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SINGAPORE – NCUC Internet Governance Principles
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PANEL: Internet Governance Principles

ADAM PEAKE: Good afternoon, ladies and gentlemen. Hello, good afternoon. Welcome to the first session after lunch. I hope you had some good food. So we're going to talk about Internet governance principles. So the Road to Sao Paulo and Beyond and Internet Governance Principles.

A very nice panel. And we will be expecting a lot of questions from you. Not entirely or not alone about IANA, but probably there will be one or two about that.

So, just to begin, the road to Sao Paulo, the NETmundial meeting has as one of its two main topics the discussion of Internet governance principles and the development of universal principles for Internet governance. So one of the things to think about is, perhaps to try and help us as we develop that agenda, what are the potential universal Internet governance principles that we can consider at that meeting. It may be something that you could help us with and something we can discuss also later in the week.

But, with that, if you'll give me a moment while my computer comes back to life. Going straight into the panel, we've got five members today. And we'll introduce with some short statements of three to five minutes. I hope probably around five minutes, so we get a little bit of

substance. And we're beginning on the left-hand side with Niels ten Oever, who is from Article 19. Moving along to Jari Arkko, chair of IETF; and Oliver Sueme, who is from German ISP Association, ECO; Erika Mann who is -- thank you for coming -- from the ICANN board; and Michele Neylon from the very well-known Irish ISP, Blacknight. So we'll move along in that format with basic introductions of three to five minutes and then start moving into some questions and questions and answers. And please be ready to come to the mic. Are we -- is it microphones or handing mics around? Microphones. So please be ready with your questions.

And, if we can begin, it will be over to the end with Niels, if you'd like to make some observations.

NIELS TEN OEVER: Good afternoon. It's an important time to discuss DNS and principles. Not only because of the NTIA, but also because today Twitter is blocked in Turkey and Google's DNS servers addresses are spray painted all over Istanbul. William Gibson, the science fiction writer that coined the name "cyberspace" called the Internet "a collective hallucination." So this collaborative trip that we make has not only stimulated our minds but, in a far more concrete way, it has also stimulated our rights, our human rights. The rights of freedom of expression, the right to information, the right to freedom of assembly. It allows for joint decision making and, thus, forms an important instrument in contemporary democratic practice. This, however, does not mean that everywhere where there is Internet, there is democracy, nor that the Internet is governed in a fully inclusive manner. If we want to uphold

human rights on the Internet, we have to look for models to do so. There is not one place to do this. That would be contrary to the decentralized structure and transnational character of the Internet. If we want to uphold human rights and good governance on the Internet, Lawrence Lessig identified four areas where this needs to be done -- architecture, law, social norms, and the market.

We are here today to talk about the architecture. That's the reason why we're gathered here at the NCUC at ICANN. Where there is centralization in the network, one should try to decentralize it, because resilience in the network is an essential part of the Internet standards and governance. If there are enough reasons centralization might be necessary, for instance, where we think about stability and security, think name collisions and DNSSEC. So where all of the Internet is at stake where a centralization of power occurs in the network, this power should be held accountable, especially where it comes to basic infrastructure and basic services such as DNS. Accountability asks for transparency, evaluation by its constituency, its users, and strong complaint mechanisms and oversights. In the case of ICANN, all power lies with the board. And the GAC seriously lacks transparency and has a separate role in the policy making process. And participation in ICANN does not necessarily mirror the group of DNS users. This is the reason why people want to discuss ICANN in NETmundial in the first place.

ICANN should be accountable to the Internet and DNS users. And bodies within the organization should be accountable to their constituencies in a reliable, open, transparent and timely matter.

This should also be the case with the board. that means the ATRT2 recommendations should be followed and that the independent review of board actions should be strengthened. IRPP's decision should be binding and should be public.

If the GAC is to remain, it should open up and join the policy making process and not relate solely to the board. And the GAC should not receive additional powers.

The multistakeholder or network governance model facilitates the core of what the Internet is good at -- the exchange of decision making and information amongst its users. Everyone can participate, but opening the door is not enough. Because there are differences in exposure to the themes, access to the Internet, language and resource issues. This should be addressed. All documents should be translated, and revenues from the gTLD domain name registration should also be used to improve representation and participation of the developing countries and other not-represented minorities and non-represented minorities.

Furthermore, the playing field among stakeholders should be leveled and transparent. Representation should be relatively balanced where once sees now there is now quite an overrepresentation of registrars and registries.

If we want to safeguard human rights on the Internet, inclusive and good governance principles like separation of power are of the essence for a strong architecture, the backbone of our communal hallucination, which should keep hits hallucination from becoming a bad trip. Thank you.

ADAM PEAKE: Thank you very much. We'll move straight along. And, Jari, if you'd like to make your comments. Yes, we're happy to see you in Singapore and happy to see you all talking about these important topics.

JARI ARKKO: So I wanted to approach the panel's topic from the angle of the people in the organization that I work with, the IETF.

And I will first talk about the general engineering angle on Internet governance and then continue to the more specific and hot topic of IANA evolution. The engineers and IETF, obviously, care a lot about the Internet, that it works well and all aspects of managing it are done in a careful manner and with sufficient knowledge and with the stability of growth in the Internet in mind.

