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NETmundial – Working Session 1: Principles Part I  
Wednesday, April 23, 2014 – 15:00 to 17:00  
NETmundial – São Paulo, Brazil

MARKUS KUMMER: Ladies and gentlemen, please, may I ask you to take your seats. We are, according to my calculations 3 1/2 hours late in our timetable and I don't think we will be able to catch up but at least make sure we don't have more slippage in our timetable.

My name is Markus Kummer. I'm vice president, responsible for public policy with The Internet Society, and I have been asked with my co-chair, Adiel Akplogan, who is the CEO of AfriNIC, to co-chair this meeting.

We are accompanied on this podium by our advisors who were to large extent responsible for putting the document together that is under consideration.

Please, may I ask you to again use seats so that we can get started properly. And if you are not willing to sit and listen and engage in discussion, then please leave the room. But, please, sit down and take your seats so we can have a proper working session.

The previous session was very helpful in explaining to us how we came where we are and what the methodology will be on how to produce an outcome document. Before we get started proper, I would like to ask the delegate from India to go to the microphone. Unfortunately, he was going to speak at the previous session, but we ran out of time and he

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was not given the possibility of addressing the meeting. So please, sir, could you make your comments related to the previous session. Please.

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Thank you. Thank you very much, Mr. Chairman. Yes, my very brief two, three comments pertain to the previous session. They are mainly about the process. My first comment very briefly is to say that most of our concerns and most of our ideas which we had submitted in the initial submission of governments -- initial submission to the Brazil conference did not find place in the document. Perhaps it was because, as somebody from the podium said, anything that they could not live with will not be included in the document. Maybe that's the case. I don't know. That is the first point.

Second point I just wanted to ask more of a process question, which is that: What is going to be the nature of the outcome document? What is going to be the process of adoption? We heard something from the podium to say X, Y, Z deadline it will come out. But we didn't hear what would happen after that. There was really no sort of direction on that. So that is the second part we would like to see if we can get some replies. They pertain to the previous session.

Our delegation will have some comments related to this session, but we will come back to that later on.

MARKUS KUMMER:

Thank you for your comments. While related to the previous session, they are obviously also related to this session. And this is, I understand,

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an issue question that's in the minds of many participants here. And it was pointed out in the previous session this is in many ways an experiment of a meeting of multistakeholderism with multilateralism.

Governments know how to handle a multilateral meeting. There are processes in place they are well-versed with and they know how they function. And non-governmental stakeholders are well-versed with their processes relating to their specific organizations, be that the Internet Engineering Task Force, be that ICANN, the regional Internet registries. Here we are trying to, in a way, merge and come together and find a new way of producing an outcome. And I think Raul, who was the chairman of the -- co-chair of the preparatory process of the Executive Multistakeholder Committee, he referred to the document as an outcome.

Now, this outcome has no legal nature whatsoever. It will be an outcome many, we hope -- it is our -- should I say it is our hope that in the end all participants will be happy to accept the outcome and to buy in to say, "Yes, we stand behind what comes out of this meeting." Again, it has no legal status. It is not like a resolution by the United Nations General Assembly. It is not like the WSIS outcome which was approved by heads of state and government. But as such, it has value. It has a certain authority. It is a meeting where many high-level government participants take part in. And there are stakeholder participants representing significant institutions responsible for dealing with the Internet. And as such, it will go forward to other meetings. Maybe the President of Brazil will present it to the General Assembly. She made a big speech last year which was the starting point for this meeting. Maybe she wishes to respond back. But that is obviously not

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to this meeting to decide. That will be up to the Brazilian government and to the President of Brazil to decide.

We heard on the previous panel the Internet Governance Forum is already prepared to look at it. And in many ways, that may validate the document and give a U.N. seal of approval over it. But the IGF may decide to amend the document, to add different ideas.

Now, we don't have much time. We know that. But what we have been presented with is actually a very solid document that picked up on many contributions. Not every contribution made was reflected in there. But on the whole, I think it was fairly well-received by stakeholders. It is a fairly coherent document. It is not the perfect document. We know that. And we don't have the time to produce a perfect document. "The perfect is the enemy of the good" is one of my favorite sayings. So the question is: Is this a good enough document? And that you all will have to say. Is it good enough for you?

If at the end of the process you see a document you feel there are elements there you don't like, please stand up and say so. We hope you don't have to do that. But we are here now to listen to what you have to say. After we listen to you, we go back and try then to amend the document in light of the comments received. But this then will be presented tomorrow. And the process, as Jeanette explained the process said, everybody is willing -- or is invited to observe the process for transparency sake. But, obviously, we'll keep this in this relatively small circle, trying to digest what we're going to hear this afternoon because, otherwise, if you have an open-ended session, there will be just too many voices there in the limited time we have at our disposal.

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Now, maybe there are -- based on informal conversations, there may be need for some clarification. The document that was distributed was the document that was released, was it, last week and you are invited to comment upon. No changes have been made to that document. The comments received are not yet reflected in that document.

So this document has to be read in parallel with the comments, and the comments are up on the NETmundial Web site.

In the printout, it is quite a thick book. It is 1,370 comments. So obviously it would have been impossible to digest and incorporated all that many comments in such a short time. And, if anything, it might have led to some confusion by producing yet another document that people would not have had time to study thoroughly.

So the comments show us, however -- And here I would like to ask to put the statistics up on the screen. The secretariat produced nice statistics. And one figure shows the comments received paragraph by paragraph. And there you see that some paragraphs like, for instance, paragraph 14 received very few comments; or paragraph 4, which is on freedom of association, for instance; whereas paragraph 13 is the paragraph on permissionless innovation, that received most of the comments. So, obviously, some paragraphs are more controversial than others.

And it is our hope that your comments this afternoon will help us clarify our minds where we stand with the more controversial of paragraphs. And these are all the clusters of paragraphs related to human rights. That is paragraph 2 to 8, paragraph 12 that relates to open and

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distributed architecture or network neutrality, as some would like it, but network neutrality does not figure as a concept in the text. And the 13 which is the permissionless innovation, these seem to be the most controversial paragraphs. But, again, you may wish to comment on others. But I think it will be most helpful if you can focus on the areas where we seem to have most of the divergence of views.

