attacks or

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terrorist actions. I know, as you know, that between many countries there is this kind of cooperation. That's why it will be, I think, also very good to make some consensus regarding that – that if there are some needs for doing such kinds of surveillance, on an international level, that the cooperation between the countries should also follow recommendations that were noted in the anti-terrorist declaration, that was accepted in 2001. Thank you very much.

WOLF LUDWIG:

Thanks for this comment. Just to be clear and to avoid misunderstanding, I think it's useful to make reference, besides the NetMundial declaration, to other comparable recommendations or important papers. We had from the Council of Europe, recently, a guide on rights for Internet users. To be clear, these are recommendations. Even on the European level, sorry, I must contradict what you said before – this is not at all cleared in the European region, because the majority of the European countries, who have approved the recommendations from the Council of Europe, do not implement or do not even respect it.

The problem is here. We have some very good guidelines. We have some very good principles. In most cases though, they are just recommendations, and whether they're respected by private enterprises, or whether they're respected by governments, is another question. There is still a big need for implementation, or let's say respect, of these principles. Therefore, I think we should make reference to existing principles, but also mention best practices where they went a step further.

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For example, there's the Marco Law in Brazil. At the end, on a national level, let's put this as a best practice, that shows the right direction for other countries to go a step further – from recommendation into introduction in a national framework. That will finally strengthen what is so far only on paper.

GUNELA ASTBRINK:

They are many very good statements, of principles and guidance. I think we've heard from Wolf, from Yuliya, from many speakers, about the importance of implementation. What sorts of strategies can we, as end user organizations, come up with, when it comes to those strategies for implementation? Any ideas or guides to that would be very helpful, apart from the best practice examples like Marco Civil, etcetera.

SERGIO SALINAS PORTO:

I'd like to contribute something to a document. I don't know if I could do it now. I'm going to say it, and if I have I have to keep it for later on just tell me and I'll bring it up again. The right to privacy should be protected by the governments. Communications must be protected from illegal and arbitrary surveillance, data gathering, data manipulation and the use of personal data within the framework of respecting human rights. That was it. Thank you very much.

GUNELA ASTBRINK:

Good. I think what you have provided is particular wording there, and I'm just wondering if our rapporteurs have noted those specific words? We could then look at those words. I beg your pardon? Would you be

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able to repeat those words please, so the rapporteurs can ensure they have them down correctly?

SERGIO SALINAS PORTO: The right to privacy should be protected by the governments. Communications must be protected from illegal and arbitrary interventions, surveillance, data gathering, data manipulation and the use of personal data within the framework of respect for human rights.

GUNELA ASTBRINK: Okay. It might be very useful to have that up on the screen. It's going to be put in the Adobe Connect room so that we can all look at and read that text, and comment on it if we want to add, subtract, change some wording. Okay. Thank you very much for that. I think that Jean-Jacques would like to make a comment please?

JEAN-JACQUES SUBRENAT: Thank you Gunela. I'd like to respond to the remarks by our colleague by Azerbaijan. You mentioned several things. One is there is a justification in surveillance for the purposes of public security. I think everyone is aware of that. No one says no to that. Simply, this is a user community. What we're trying to emphasize today is really the user perspective. The point you brought up is perfectly legitimate and understandable.

I'm sure it's very well taken care of in the GAC, where there are now more and more representatives of law enforcement agencies. I'm not at all worried about that. Their message will get through very clearly. I

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would insist more on the user perspective. Whilst surveillance is justified against avert crimes, against child pornography, against terrorism, etcetera, we agree, but not at the cost of the deprivation of fundamental rights for the mass of the population. That is the real issue I'm concerned about.

To answer your other question about what is done in Europe, I'd just like to bring to your attention the draft Council of Europe Guide on Human Rights for Internet Users. It's a very good document. It was published on 22<sup>nd</sup> October 2013, and was published for multistakeholder consultations.

[END OF TRANSCRIPTION]