We realize, of course, that there are multiple topics in the area of Internet governance. And some are further away from us than others. As an example, we care about names and addresses, but their management is the daily task of other organizations. Whereas, protocol parameters such as port number allocations are something that we directly depend on.

Some of the key principles for any work that we do include open participation, getting input from different parties, broad consensus on decisions. The natural fit for the multistakeholder model, I think.

And, as engineers, we, obviously, care a lot about the technology aspects. Solutions should provide global interoperability and scalability,

technical merit and implementability matters. These need to be taken into account even in internet governance where it matters. But we also like our technology to share as building blocks for further innovation. We sometimes talk about the concept of permissionless innovation. And this is behind so many successes in the Internet.

What this concept implies is that users and developers have an ability to create their own innovations on top of the channel usable technology. And the technology largely allows that today. This has also interesting implications that you may want to think about in terms of Internet governance. For instance, new identifier spaces can be created all the time. They are created all the time. Just witness hashtags or social media nicknames and similar things like that. The Internet evolves fast. And we, the Internet -- can the internet governance evolve as fast? Question mark?

Finally, I wanted to get back to the more specific question of the IANA evolution, in particular, the protocol parameters aspect. Our role at the IETF in that space relates to setting the allocation policies and ensuring that the registry implementation of those allocations has been faithful. And we're working together with IANA function at ICANN, of course.

Earlier this month we held an IAB session at the IETF meeting to discuss the principles regarding IANA evolution from our perspective. And I wanted to highlight a couple of the results.

The first thing is that I want to make the observation that the IANA functions have evolved over time. In the last decade we've seen the IETF and IANA create together a set of agreements or MoUs, SLAs that are being constantly updated.   We've defined the roles of various

parties and processes in RFCs. We have created groups to track the relationship in various ways to provide oversight, and not to mention thousands of RFCs that actually specify some of the policies involve these allocations. It's been a long evolution.

Secondly, the process recently started by NTIA was just another step in that evolution. And I think that step is well -- justified given our view in the community that the protocol parameter registry function is being and continuing to be capably provided by the Internet technical community without the need for external parties.

And, third, I wanted to observe that we consider the protocol parameters work a big success. Everything is running very well. We're happy with the services provided by the IANA function. And we keep making continuous improvements. I would like to offer that this operating model is perhaps a good basis for other situations as well. That is, we have agreements in place for the function to be performed. There are specifications about how the process should work. And there are boards that are accountable to the specific parts of the efforts on both sides.

Thank you.

ADAM PEAKE: Thank you very much. So, if we can move along to the next. Thank you, Oliver.

OLIVER SUEME: Thank you very much. My name is Oliver Sueme. I'm president of the European ISP Association, EuroISPA, which is PanEuropean umbrella association of nationalized ISP associations. And the association is currently representing more than 2,000 ISPs across Europe and ECTA countries.

As Internet service providers, you will know that we are running the infrastructure of the Internet, the networks, kind of Internet exchange points, so everything that is the basis for all the other layers and for business and, of course, also for human rights and free flow of information over the Internet. And in that role we have been hit quite hard by the surveillance activities that have been coming up recently. And that is one of the reasons why I think that it is very, very much in time for ISPs to get engaged in internet governance.

The ISPs have been in a very special role in this surveillance activities because, on the one hand, we, of course, have to guarantee the stability and security of the networks that we're operating. And, on the other hand, we face a situation where in some parts our own countries were threatening this infrastructure where at the same time where they oblige us to operate it. So that is something that hit the ISP industry quite hard and led to a situation where our clients, private persons as well as companies, lost a lot of trust in the services that we operate. So I think this is also one aspect that has to be part of Internet governance discussions. I think it will be one -- besides the IANA function, one of the important things that has to be discussed also at the NETmundial conference in Brazil.

Well, apart from the infrastructure that we operate of our own, we are, of course, also reliant on the IP address and domain name infrastructure as this is touching the ISP business as well. And I'm looking forward and I'm excited about the discussions that we will have now in Brazil and besides from Brazil regarding the shifting or the new IANA function contract, whatever will be the result of the discussions that we have.

I think this is one of the first times that internet governance as a model has to be proved now. Because in the last years internet governance has been an intense process. There have been intense and controversial discussions. But this is the first time that we have a concrete case, the IANA function that seems to be subject to internet governance processes in the next one and a half years.

And, as I'm seeing this from an industry and from a business perspective, for the ISPs, it's very important that we not only can rely on these functions -- on the infrastructure, but also that we have legal certainty about everything that surrounds this infrastructure. So, at the end of the day, we are talking about internet governance about accountability. And, if we want to reach accountability with a new IANA function at the EU contract, I think we have to guarantee that the process that leads us there, the internet governance and multistakeholder process, will be accountable. And I think that this is one of the biggest challenges that we are facing for the next 15 months, for the next two years, and for the time after that. Because I think there's a lot of room for improvement in processes and accountable processes and in a process that guarantees that all the different approaches of internet governance and all the people and stakeholders who contribute come to a reliant and accountable result. Thank you.

ADAM PEAKE: Thank you. Thank you very much.