Paragraphs where we have little comments, we will assume that most participants are reasonably comfortable with. There may be some stylistic changes, and we have received comments for improving the English or improving -- making stylistic changes, more minor editorial changes. And we don't think we need to comment on those. This is not a drafting session. I would encourage rather substantive comments. And as was said in the previous session, introducing new concepts, new ideas, that would require some more detailed discussion; would unfortunately seem to be almost impossible given the limited time we have.

However, I would also like to point out in the roadmap section that is dealt with in the session right after us, there is a section dealing with points to be further discussed beyond NETmundial. And that could be a way of parking issues which you think are important but we did not have sufficient time to address this week, these two days, that we could then take them up in other fora but issues that you think are really important and need further discussion.

So, maybe one last comment, in the previous session, there was also a comparison drawn between NETmundial and the IGF and the new IGF chair -- and also my personal congratulations to him for his appointment

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-- made the point that there are certain commonalities. And I would actually like to stress for the NETmundial to adopt one principle the IGF has had for many years. That is not to single out or attack individual countries or companies but to refer more to the general principles you want to discuss. So, please, no ad hominem or ad country attacks or ad companies. We also learned in the IGF context, there are principles at stake. And let's keep our discussion at the high level of principle.

And with that, I would like to pass the microphone to Adiel who will explain the functioning of the meeting. And I see there are people already queuing up.

Please, Adiel.

ADIEL AKPLOGAN:

Thank you. Thank you, Markus, for -- hello? Okay. Sorry.

Again, we have a limited time to review this document. I think we have a good working document which is the document produced by the secretariat which include all the comments we have received online, more than 1300 comments from which 800 only be dedicated to the principle part of this document. So if we base our comment on that primary work document, that will help us a lot.

I would just like to remind you of a working and processing point made by Jeanette before, first is that we have four mics. Each of the mics are identified for different stakeholders: Civil society, government, technical and private sector.

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We also have two feeding points from remote participation. We have people who are participating individually, so they have one feeding point. And we have also remote hubs set up by the NETmundial around the world. We will have one feeding point from those remote hubs as well.

We will kindly ask you to state your name and organization clearly so that people participating remotely can know who is talking.

Our objective is to make this very broad in term of contributions. We want to encourage a diversity within the multistakeholder contribution, making sure we have gender diversity, original diversity, and also linguistic diversity. So feel free to contribute.

We have two minutes per participant. There will be a clock. Please use your two minutes as efficiently as possible so we can have a wide variety of comment and allowing everybody to be able to comment.

So we'll take -- we'll give the floor in the round-robin cycle so for each stakeholder. If at the end of a round, we still have time, we will open another round of comment from the floor. On this note, if my co-chair doesn't have anything more to say, I'd like to open the floor for the comment on the principle part of this document. Thank you. We'll start from the far right. Civil society. Yeah.

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Good afternoon. I'm (saying name). I'm the Special Rapporteur for freedom of expression of the OAS and the relevant commission there in the OAS and I think that I am speaking now on behalf of the United



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Nations rapporteur who had to leave, the African rapporteur for freedom of expression, and the European rapporteur.

And I would like to say three specific things.

First, I believe it is essential for regional bodies that protect human rights to take part in this kind of discussion, and I'm really thankful for the invitation but I think that we need to have a broader involvement because I think that here we are talking about human rights.

Second, both the United Nations rapporteur and the OAS rapporteur office have prepared documents on the freedom of expression on the Internet and we forwarded them to the committee and of course these are 100-page documents each but we would like to discuss these documents at the right time. I think this is not the right time, but I would like to remind you that those documents have already been submitted.

And third, this is related to principles and to the two comments that I have just made.

I believe that it will be essential to recall in those principles that we are talking about freedom of expression.

Technologies are not neutral. Each of the chapters of the documents prepared have to be reviewed in the light of the highest human rights standards, and they have to be interpreted in the light -- or under the light of the highest human rights standards.

There is a joint declaration of the four rapporteurs on freedom of expression -- the African, the European, the U.N., and the OAS

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rapporteurs -- on the freedom of expression on the Internet, and I believe that it is extremely important to bear in mind those standards in that catalog of principles, especially -- and I repeat -- so that we do not forget that technologies are not neutral. Thank you.

[ Applause ]

MARKUS KUMMER: Thank you. You were actually standing in the wrong line. You should have been in the government line as a representative of the organization.

>> (off microphone.)

MARKUS KUMMER: The government -- IGOs would be --

>> (off microphone.)

MARKUS KUMMER: Yes, I know that. Yes. I'm just saying the speaker should not have taken a civil society slot, for equity's sake.

And one thing I forgot to say, we are discussing the entire document, but you focus on what you want, but we are not saying we're discussing

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only Paragraph whatever, 1 through 12, but all the paragraphs relating to the principles.

Sorry. Not the entire document, but all paragraphs relating to principles.

And please, can you show the clock here for the podium and take down the graphics so that we can see the clock also from the podium?

Should we maybe, as that was a government slot, move to the other side? Academic and technical community?

Edmon, please.

EDMON CHUNG:

Thank you. Edmon Chung here. My badge says "technical community," but -- sorry -- I want to speak now as a new father of an 18-month-old daughter, and urge us to consider adding one bullet point in this human rights section for the rights of the child.

Child abuse and child online safety is one of the most urgent Internet issues we are grappling with. From child trafficking online all the way to cyber-bullying leading to teen suicides, I sincerely think that if we walk out of here without even addressing anything on this issue in this landmark document for Internet governance, we would have failed our children.

And this is the right place to do it. This under -- under the human rights part.

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As -- at the same time, we must guard against other forms of abuse and carefully balance child protection against the trampling of the rights of the child on freedom of expression, freedom of thought, privacy, dignity, and all that comes with the human rights declaration.

We already have that balance achieved, actually, and enshrined in the Convention on the Rights of the Child, which not only is a convention under the human rights declaration, but it is also the convention that is most universally accepted, and the most ratified convention on human rights in history.

So I humbly submit the following text to be added as an extra point, bullet point, for consideration: "Rights of the child: Protection of the child online and the rights of the child to freedom of information, thought, education, and participation in matters affecting the child must be considered in the best interests of the child, consistent with the United Nations Convention on the Rights of the Child."