Next speaker is Erika Mann. And this is probably a good time to remind everyone that all the speakers are here today speaking in their personal capacity, not necessarily for their organizations and so on. So thank you. Erika, thank you.

ERIKA MANN: Thank you. Thank you, Adam, for mentioning this. Let me make a few observations. The first observation I would like to make is that, when one talks about Internet governance, one has to distinguish -- at least I would recommend -- between the different ecosystems and environments. Internet governance is a different -- if one talks about the ICANN ecosystem or if one talks about the Internet as a whole. All the players which are part -- the business players and the NGO and everybody else who is involved in shaping the Internet, I think these are two different. They overlap to some degree. But I think, if you don't distinguish between the two, we will always have a confusion. So I think it is important to concentrate on the ICANN ecosystem, because that's where the transitioning is happening. And that's where the -- so much of the confusion actually arrives from. And, because of the transition, we will see so many new players entering this space of being part of the debate and the discussion. And not all of them have the history like many of you do which are part in this room today. So one has to understand this as well why sometimes there are debates erupting which maybe are not as focused as we would like to see. So that's my first observation.

The second observation is that I think we will see, to some degree, some confusion as well evolving -- because of the interplay of different players which are part of the Internet ecosystem as a whole. So the ICANN ecosystem, the different business models which are -- even the company I work for like Facebook, when compared to many other companies, the classical more traditional players which are part of the traditional Internet ecosystem. So, when you look at all the players which are around, they all have their different interest, they all have their different perception, they have a different history. And they, of course, have an interest in shaping the Internet as open as possible so -- and without unnecessary government's interference as possible.

Everybody I think understands government are needed and important to regulate, but it always depends how it is done and what kind of transparencies about -- exist about it. So I think this interplay will be interesting to understand. And I would be not surprised if in Brazil, in particular, this will play out. Because their governments will be very strong. They will have their own stay about what they expect from the Internet and what they expect from ICANN. The same is true for all the other players. So we will have to watch this, and we will have to understand this. The same is true for all the new business players which emerge because of the gTLD environment. They are totally different business models evolving, totally different business interests and society interests. And I think, again, we need to understand how these different interests will play out. My third observation is -- and I would urge us all again to distinguish -- when we talk about governance, to distinguish between the more technical side of governance and the more political side of governance. So, quite often, when I listen to some

governments talking about the wish to control spam or the wish to have more to say and to be better equipped in understanding cyber security threats, they are not always automatically relate to all the different layers in the Internet world. The different -- it's a different meaning in the ICANN environment. It's totally different meaning in a different part of the Internet world. So I think it will be important that we are as clear as possible. In particular when we move into Brazil, because I would imagine that many of the players which come to Brazil, they have more interest in the political governance issue and probably less on the technical side. So we may want to explain more how the technical side functions to take away some of the expectation on the political side as well.

My last point would be the term which is sometimes used about governance of the Internet. I think I understand. And I'm -- I think I fully appreciate of the need to understand how governance should function in the Internet world. But governance of the Internet is a totally different term. And it shifts -- it shifts the responsibility more to the government side, which I would say the Internet, so far as we know it, actually was quite developed quite well without the active involvement of governments all the time. I think there is sometimes a misunderstanding when people say governments or legislators have nothing to say on the Internet. That's not what I mean. Because they regulate. They regulate legislation. And that's their right and that's their role. But the governance of the Internet would be something different than regulating certain bits and pieces where they have responsibility. But I think we have to -- again, it would be wise to look into this and understand the differentiation between governance of the

Internet and responsibility for governments to regulate certain parts of regulation which then affect the Internet as well.

ADAM PEAKE: So thank you, Erika. We have our final speaker on the panel. Michele, if you'd like to give us some thoughts.

MICHELE NEYLON: Thanks. Being the last person to speak is kind of amusing on one level. Giving me the last word is possibly a dangerous thing to do. But, after listening to everyone else speaking so eloquently on this, I find it quite challenging to come up with something intelligent to say. Stephane is going to revel in that -- I can see him up there with a big grin on him.

The thing I suppose, from my perspective, is why on earth would somebody like me be even involved in any of these discussions? And I suppose that's the root of the issue. As some aspects of Internet governance are terribly abstract extract. There's a lot of acronyms thrown around. There's terminology that some people think is terribly, terribly important. But the reality is that most people haven't a bull's notion of what the hell they're talking about.

I was on several calls with ICANN's leadership over the last week or so. I know they spoke wonderfully and very eloquently about globalization, the significance of the NTIA's announcement, and all that. But the -- there's a bit of a disjoint. Because, if you look at the media out there, most people have no idea what the hell ICANN is. They have no idea what IANA is. They have no idea the difference between the two. They don't know what IETF does. They don't know who RIPE are. They don't

know what a registrar is, what a registry is, what a registrant is or a lot of these other terms that a lot of people sitting in this room probably think that they understand. Then you end up with somebody like myself who comes in and, you know, ends up getting involved in all these debates and discussions. And, you know, people sometimes ask me, you know, what the hell do you do this for? And the reality is, if I don't -- if I don't speak up and say, you know, "Stop, please, you know, hands off," we could end up with a situation where governments get too involved. The industry as a whole should be allowed to self-regulate as much as possible.