Again, I understand this may be -- may be a new item, but I really think this belongs under human rights and it doesn't belong in the roadmap.

This is a very simple item to be added, and I urge us to consider this seriously.

Given that we call NETmundial the global multistakeholder meeting on the future -- the future -- of Internet governance, without due regard to our future generations, none of what we talk about today will be relevant.

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Children have special needs and their rights to protection as to freedom must be upheld on the Internet, which is their playground. Thank you.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much.

We will move to the private sector, but before that, I would just like to remind that the government line includes also international organizations, so if you are from an international organization, please join the government line.

So yeah, from private sector?

NICK ASHTON-HART:

Yes. Thank you Adiel, Markus, and really to all the organizers for the work that you're doing to make this work. Especially so many volunteers on the various committees.

I'm Nick Ashton-Hart speaking for the International Digital Economy Alliance in Geneva and I'd like to make two points.

Firstly, that Internet governance cannot expand infinitely to cover every subject which has an Internet element. Especially those that relate to content.

If Internet governance tries to solve all problems, it will end up being able to solve none.

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Secondly, many of the principles that we settle on here relate to life online and offline equally, and we should not seek to address the online dimension in isolation.

For example, human rights apply equally online and offline. This has been agreed by the international community. But they are fundamentally not about the Internet, but they're about people.

Issues of social development and multilingualism apply equally online and offline.

And finally, surveillance is not an Internet problem. It may have given rise to this conference, but it's a problem with how states treat foreigners, not an Internet problem, and it can screw the Internet up if you try and use the Internet to solve it.

I think we must remember that the many principles we agree in this context are already actively being worked on in other international processes. The Human Rights Council for Human Rights, UNESCO for cultural and social development, and so on.

Those venues concentrate expertise and experience that we must collaborate with, not seek to duplicate.

We should participate in these fora to give them the benefit of the Internet community's expertise, not least amongst which is the value of multistakeholder-based decision-making. Thank you.

[ Applause ]

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ADIEL AKPLOGAN: Thank you very much.

Do we have any comment from the online remote participants? If not, civil society is on the queue.

REMOTE INTERVENTION: Yes, we have a comment from Germany that will be read now.

REMOTE INTERVENTION: This is a comment from Germany on human rights, which reads: Privacy is a basic requirement for a democratic and free society. Mass surveillance contradicts this principle. Therefore, the following should be added to Paragraph 5 on privacy: "This includes the collection, treatment, and dissemination of personal data, metadata. Mass surveillance and data retention are not compatible with the principle of privacy." Accessibility of online resources should be universal and inclusive and, as such, the paragraph should not be limited to disability.

Hence, Paragraph 6 on accessibility should read: "Everyone should enjoy full and equal access to online resources, regardless of individual prerequisites, such as disability, literacy, gender and socioeconomic conditions.

REMOTE INTERVENTION: We have an additional comment on video coming from the remote hub from Sao Paulo in Brazil.

Sao Paulo, you can speak, please.

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[ Laughter ]

REMOTE INTERVENTION: Good afternoon. (saying name) from NETmundial in Sao Paulo and our input will be read by Fernando, a representative of civil society. Fernando, please.

REMOTE INTERVENTION: Hello. Good afternoon. We are participants of the hub in Brazil in NETmundial in Sao Paulo. They ask me to speak again and we participants of hub Brazil at NETmundial in Sao Paulo, we reviewed the document today in the morning, "Principles of Internet governance" made available by NETmundial organizers and we'd like to add our input to four paragraphs in this document.

Paragraph 4 on assurance to association read to associate, we suggest to exclude or eliminate the word "specific." We'd like to add to the end of this paragraph (indiscernible) in Paragraph 5 to guarantee privacy. It's not necessary to avoid data gathering, personal data gathering, but also to prohibit data gathering and data use.

So we suggest to substitute the word "avoid" for -- for the word "forbid."

So we also would like to suggest to add this phrase: We need to have and harmonize -- harmonized data and surveillance mechanisms.



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In Paragraph 7 on freedom on accessibility to information, we'd like to add that it's the responsibility of the multistakeholder party's digital services for equal rights to people.

And finally, in the paragraph on development, Paragraph 8, we'd like to add we should include goals of access with a minimum assurance for the next years to warrant access in the next decades.

This is a contribution from Sao Paulo. Thank you very much.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much, and for that translation as well.

Next in the queue is from civil society.

ROBIN GROSS:

My turn? Thank you. Can you hear me? Hi. My name is Robin Gross and I'm with IP Justice, and I would like to deliver a few key points to try to strengthen the human rights section that a broad coalition of civil society representatives from the north and from the south came to -- to ask me to deliver.

So the first is on the preamble section, and we would like to see, at the beginning, that the Internet is a global common resource for all people.

The second point is on the principles paragraph. We would like to add that the principles in this document should fully be consistent with the language of the UDHR and the ICCPR.

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On the privacy section, we just want to offer some small wording changes to strengthen that section, so it would be "the same rights that people have offline must also be protected online, including the right to privacy. No one should be made subject to arbitrary, unlawful, or disproportionate collection of personal data or surveillance, in violation of their right to privacy."

On the issue of freedom of expression, we wanted to see this language strengthened, in line with Article 19 of the Universal Declaration of Human Rights, and specifically by removing the word "arbitrary" from the text, and then adding at the end "regardless of frontiers."

We would also like to see the right to development section strengthened, and we also wanted to note that we support the permissionless innovation text as it is currently drafted.

Thank you.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much. Now, we move to the next queue from government and international organizations.

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Thank you very much. My name is (saying name). I'm from the German foreign office. I have two general comments and one specific comment.

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The general comment, we are here in a particular process, in an international multistakeholder conference, and we are trying to find our way -- our best way through this.

I have spent half of my professional life in international organizations, so I'm acutely aware of those differences, but I think the way we are trying to approach the best way here is evolutionary and with this, I would just underline comments made by the chairman, Markus Kummer.

You also said that we now need to try to get -- how did you put it? -- a good enough document coming out of this, and this is what we are now trying to achieve.

And by trying to do that, I think we all need to focus on essential points and just limit it to those points which are really vital to us.

The other more general comment is, I heard somebody saying that maybe surveillance wouldn't fit into that document. I think by what we've just heard from the remote participants, it's clear there is a strong interest in the issue of privacy, et cetera, and I also believe coming out of this place here, not to have any reference to that, given the history of how this conference came about, would be a bit astonishing, and also from our side I think it would be a bit astonishing.

My specific comment --

[ Applause ]

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>> -- is on human rights.

You say in the beginning of Paragraph 2, "Human rights are central values and universal," and then it goes on.

For us, human rights are more than just values. For us, they are norms, because we have agreed on them and they are there on the books, they are not just values, but in order to make that a straightforward thing, I think we can go about without trying qualifiers and just say straightforwardly, "Human rights are universal as reflected in the Universal Declaration of Human Rights and underpin Internet governance principles," and that's, I think, a very short and easy way to address that.

Thank you very much.

[ Applause ]

ADIEL AKPLOGAN: Thank you. Technical community and academia?

JARI ARKKO: Hello. My name is Jari Arkko. I'm chair of the IETF, although today I'm making more of a personal observation here.

The IETF doesn't have an official position on the draft document that is being discussed, although of course we probably like many parts of it. Open standards and -- and multistakeholder and so forth.

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But the comment that I wanted to make relates to the permissionless innovation paragraph and the discussion around that. I noticed that there has -- had been quite a bit of discussion I guess mostly relating to interaction of that to the corporate issues.

And I wanted to sort of highlight what -- you know, when we usually speak about permissionless innovation how we -- you know, what the context is and what do we mean and what do we not mean.

So my definition of permissionless innovation is that it's about our ability to create new technology or applications on the Internet without having to ask the government or the operator or the computer vendor or the -- or even the standards body for a permission.

As an example, the end-to-end argument in the Internet is about applications not being restricted by the nodes in the network, and if you had to be waiting for things from these parties or the network, it could take a very long time for you to get any innovations out there.

But while this accelerates innovation, of course it does not mean that you can ignore other things in the world such as laws of societies.

That is not what we mean with this concept.

So I personally believe that openness permissionless innovation has been the key reason for the success of the Internet and for the benefits that it brings to all of us, and I believe it's important that this continues also in the future and that we retain this part in the document.

Thank you.

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[ Applause ]

ADIEL AKPLOGAN: Thank you. Next queue?

SETH JOHNSON: Hi. My name is Seth Johnson. I speak on behalf of a number of different constituencies who support the idea of recognizing the Internet in the Information Society Project so we can more readily recognize impacts on it by policy or technological solutions.

What I'm about to say derived from a broad analysis of the WSIS outcome document, the ITU plenipotentiary resolution from 2010, and most recently the WTDC outcome documents, as well as the ITU's measures of the progress of the Information Society Project, and its core indicators, the ICT index and revenue and investment.

Among other things, these things do not address the distinction between networks that implement specialized services, specialized treatment of packets, and open general-purpose Internet working between independent networks.

There's a confusion of the terms "IP-based networks" -- "IP-based networks" in general with the Internet and another term, "next-generation networks." That's just a preface.

So a couple comments on human rights as expressed in the WSIS outcome documents and the ITU plenipotentiary framework.

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In relation to the enabling environment, the WSIS performance measures and the WTDC outcomes, most specifically the broadband study questions, they speak in terms that are conducive to vertically integrated telecommunications context and they do not make any reference to situations where the infrastructure is shared by competing providers at the physical layer.

Now, one consequence of that, in terms of human rights, is that when you have a vertically integrated physical layer, the -- you're treating it like it's private. And so when you come along and you try to say, "Okay, you have to do various things like treat packets similarly," the concept of network neutrality, they often say it's a violation of their rights. Whereas if it's a public franchise -- sorry -- it's a more direct violation of government acting against our fundamental liberties. I guess that's all I get to say.

ADIEL AKPLOGAN:

Thank you. We'll go online for a comment and question.

REMOTE INTERVENTION:

Okay. So we have a comment coming from a remote hub in Argentina that will be read, and afterwards, we will have a comment coming on video from Colombia.

ADIEL AKPLOGAN:

Okay.

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REMOTE INTERVENTION: The issue of respect of human rights was recurrent, but currently within the framework of the political and legal framework of sovereignty, human rights are only defined with respect to obligations and abstentions by the states.

In this respect, the Inter-American court on human rights, for instance, has always defined mostly each of the human rights only in that respect.

The question is: In the outcome document, have you taken this into consideration? Will it be clear that human rights are and must be enforced upon companies?

ADIEL AKPLOGAN: Okay, now a video comment from Colombia. Colombia, you are on screen. You can talk.

REMOTE INTERVENTION: Good morning, good afternoon, good night because it will depend where in the world you are. My name is Marinel (saying name). I'm from Colombia, from the Telefonica facilities together with the Internet User Society. In Colombia, we say hello to you.

We are together with the Internet users at Telefonica, the Communication of Regulation of Telecommunications, the national planning department, transparency for Colombia, (saying names) and different mass media.

We want to say to you we have been following your discussions, and we thank NETmundial because this gives us the space to reflect upon what



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was going on locally and to place in the public agenda the issue of Internet governance in our country, in Colombia.

Now I'm going to read our conclusions. We recognize that at this stage is a very early and initial phase. Bearing in mind the tradition of work between the private and public sector in Colombia, the different stakeholders that took part today showed willingness to generate a Colombian Internet governance committee. The process for the discussion to be considered out within this framework were a considered multiple stakeholder model and will consider some players, some stakeholders, have not been part so far.

This process will be led by the national telecommunication committee as well as Telefonica and the Colombian Association of Internet users.

The agenda for the process will include the review of the principles, governance principles, for Internet as well as the roadmap so as to generate the ecosystem. Additionally, we will review issues like human resources, responsibility, and duties of users, actions tending to disseminate the new technological trends and concepts that are more relevant for the Internet governance. Thank you very much to all of you.

[ Timer sounds. ]

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much as well for following all of this remotely.

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We will come back to the room now and follow in the process. So civil society, thank you.

ALAN GREENBERG:

I'm Alan Greenberg of the ICANN At-Large Advisory Committee but speaking on my own behalf. My comment is with respect to principles, paragraph 7 and, in fact, the roadmap -- sorry, principles, paragraph 16 and roadmap paragraph 7.