My company is a member through the Irish branch of Oliver's EuroISPA. We're also members of the Internet Infrastructure Coalition. We're members of RIPE. Some of my staff are involved in IETF.

We're an ICANN accredited registrar. I'm on the board of various other organizations that all have to do with various things around self-regulation and self-governance. And the thing I suppose is that, as an industry, we need to mature. People have got to stop this kind of selfish view that they're in that -- their ability and their right to make money from this should be the only governing principle. That's got to stop. There's got to be a sense of responsibility, that there's an impact to your actions. That you -- we -- if we do not behave, quote, unquote, then we're going to end up in a situation where governments are going to step in. And they're going to force legislation on us, which is going to restrict our ability to trade.

And that is not what we want. Personally, I would -- I want, you know, to be able to make lots of money, retire. Go off, fly business class

around the world, buy myself nice shiny objects, and not have to worry too much about it. I'm sorry. That's the reality. But that's what I should be able to do. I shouldn't have to jump through hoops and deal with restrictive legislation simply because some people have misbehaved.

And that is the fear that the problem that we're facing now. That certain governments, which I think has probably led to the entire NETmundial thing and hands off -- by the way, I won't be going. They've seen how other governments have misbehaved, how other governments have taken certain freedoms. You can have a look at my nice NSA T-shirt by the way. NETmundial. And this is not right. We have to get that balance. We have to get that balance between allowing us as an industry to self-regulate, allowing government to be involved, but letting the government involvement be as light and as non-disruptive as possible and not forcing a position where private corporations are trying to legislate. You know, ICANN for example, is not a legislative body. It should not try to legislate via contract. Thanks.

ADAM PEAKE: Thank you very much.

Before I follow on with my questions and ideas, Oliver has a quick -- Oliver -- I'm sorry. I'm getting confused with ALAC chairman. You have a quick response. Thank you.

OLIVER SUEME: Oliver. It's just Oliver. Thank you. No problem. I just wanted to add something to Michele. I absolutely agree what you say. But the truth is things have changed right now and that we are in the situation that

nobody of us ever wanted. And that, unfortunately, means that the way things worked the last 15 or 20 years ago, they seem to change. I mean, we always --

MICHELE NEYLON: This is what we have to fight back against. This is my point is that it's not too late.

OLIVER SUEME: Yeah.

MICHELE NEYLON: And the thing is don't through in the towel. But, at the same time, don't let it consume all the oxygen in the room.

OLIVER SUEME: Absolutely. Agree. just the one point I wanted to add.

ADAM PEAKE: Thank you. Thank you very much. Erika mentioned something here that perhaps we should be thinking about this in terms of the ICANN ecosystem. And I wanted to come back to some general points that were made. And could we go to the top of the questions on the slide there? It would be helpful.

So we have heard people talking about some nice general principles that we look at. I've had the pleasure of reading through about 180 of the NETmundial contributions. And there are some very common

words and threads that appear there. People are supportive, generally, of multistakeholder approaches to Internet governance. They're supportive of inclusive mechanisms of consensus and bottom-up. But, whenever these phrases are mentioned, there's always a "but" or an "and" that follows on to that. There's also a commonality, as we've also heard from speakers this morning, that people are supporting the importance of principles of transparency, of accountability, inclusiveness, meaningful participation.

So I'm interested to know from the panel how you see those broad principles being actualized within ICANN. Of course, we have the ATRT. Is it going well? Is ICANN performing -- ICANN is leading the way in many of these principles and actually adopting mechanisms for them. But how well is it doing in actualizing them and operationalizing them? And what can we learn from it? And that, perhaps, goes to some of the questions you've mentioned just then, Michele.

And a very specific question for you, Michele, would be, if I may, you've written previously about the Article 29 data protection working group. How would this, as a very specific example, fit with -- sorry to put you on. But think about a moment, and we'll come back to it.

[Speaker off microphone]

Not all day. But how does that fit with notions of principles, accountability, and how ICANN should be acting in this ecosystem? Please come back to it. And we'll think about it. But I wonder if anybody else has any thoughts on how well is ICANN doing from some of the principles that you mentioned when you made that introduction? Who would like to --

NIELS TEN OEVER: Well, maybe you and ICANN thinks it's a champion of all these principles. But that's not necessarily the case at all, as I pointed out in what I said, especially when it comes to accountability of the board. ICANN is no longer a membership organization, which it was earlier on, which makes models of transparency and accountability harder. And we need to improve. And, indeed, the ATRT2 report and the process has been very promising. But in writing on NETmundial contribution, I found a lot of recommendations about better accountability and about better transparency and about better participation and exclusiveness have been made but just have not been implemented.

JARI ARKKO: Yes, I'm not sure I have a comment on the general aspect of how well ICANN is doing in this sense. I'll observe there's probably many different aspects of that. Because, you know, ICANN deals with many stakeholders and many different topics, really. And, being a simple engineer, I just want to think about this in terms of simple things, practical things that we can do. And just highlighting one particular improvement that we're making this year in the relationship between IETF and ICANN or the IANA functions there, and that is that we're implementing an audit function where we can audit the allocations, make sure that they actually follow a policy and that the audit will be publicly accessible. It's a -- you know, it's a concrete improvement that we have not been doing before. We're going to start doing it. And I think it provides additional information for the communities around the

world that things are actually, hopefully, being done the correct way. And I'm sure they are.