The term "consensus" decisions or consensual decisions is used there. "Consensus" has perhaps close to an infinite number of definitions, certainly many, ranging from a majority to unanimity.

I am under no illusions we're going to come to closure here on which definition we mean. But I suspect the intent is that it is not unanimity. If my assumption is correct that it is not unanimity, we need to set expectations reasonably and say that there. Thank you.

ADIEL AKPLOGAN:

Thank you very much. Next in line, please?

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Thank you, Mr. Chairman. My name is Scott Busby. I represent the United States Department of State. I'm specifically from the Human Rights Bureau of the Department of State. And I want to address some of the principles in the human rights section. Let me first say on behalf of the United States that we are very pleased with the process that has been run by the Brazilian government and by the executive

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multistakeholder committee. And we thank you for the very hard work you have done in reconciling -- trying to reconcile the many, many comments you've received on the document, including your own. So thank you for that. And we specifically wish to thank you for including a section on human rights which addresses the various human rights issues at stake when it comes to the Internet. So thank you for that.

A few small technical comments. First, we would support the technical fix recommended by the government of Germany in terms of striking the reference to "values" in the very first sentence and referring to human rights as norms.

That said, in the title of that section, we would recommend that it read, "Human rights and shared values." Why? Because some of the elements in that section couldn't be defined technically as human rights. Specifically, the right to development is not a right defined in international human rights instruments. And for that reason, we would urge you to include "and shared values" in the title of that section.

Thirdly, let me say that we'd like to support the changes recommended by civil society on paragraph 3 in the document regarding freedom of expression. The words "without arbitrary interference" do not appear in Article 19 of the International Covenant on Civil and Political Rights. We believe the addition of those words actually weaken the freedom of expression standard. And so we would agree to the changes suggested by civil society to that section. Thank you very much.

[ Timer sounds. ]

[ Applause ]

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ADIEL AKPLOGAN: Thank you very much. And I would like to thank all the speakers for being within the time there for their intervention. That will help us a lot.

Next in the queue will be from technical community and academia. Thank you.

>> I am Roberto Uzal, professor at Nacional University of San Luis, Argentina. I think my comment could impact in the Internet principle discussion.

Why are we here? I guess we are here because we are living in a not-perfect world. The Internet is included in that not-perfect world. The Internet had begun a context while some state nations attack the critical infrastructure of another state nation using the Internet. Internet is also an environment where there are sophisticated ways of espionage are taking place on a place where (indiscernible) of transnational organized crimes are working.

So I think that NETmundial must or at least should be the beginning of an important improvement process of the Internet. That beginning must arrive soon. I agree on hard topics in NETmundial in the outcome document.

I want to remark a very, very important point at least for me. We have an example on one hand of police team belonging to INTERPOL, for example, surveillance of cybercrime (indiscernible) money laundering.

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That INTERPOL team is working as a result of an international justice code. In that case, the Internet surveillance is absolutely legal and necessary.

By the other hand in my example, we have a state nation needing personnel executing mass surveillance on another state nation. In the second place, instead of surveillance, we have cyber espionage. Cyber espionage, cyber warfare, and international organized cybercrime must be eliminated or at least mitigated --

[ Timer sounds. ]

This is just my opinion. Thank you for your time.

ADIEL AKPLOGAN:

Thank you very much. Next in line from private sector.

>>

Yes. Ricardo Castenella (phonetic), Motion Picture Association. Thank you for the organizers of NETmundial for the opportunity of participating in issues that are critical for the private sector. We have a proud -- we are proud from the private sector of producing content, freedom of expression. And respect for copyright is essential.

We are happy to observe that many of the comments of the community that produces content. The policy of innovation is based on intellectual property. In fact, civil society has also expressed flexibility of the universal declaration of human rights and the United Nations which talks about the rights of creators in an effort to arrive at a consensus

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about this issue and also the need for a consensus about the issue as suggested by the Secretary-General.

The relevant role that the accountant production has in the Internet in considering that some human rights are expressly referred in the final statement, we believe it's essential to preserve the reference to freedom of expression and also add to the Article Number 27 of the human rights declaration. So the creators and creative industries will be able to go on having a critical role for the development of Internet all over the world. Thank you very much.

ADIEL AKPLOGAN:

Thank you very much. We go back to an online participant. Do we have -- Okay.

>>

Now we have a text comment coming from the civil society from Switzerland that will be read, and then afterwards, we will have a comment on the video from Bhimavaram Town in India.

REMOTE INTERVENTION:

The comment from the civil society reads: I propose to add at the end of paragraph 16 "or when attempted consensus process has shown that no consensus can be reached in a decentralized manner by means of national democratic processes."

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The rationale for this change proposal is that otherwise no governance decisions can be made when there is significantly conflicting interests. No consensus can be reached.

Such lack of ability to make non-consensus governance decisions would, of course, be a decision in itself. This would totally -- would totally and absolutely and unacceptably again go against fundamental principles of democracy.

ADIEL AKPLOGAN:

Now we have video from India.

>>

Good afternoon. Hello, everybody. This is (saying name) representing civil society and academia. My basic question is regarding human rights on education, free education, freedom of expression, freedom of knowledge, collaboration and freedom of development. It is key for governance of a free Internet and (indiscernible) But more important for the world one Internet where knowledge exchanges.

This is not really represented in the world document. And in India per se, around 300 million (indiscernible) have proper Internet connectivity. And most of the people are still that poor. And you can see the same status all around the world. If you are rich, the human race will be (indiscernible) human rights. If you are poor and are a beggar, you apparently don't have human rights.

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I want to thank you, all Internet stakeholders. On this issue and make it as a common draft all over the world. Thank you so much. And we wish you all the best.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much. Now back to the room again. We are from the line of civil society.

>>

My name is Jimmy Schulz and I'm speaking for digital-guerilla.org. Why are we here? We've been discussing that quite a lot. We're here because Edward Snowden revealed a mass surveillance of the whole population on earth, and I can't find any word about that in this document. So please rethink that we ban "mass surveillance" in this document. And we really should do that.

[ Applause ]

It is my time. Stop.

[ Laughter ]

Second point, how to protect ourselves. I really appreciate that there is a right to develop the Internet, but we really should add a right to encrypt and to encrypt your services.

[ Applause ]



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And the last point about the paragraph "culture and linguistic diversity," Internet governance must respect and promote cultural and linguistic diversity in all its forms. That might be misleading, and it can't be an excuse to ignore freedom of expression or freedom of association and other fundamental rights. So I'd like to alter that article into "Internet governance must respect and promote cultural and linguistic diversity insofar as this does not conflict with the other principles." Thanks.

ADIEL AKPLOGAN:

Thank you very much. Moving to the next queue from government.

>>

Mr. Chairman, my name is Ron Hoffmann. I'm with the delegation of the Government of Canada.

As we reviewed the principles on the page, we came -- and as we reflected carefully upon them, we came to the conclusion that the process leading to those principles are as important as the words on a page. From that point of view, the Government of Canada wishes to congratulate those who have conceived this conference, those that organized it, the government of Brazil and the people of Brazil for hosting us, and everybody in this room and through the wider networks who over a series of weeks have contributed sincerely, constructively, and importantly to this initial draft set of principles.

As we review them, we can come up with a number of little edits here and some wording we would prefer or some clarifications we think could make them stronger. But as the Government of Canada, I think

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we will resist doing so because with the 1370 comments you have, the reality of everybody in this room feeling sincerely and legitimately that they could strengthen one area or another, we risk opening up something that has already achieved a lot.

So from our point of view, we endorse the statement that this is not a perfect document. Perhaps nobody in this room thinks it is or on the wider network. But we do think it is a good document.

We think it builds on the WSIS principles that have been established before us and it inspires, shapes, and guides the many discussions which will follow, including in the Internet Governance Forum, which we look forward to contributing to.

So in short, Mr. Chairman, we would encourage all of us to think carefully about what's already there, to respect and, I think, embrace how much has been achieved in a process that has taken a subject of such phenomenal complexity, multifacetedness, and dynamism and brought together a series of stakeholders in all parts of society --

[ Timer sounds. ]

-- to achieve a result that's good enough. Thank you.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much. Next in the queue, the queue from technical community and academia.

>>

Thank you. I belong to the community of Open Source professional software developers and engineers. So what I see around me is quite a lot of consensus, and I think we're hearing that today as well about the need to include wording, even strong wording, about the right to protection from state-sponsored mass surveillance. I think maybe you are hearing that from a lot of different people, and it is not in the document.

[ Applause ]

It is even a little surprising that in the roadmap you might find it, but it is way down there at Number 35. So I'm a little shocked about this. I would love to ask the question what the advantage is to leaving it out of the main document. I think you're not answering questions. But, anyways, I wanted to show support for including strong wording in the main document for protections from state-sponsored mass surveillance. Thanks.

[ Applause ]

ADIEL AKPLOGAN:

Thank you. And I consider that comment for the roadmap session, and I guess it will be taken into consideration at that time.

Private sector?

>>

Thank you, Mr. Chairman. I'm here to argue that for human rights is referred to in this document to be available in practice to Internet users. It is essential that innocent Internet intermediaries are protected from liability from the actions of their users.

I'm Malcolm Hutto from LINX, London internet exchange. This is a membership organization for Internet networks. Our members are more than 500 major network operators from 55 countries. We believe that the protection of human rights on the Internet or elsewhere is fundamentally important. Human rights are rights for individuals but they established the basis of a free and just society on which we all depend, citizens and businesses alike.

In the Internet governance space, we should not attempt to duplicate work on human rights that is better done elsewhere with greater expertise. We should focus on the application of human rights in ways that are unique to the circumstances of the Internet.

The unique circumstance on the Internet is that in order to make use of their rights, citizens depend on the services of Internet intermediaries, businesses such as our members.

We're businesses. We must comply with the law in the countries in which we operate. We are vulnerable to being forced to act in ways that we do not support.

Attempts to turn network operators into some kind of Internet police to exercise prior restraint against alleged wrong doing circumvents the rule of law by avoiding the procedures established to ensure that fundamental rights are protected.

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A strong declaration of support for the protection of intermediaries from undue influence would be an important, practical, concrete step this conference could take to ensure that human rights are available in practice to Internet users. I raise this point in the consultation process and receive support from some members of our communities. With that support and mindful of the fact that this issue was recognized in General Comment 34 to the International Convention on Civil and Political Rights as well as the Joint Declaration on Freedom of Expression --

[ Timer sounds. ]

-- of four intergovernmental organizations and other intergovernmental instruments, I propose that the paragraph on human rights is amended to add this sentence, "In order to ensure that these rights are available in practice, it is essential that Internet intermediaries are protected from liability for the actions of their users." Thank you.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much. Before moving to the next intervention, I would like to remind all the people speaking to state their name and their organization, so that the transcript and people following online can follow properly.

Now we go back to online contributions.

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REMOTE INTERVENTION: Okay. Now we have a text comment coming from a remote participation hub in Chicago, USA, and afterwards, we will have a video comment coming from Tunisia.

REMOTE INTERVENTION: This is a comment on human rights. Privacy is a fundamental human right and is central to the maintenance of democratic societies. It is essential to human dignity and it reinforces other rights, such as freedom of expression and information, and freedom of association, and it's recognized under international human rights law. It is of crucial importance in rebuilding trust amongst peoples of the world that mass and arbitrary surveillance programs are outlawed, that transparency and oversight are strengthened, and that human rights, jurisprudence and principles are explicitly recognized as applying to the online space.

There must be international norms that protect privacy of an individual in an effective manner both against foreign and domestic governments.

REMOTE INTERVENTION: Now a video comment coming from Tunisia. You can speak.

REMOTE INTERVENTION: Hello. My name is (saying name). I am from the Tunisia hub in Tunis, and I do represent the (indiscernible). I would like to say hi to all the participants and thanks to Brazil for organizing this great conference, and we're going to talk about human rights and we do agree with what was said in the second phase of the WSIS in Tunisia 2003, the Internet plays a very important role for development of societies and for

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promoting freedom of expression and association and makes sure that privacy is warranted.