So there is this evolution process that we need to go through. You know. And there's also no one size fits all answer that ICANN is doing either great or badly on transparency and accountability.

ADAM PEAKE: Thank you. Would anyone else like to think about those comments, or can we go to data protection?

MICHELE NEYLON: Gee, thanks. I just love the way I get set up for these things. Data privacy, data protection. These are a couple of topics that ICANN as an organization has not got a particularly stellar track record. And it really doesn't. And it's something that it needs to address. I mean, hopefully, it will address in the next couple of years.

Data privacy is something that I know some people feel very, very passionate about. I'm sure Article 19 does. But, you know, up until relatively recently, it wasn't a topic of discussion over the dinner table with my mother. But in the last year it has become a topic of discussion. You know, it's the kind of thing where you end up going out for drinks with not -- non-technical, non-industry, non-internet people. And they kind of go, "Hey, you work with this Internet stuff. Is this possible?" And they start talking to you about this. And it's all to do with privacy. It's all to do with surveillance. And, you know, while one can say whatever the hell one wants to say about whether Snowden did this or Snowden did that, the reality is people are actually discussing this a hell

of a lot more. And, if you ignore deny that, really, you are living on a different planet.

So, when it comes to the whole Article 29 thing, there's a few things that Article 29 have said. First off, what the hell is Article 29? The Article 29 working party is a representative body of the 28 DPAs or the 28 member states of the European Union. Are they -- are their opinions legally binding on anybody? That's a debate that certain people would like to have. And it doesn't matter. Ultimately, it's 28 member states' DPAs. So, if you're the subject within one of those 28 member states, the DPA can have lots of fun and games with you and sue you like in the case of Google who was sued for 150,000 recently in France, which was probably not that much for a company of Google's size. But that would wipe out smaller companies.

They don't like WHOIS. Article 29 have stated more than once that they think the way ICANN forces all WHOIS data to be publicly available to everybody is a major issue.

When it comes to data retention, again, you know, they've repeatedly stated that any contract that ICANN has, be that with a registry or with a registrar must respect the basic principles of data protection and data privacy, which the 2013 RAA doesn't. So ICANN came up with a wonderful process and then proceeded to ignore it. We're now in what month? March or April? March. Sorry. I'm a bit confused. My contract with ICANN expires in about three months or so. I can't sign the new contract because, if I do, I'm putting myself directly in breach with Irish law.

And yet I find myself on the ridiculous situation that my legal counsel has to negotiate with ICANN's legal team about a matter of Irish law. Explain that one to me. And then people wonder why governments get involved. I mean, this is the kind of rubbish that causes it.

An entity, be that IETF, RIPE, ICANN, whoever, shouldn't be playing around with things where governments have already stated this is the law. And you may not like it. I mean this entire thing about, you know, freedom of speech, freedom of that, freedom of the other. If a particular government has come up with its own rules, I mean, the rest of us can go okay, that's not good; but we shouldn't be getting involved. We have to be really, really careful.

>>   One of the common comments we saw in the NETmundial contributions is that, if principles are affected offline, they should be applied online as well. That, of course, also has very significant consequences. Because people in countries have different cultural backgrounds and so on. So this is actually something that's not as easy to apply as it sounds when you first look at it.

Erika, you had something to say. And then Jari. And then perhaps, if people would like to start thinking of your questions. Please come up to the microphones. And we'd like to hear from you, please.

ERIKA MANN: I just wanted to make a short comment. I think Michele raises an interesting topic, which affects all operators depending on wherever they are located and run their business. So how much -- and then it

affects ICANN, of course, as well. Because, in an environment like ICANN, the same is true for many other business on the Internet. One tries to find systems which work globally and approaches and contractual relations ideally as well as global as possible. And, of course, there are conflicts quite frequently with national laws or with regional laws in the case of Europe.

The problems sometimes which then comes and rises as well that these national laws shift as well. So, when you take the data retention regulation in Europe, it is an interesting one which we -- practically, there was a kind of uniform regulation across all 20 -- at the time it was 27 member states. And then, because of a constitutional case in Germany, one practically had -- will have to review the data retention law. So these kind of system happen all the time. And I think this is something we are used to. I mean, we sometimes think that -- I imagine something from the Internet which the real world can't deliver neither. I mean, there are cases of conflict. Either legal cases of conflict or other kind of cases, they arise. So then you have to find a solution. So I think it's not -- we shouldn't expect from the Internet more than we can, actually, you know, deliver in our real world. It's just natural that these kinds of conflicts arise, and then we have to find a solution to it.

JARI ARKKO: Yeah, I just wanted to return quickly to Michele's point about privacy and surveillance and things like that. I don't want to go into the particular contractor agreement details that he spoke about. I just wanted to touch on that on a general sense that, you know, the topic of privacy. And I think we need to understand that there are different

topics in internet governance. And not all of them are related to, say, the privacy issue or surveillance issue.

In particular the -- the role of IANA and all these registries, that is very far from the topic of, you know, privacy for the end users in the Internet. And, you know, basically, has nothing to do with that. It has its own evolution. Don't get me wrong. I really care about the surveillance privacy topic. And we do a lot of work in the IETF to try to address that the best we can from the engineering perspective. But, again, I want to emphasize there are multiple topics here.

ADAM PEAKE: Thank you very much. Now would anybody -- any questions from the floor? We're not seeing enormous lines joining here. But, if there's anybody who has any questions, then the microphones should be open. Please come along. Questions. And, if you wish to make a point and join in the discussion. Thank you. And if you'd state your name, please.

ELIOT LEAR: Good afternoon. My name is Eliot Lear. I work for Cisco Systems, but I'm speaking on behalf of myself at the moment. And I'm responding to the comment that was made earlier by the first speaker about the notion of availability and exclusiveness as relates to translating documents. This is an area where, so far as I can tell, almost no organization gets right. And there's a real reason for it, which is that it's both very hard and very expensive. For instance, I do a lot of work at the ITU. And the ITU spends about 1200 Swiss francs per page to translate into five languages. That's one page.

If you impose translation costs on an organization, the next thing that happens is you have to worry about the budget. And the next thing that happens is you have to start limiting contributions that get translated. So this problem occurs -- and I'm not blaming. It's not a blame thing. It's just a very, very hard problem. And so it was said earlier be careful what you wish for.

But we should think about how language itself is an inhibitor to inclusiveness.

MICHELE NEYLON: Well, luckily, budget is not the biggest problem ICANN has at the moment, especially with the new gTLD registrations coming up. And I think inclusivity and participation is really important and we need to pay a price for that. And that price needs to be paid; because else we're excluding people from the thing that we actually try to build, which is a global, open, and inclusive Internet. So, indeed, it's hard. But it doesn't mean we should really try it.

ADAM PEAKE: Identify yourself, please.

IZUMI OKUTANI: Izumi from JPNIC. Regarding this language issue, this is something we really face within Japan. And JPNIC, my organization actually translates the NTIA announcement and other efforts that are being made. And what I think would be helpful is, instead of the central organizers -- I don't know whoever it is -- -- translating everything, increase these kind

of organizations who are able to help in localizing, not just in terms of, like, actual language, but in terms of trying to engage with the community so that more people -- I think just reading the announcement itself is hard to understand what the issues are and get the community involved. So, if you have a facilitator, local facilitator kind of organization and, if we can have more of these organizations or individuals, community being able to help, then I think we can really spread what's going on in this kind of community. And then probably, hopefully, be able to feed back to this discussions forum. So that's my personal thought.

>>   Yeah, plus one.

ADAM PEAKE: Thank you very much. One advantage of all this translation is that it's the base data for Google Translate and Bing and the rest to use in their big data crunching, which is improving our access to language online. So that's helpful. Stephane, please.

STEPHANE VAN GELDER: Thanks, Adam. Stephane van Gelder, Milathan. Just had a comment following on from the language and the inclusiveness comments that you made, looking at the Article 29 person.

                               To me, as a French and English person or speaker, ICANN is actually very inclusive in that regard in terms of both ease of access and including money to participate, i.e., you can remotely participate and it's free or

you can pay to come to the ICANN meetings and they are all open and free to access, if you're able, obviously, to pay to come.

And there is an effort to translate -- an ongoing effort to include more translation. And, if we talk about general governance principles and just step away from internet governance principles for a moment, this is something that I don't actually see elsewhere in government institutions worldwide. So my question really is is this your view as well? Is this your experience? Because you seem to be implying -- or you were saying that there is a cost to inclusiveness that ICANN should be paying. From my point of view, ICANN is actually already doing a lot to promote inclusiveness and paying that price. Thank you.

NIELS TEN OEVER: Well, and it's definitely commendable that these things are indeed done. But we need to do better and we need to push ourselves to do better. Because maybe we're setting a standard. But we need to set higher standards because we need better participation to really build this global community that we want to be part of.

MICHELE NEYLON: I'm sorry. I really have to step in here. Because you're just constantly going on as if ICANN is like the -- the solution to all the world's problems are going to be solved by ICANN. And that is completely and utterly ridiculous. You're hanging your entire thing around ICANN as some kind of super duper special organization as this kind of magic bullet that is going to solve the world's problems.

Now, you take, for example, ISOC, which has chapters around the world. If you want ISOC, get ISOC to get more people involved there.

This translation thing is a great big red herring. I come from a country which has more than one initial language. The Irish language is the first language of Ireland. And so our government spends millions of Euro per year translating documents that nobody ever reads. Because, under the constitution, the Irish language is the first language. The fact that nobody actually uses it, apart from a very, very, very, very, very small percentage of our population is is neither here or there. You can disagree as much as you like. But I'm sorry. I just really am actually quite offended that you're taking this kind of view that ICANN has to have some kind of moral obligation to do better than any other organization around inclusiveness and as if translating was the solution. It's not. The solution, in many respects, is down to a choice of terminology. You can put out a document in 23 languages, and native speakers of the 23 languages will not understand it due to a choice of wording. And the lady from JPNIC, she hit the nail firmly on the head. It's to do with engaging more with users, using terminology that they can understand, taking the abstracts of Internet governance or whatever the principle is that you're discussing and turning that into something that they can relate to.