We have to make sure that every men and women have access to the Internet network with full transparency, neutrality, and confidentiality.

We want to make sure that Internet governance think strongly about access to Internet, same access for everyone, so that we can communicate better and make sure for citizens to be free in sharing information on the Internet with full transparency, neutrality, we insist on neutrality, and the integrity of confidential data. Thank you very much.

>> Thank you very much for this intervention.

ADIEL AKPLOGAN: Civil society.

>> I'm (saying name) from the Brazilian Institute of Consumer Defense and I represent the third sector.

I have a contribution from other organizations from around the world, Best Bits.

I'm going to talk about network neutrality.

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We advocated a specific reference to neutrality of the Internet in Paragraph 10 and 23.

In 10, we believe it is important to be amended, "the free flow of information and the nondiscriminatory flow of data packages."

We believe that the preservation of neutrality means not charging differently for different -- for the same services in different places, preventing restriction and blockades.

This is why I think it's important in the paragraph, "Accessibility," accessibility should be linked to Internet neutrality. There should be no barrier at all for new candidates.

Here, I believe that to -- I want to say that the civil rights framework for the Internet, I believe it will preserve the Internet and will bring concrete rules showing that nondiscrimination in the Internet is important to foster nondiscrimination in society.

[ Applause ]

OLGA CAVALLI:

Thank you, Mr. Chair. My name is Olga Cavalli. I am from the Ministry of Foreign Affairs of Argentina and I will talk as a member of the government of Argentina.

First, we would like to congratulate the Brazilian government and all the organizers of this fantastic meeting, and also we would like to mention that Argentina did submit a document, also did submit comments to the



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previous document sent to the high-level committee as part of this committee. Argentina's is a cohost of this meeting.

But we don't see them reflected in this document, so we will repeat some of them which we think are relevant and we would like very much to be included in the final document.

Two of them are about human rights. The first is an addition text to the Paragraph 5 about privacy, and we would like to add the text at the end that says, "and ensure security and confidentiality of information in accordance with international standards and local laws."

Then in Paragraph 6, we would like to add this text at the end of what is here now: "There should be fair and equitable access for all with special needs, with emphasis on vulnerable people, girls and women, aging people, and people with special needs."

And also in Paragraph 25, we would like to change a word. It refers to Internet as -- Internet governance allowing for a unique interoperable resilient, stable, decentralized, secure and interconnected network.

We would like the word "unique" to be changed by "common," as we think it's more inclusive and more descriptive of the Internet. Thank you very much for this opportunity.

[ Applause ]

>>

Thank you very much for your comments. Markus?

MARKUS KUMMER:

Yes. Just an organizational announcement.

As the -- looking at the watch, the evening advances and we had originally scheduled a two-hour session on that, with another two-hour session on the roadmap, and if we continue, that will bring us then to half past 7:00 till half past 9:00. The question arises whether or not to have a dinner break.

I consulted with the co-chairs of the other session and our joint suggestion is to shorten our sessions, shorten this session and finish at 7:00 with this session, then move immediately -- and please don't leave the room -- into the other session for the roadmap. We'll go on for another hour and a half till 8:30 and then you can go for dinner or observe our collective revision of the document, taking into account your comments.

This has been extremely helpful and I also listened and heard with great satisfaction that some speakers actually commended the document and found it good enough.

Of course we will try and perfect it, but given the limited time, we'll do our best to take into account the comments.

So that gives us time for maybe two round-robins. Sorry to disappoint those who are standing in the back, but you will be given another opportunity tomorrow morning when we continue as scheduled.

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We have time to catch up tomorrow morning and we try to be on time, and with that, is the line -- if it's Bertrand, please, again, state your name and affiliation. Bertrand.

**BERTRAND DE LA CHAPELLE:** Good afternoon. My name is Bertrand de la Chapelle. I'm the director of the Internet and Jurisdiction Project.

Just a suggestion on Paragraph 3 and human rights regarding freedom of expression to be closer to the actual wording of Article 19 of the Universal Declaration of Human Rights and to add at the end of the paragraph the expression "regardless of frontiers," which is included in Article 19, and that would appropriately replace the "without arbitrary interference" that some commentators have suggested to delete.

By the way, the Article 19 also says "secrecy and impart information and ideas" and if you could add "and ideas" to the wording, it would be good as well. But regardless, "frontiers" is the main comment. Thank you.

[ Applause ]

**MARKUS KUMMER:** Thank you. Ambassador Fonseca just made an excellent suggestion. Please stay in the queue and we write down your names so that you have preferential access to the microphone tomorrow morning for standing and waiting for so long.

So please, we will take down your names and you can then start at the microphone tomorrow morning, so you will get paid for your patience.

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Okay. Please, Paul. Next speaker.

PAUL MITCHELL:

Thank you, Mr. Chairman. I'm Paul Mitchell from Microsoft and speaking today on behalf of the ICC/BASIS business community.

And first I'd like to thank and congratulate the organizers and the Government of Brazil for pulling off this excellent conference so far today.

My comments refer to the paragraph on open and distributed architecture.

First, I'd like to reaffirm the importance of maintaining the security, stability, and resilience of the Internet and the openness of the Internet. That has to be job one. Especially for those of us that are developing and deploying cloud services around the world, these attributes are paramount. But there isn't a clear consensus among the business community on net neutrality.

On the other hand, there is a clear consensus among the business community that this is not the place for a net neutrality discussion. In part, because it is currently under discussion in various national legislative and adjudicatory processes around the world.

The draft text proposes the equal treatment of all protocols and data. As a technical matter, that doesn't actually make sense. Protocols are developed to perform specific functions and tasks, and they consume network resources differently.

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Networks need the flexibility to be able to adapt to them as necessary to ensure their proper functioning so that they can deliver the benefits that they were defined for.

Likewise, and especially with the emergence of the Internet of things, we need the capability for differentiation and innovation, so here's an example.

With auto-telematics, if I need to get an oil change, reporting that data is not particularly critical. But if the airbag goes off in my car in an accident, it's life-critical. Clearly the treatment of the data doesn't need to be the same and shouldn't be. The network systems need that level of flexibility, and without thinking too much, I'm sure everyone here can think of other examples.

That flexibility should not be a ticket for anyone to behave in an anticompetitive manner, but it's a requirement to enable the greatest degree of forward innovation.