My mother doesn't know who ICANN is. My mother doesn't know IANA is or who RIPE are. Yet all of those organizations have some possible impact in the background on her ability to be able to send an email to me whilst I'm on the other side of the globe or to read news. But just kind of assuming that ICANN is the sole organization that can possibly fix all these things, I think, is completely unreasonable.

ADAM PEAKE: I think a quick response, but one thing we do have to do --

(Applause)

-- in response is stop using TLAs and FLAs and things like that. Anyway --
Niels just a quick response, because --

NIELS TEN OEVER: Well, ICANN is not there to solve all the world's problems. But it should
make sure there is representing when it comes about DNS. And I'm
sorry that I've offended you. But I think it's a bit weird to say that one
can do either translation or simplify documents. We should do both.

JARI ARKKO: So, continuing on the same topic, I fully agree with Michele that there's
a lot of world -- outside ICANN there's many, many organizations in the
Internet space that all need to do some of these things.   They're
working on part of the technology or Internet governance. And that's
really, really important that we also discuss those parts and not just
what ICANN can do, of course. ICANN needs to do what's relevant for it.

But I wanted to also abstract a way a little bit from this translation issue.
That, to me, is not the real issue or the real cost. The real cost is how do
I reach 200 different organizations in the world without actually
traveling myself to those places and discussing with them? And that's a
scalability problem.   And there's some ways of addressing that by
finding forums where you can actually meet together as opposed to
having to, you know, reach out to very large number of entities.

STEPHANE VAN GELDER: Stephane again. Just to make a quick follow-up on Michele's reaction to my question and Niels from Article 19. I think, you know, I got exactly the same reaction from your answer, which is, basically, sorry to say it this way -- but empty words. So what you're saying is we should do better, which, to me, means nothing. I don't understand what you are saying in terms of what should be done better. Because what I'm saying, as a member of this community, is -- and that was my question to you is where else in the world in terms of governance structures is it being done as well as this? I think, you know, at times, it's good to give ourselves a pat on the back and say, you know, anybody from the world can come in to the ICANN process and participate to some extent. Apart from -- you know, obviously, I understand there's a language problem. I understand there's a translation problem. I understand we could, you know, speak to people in all languages of the world.

What I'm saying is I was trying to bring it into the context of what exists elsewhere, not just blanket theory on, you know, we could do better. Sorry. Just to clarify that point. Thank you.

ADAM PEAKE: Quickly go to Grace and then to remote participants, please.

GRACE GITHAIGA: A very quick question. My name is Grace Gothaiga from the KICT Action Network. I know all of us are talking about the need to have inclusive -- to be inclusive and to have participation as part of the internet governance principles.

But, you know, from where I am sitting, multistakeholderism has costs. And cost implications. And I'm wondering isn't it time we started speaking of a multistakeholder financing model so that we bring everybody on board? Thank you.

ADAM PEAKE: Could we go to the remote -- could we go to the remote participants, please. And then to Bertrand. Sorry. Oh, I'm sorry.

ERIKA MANN: Not really -- first of all, we are already doing it to some degree. And then, if you want to go beyond and you want -- would love to see more inclusiveness in the sense that more financial sharing models will evolve, I think it will be -- it's probably -- it's possible. And, certainly, the board would be willing to look into it like we have done in the past. But would be nice then maybe to have some ideas from you coming up as well what you think about and what kind of models you have in mind.

ADAM PEAKE: Okay. So would the remote moderator or the person in touch with the remote access people, would you give the comments?

REMOTE INTERVENTION: It's more of a statement from Alejandro Pisanty. He says, "I would like to recommend reading the set of principles for ICANN and related governance ecosystem considerations put forward by the strategy panel on ICANN's role in the Internet governance ecosystem."

ADAM PEAKE: Thank you very much. Thank you, Alejandro. And, Bertrand, please.

BERTRAND DE LA CHAPELLE: Hi. My name is Bertrand De La Chapelle. I'm the director of the Internet and Jurisdiction Project.

Regarding principles, there have been a lot of principles that have been adopted that were related to the Internet in general. I mean, we had from OECD; we had from Council of Europe, and so on. What we're talking about in NETmundial is Internet governance priniciples. And it would be very important at the NETmundial event, in particular, that there is clarity on which layer we're talking about.

Without belaboring on the discussion that just took place, I think there are, first of all, three principles that are floating around usually coupled together which are inclusion, transparency, and accountability. If NETmundial were about the practical implementation of those principles -- because there are many ways to do it. There are many different modalities to address inclusion as we just saw in the translation thing. Accountability has a lot of dimensions as well. And accountability can be done either by external accountability oversight mechanisms or internal accountability systems, including in the dispute resolution mechanisms, as we're discussing with the evolution of ICANN. But I think those three elements are almost a given as principles. The question is how far in the discussion we go in NETmundial. But I would like to address and mention three other elements, which I think shouldn't be forgotten in the discussion. And it

is the idea that Internet governance should be conceived a little bit or as much as possible like the Internet itself was built. And this includes the notion of a layered Internet governance system, a distributed Internet governance system, and a multistakeholder dimension as well.

The multistakeholder dimension will have many, many aspects. And there are as many implementation of the multistakeholder approach as there are organizations. The way ICANN functions, the way IETF functions, the way the RIRs function in their own constitutional framework is different, just like representative democracy has many implementations.

But the two elements of layered and distributed are, for me, extremely important principles regarding Internet governance. Layered means the kind of distinction that I was making earlier this morning between the governance of the system and the governance on what is using the system. The governance of applications may be different from the governance of the social behavior of people.

When we're talking about whether, for instance, app stores should be closed or not, this is something that is different from the behavior of users on platforms, for instance.

But the notion of distributed governance mechanism is one of the key issues that will be addressed or should be addressed in NETmundial. There is a natural desire in the traditional institutional discussion to say there should be one institution that deals with Internet-related issues. It can be almost an Internet international organization. It can be one committee of the U.N. dealing with all the Internet related issues. This is not -- not only the spirit, but this is not the way Internet governance

has functioned so far. And I hope that we will have the opportunity to make the clear discussion about how to produce a framework that produces different regimes, different issue-based networks rather than saying the solution is to fight about -- I don't know -- a sort of Internet security council where people will be fighting on who has the seat and the permanent seat. That makes no sense. Distribute it.

ADAM PEAKE: Thank you. Robin, hi. Oh, I'm sorry.

ERIKA MANN: I just wanted to add one point to the principles Bertrand mentioned. I think, Bertrand, there's one principle which is maybe the most fundamental one, which is openness. The Internet will not function if we end up in systems which are closed or which are, you know, governed by totally different, you know, systems. And so I think this probably you want to add to your --

[Speaker off microphone]

No, I'm sure. Just came to my mind when you raised a different point.

OLIVER SUEME: I just wanted to add something regarding the principles. I absolutely agree to the principles that you mentioned. Tech inclusion, tech transparency, tech accountability, tech openness. You could even add legitimacy. These are all principles that I would consider as kind of horizontal principles. I think, regarding the upcoming conference, it's also very important to discuss about vertical principles. What can be

governed by Internet governance and what -- and that is even more important -- cannot be governed by Internet governance. If you come back to the problems that Michele mentioned regards his conflict between the ICANN registrar contract and the national or the legal framework regarding data protection in the EU, that is a classical conflict that we in Internet governance systems or multistakeholder stakeholder systems on one hand and national legal framework on the other hand. I think it's also very important also discuss or discuss principles at the Brazil conference and what cannot be subject to the horizontal principles like accountability and so on and multistakeholder approach. I think that can avoid conflicts and that can, in particular, avoid wrong expectations of attendants at the Brazil conference that might not be so deep in the discussions that like the people in this room.

ADAM PEAKE: Thanks, Oliver. Last two comments from the floor, and then we'll have to close. Thank you. Robin.

ROBIN GROSS: Thank you. My name is Robin Gross. I want to promote one small principle. And that is that ICANN's policies, Internet governance policies, should comply with human rights principles. If we could get that, I think that would be quite a remarkable step forward. Unfortunately, we don't have that right now with ICANN. We heard Michele talking about some of the problems that we have here in terms of getting ICANN to respect the privacy rights of Internet users. For years the data protection officers have been telling ICANN that their

policies violate the privacy rights of citizens. And from ICANN we get the equivalent of sticking their fingers in their ears and closing their eyes and simply saying, "Well, we choose not to interpret the law that way." So that's a problem for an organization that wants to be a global governance organization.

Also take, for example, freedom of expression rights. The standard response from ICANN legal when we try to talk about freedom of expression rights is that, well, ICANN is a private California corporation. It doesn't owe any responsibility to free speech to anyone. That's not a winning argument if you're a global governance organization. I think ICANN is really going to have to step it up and begin to recognize it's got an obligation to comply with human rights principles in its own policies. Thanks.

ADAM PEAKE: Izumi, please.

IZUMI OKUTANI: I just want to make a short comment. I very much like the idea that Bertrand has mentioned about the idea of distributed and not having a single authority. So I think, even just looking at the technical community, there's so many communities discussing, like, the IETF, the RIRs. There's so many NOGs that is within the region all based on economies. So I think it's good that we have all these different communities discussing or focusing on their own expertise.

And then, at the same time, it's good to have someplace where we can gather all this input. Something that we can see commonly but not seen

as an authority. I think that would be something that would be useful to consider as a way of sharing issues widely with using the maximum use of expertise of each of these communities.

ADAM PEAKE: Thank you very much. And, with that, we're going to have to close. I would like to thank the panelists very much. Thank you all for coming today. And good luck with the next one, Bill. It's globalization and institutional reform. Thank you very much.

(Applause)

And perhaps some of the principles can be adopted as we think about globalization and institutionalized institutional reform. What are the principles that are going to underlie those particular ideas? That would be helpful for NETmundial. Thank you very much.

[END OF TRANSCRIPTION]