And finally, there were 36 comments on the text. 16 of them suggested revision of equal, while only seven suggested making net neutrality explicit. Clearly, unfortunately, not a consensus on the text. Thank you.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much. We'll go online. Do we have a contribution online?

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REMOTE INTERVENTION: Yes. We have a text comment from the Caribbean Network Access Point in the Dominican Republic and afterwards a video interaction from Chennai in India.

REMOTE INTERVENTION: The question is: What are the mechanisms suggested to be adopted so as to promote and execute an actual and global inclusion in Internet governance processes? Because there are some countries that do not know that these processes are being run.

One of the major barriers is language because most of the information is not available in the native languages of most of the countries, and even when they learn about these processes, if they do not manage the language of the documents and interactions, they are not able to participate.

REMOTE INTERVENTION: Okay. So now a video from Chennai in India.

REMOTE INTERVENTION: (indiscernible) on behalf of Internet Society, Chennai chapter, and I will -  
- I have a statement on (indiscernible) but Internet has to be one Internet and a unified and (indiscernible) otherwise it is not an Internet. It will be (indiscernible) disconnected cluster of (indiscernible) networks. We have (indiscernible) free and open (indiscernible) processes. The unified global Internet is good for every country, especially for developing countries, unfragmented and (indiscernible) connections make global connections possible (indiscernible) global connections are

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good for business and good for people for the whole world. (indiscernible) happen in unfragmented Internet (indiscernible) like the Internet to be global and unfragmented. Thank you.

ADIEL AKPLOGAN:

Thank you very much from Chennai.

We are back to the room again, and we will go to civil society.

DANIEL O'BRIEN:

My name is Daniel O'Brien. I'm the international director of the Electronic Frontier Foundation and in response to the many requests to prioritize the prevention of mass surveillance, I and a community of over 100 civil society organizations from the north and the south suggest this addition to Paragraph 5: "Mass surveillance is a direct and imminent threat to privacy. Therefore, societies must not be placed under surveillance. Similarly, anonymity and encryption should be protected as a prerequisite for privacy and freedom of expression."

[ Applause ]

DANIEL O'BRIEN:

The international principles of the application of human rights to communication surveillance, the necessary and proportionate principles, should be the vantage point of this discussion. Thank you.

There's also some additions to the paragraph on security, the security, stability, and resilience of the Internet.

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There's a key word in this principle which we should emphasize, "trustworthy."

Trust is vital to security and stability, and users need to be able to just trust in the privacy and integrity of their communications, which means an Internet free of security vulnerabilities, free of backdoors unknown to end users, and a network that is not undermined by attempts by states or others to warp the resilient nature of a decentralized Internet in order to make it more malleable to control or monitoring.

Critical and Internet intermediate infrastructure must not be tampered with in the service of surveillance. Personal computing devices are the core of our personal lives and their sanctity must not be violated.

[ Applause ]

DANIEL O'BRIEN:

Secrecy undermines trust and secrecy undermines security. Security through obscurity is rightfully rejected in the Internet tradition and so it should be in the Internet of the future. So we call for keeping the term "trustworthy" in this principle and the insertion of "strong and transparent cooperation among all stakeholders."

We also call for the sentence, "The increasing militarization of the Internet undermines the integrity, security, and potential to benefit humanity." Thank you.

[ Applause ]



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ADIEL AKPLOGAN: Thank you. Government?

PABLO MARCUS: I'm Pablo Marcus. I'm the director of the regulator from Colombia. I'm going to speak in Spanish. First of all, Colombia would like to congratulate Brazil for the wonderful effort that Brazil has done in preparing and setting this conference. It's really very interesting to see that all of Internet participants are here.

In the second place, as an emerging economy, Colombia wants to highlight the principles established in general respect and lead us to find a common road to be followed.

However, we think that notwithstanding all the changes that have been suggested in terms of language and structure of the document, there's one change that even though it's really important for developing countries, it's not included as a fundamental principle, the principle to access.

It was included in the document as a process and not as a principle in itself, and so the public policies in Latin America in recent years have tried, first of all, to ensure access to citizens and then to understand and participate and increase and enhance that participation.

So we suggest that in the text, the principle of access should be included not as a process principle but as a substance principle related to the Internet.

And finally, I would like to congratulate Brazil for this conference and to highlight and invite all participants to reach an outcome. Please do not

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stay and park in the discussion. The discussion is good and is valid but we should reach an outcome to show to the world. It's very important for the world to see a text prepared by this conference. Thank you.

[ Applause ]

ADIEL AKPLOGAN:

Thank you very much. Technical community and academia?

>>

My name is Michael (indiscernible) from Cornell law school, an author of the paper recommended by the executive committee as a resource about which issues prior declarations on Internet governance have addressed.

And my colleague and I noticed that several topics in prior declarations are missing from NETmundial's outcome as of today.

While it is true that this committee did not cover the same issues as prior declarations, we do believe that one particular issue must be additionally addressed: Special protection for the online activities of minorities because minorities are at the peak of a risk, being underrepresented by their own country's internal participatory process. Minorities in any society are entitled to special protection as human beings.

We have witnessed in many events that the Internet can enhance and empower our communicative and participatory capabilities. Therefore, protecting minorities in a particular society not only protects the rights

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of those people, but also enhances the rights of those in similar situations in other societies.

Thank you, Mr. Chairman.

[ Applause ]

ADIEL AKPLOGAN: Thank you very much.

Private sector line.

ERIC LOEB: Thank you, Mr. Chairman. My name is Eric Loeb. I'm with AT&T and also I chair the task force on Internet and telecommunications at the International Chamber of Commerce and my comments today are on behalf of the ICC.

First of all, again, my congratulations to the organizers and to the committees for the excellent work to forge consensus on so many areas. As reflected in Markus' comments, there are a number of provisions in this document for which there were not many comments seeking alterations and it demonstrates consensus in areas.

Among those that the ICC, the business community which is very broad-based, we're very pleased to see the strengthening of the IGF, the strengthening of meaningful participation by all stakeholders in the Internet governance processes.

There are many more.

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And of course there are some areas where, at present, we're seeing some disagreements in views, where there is not consensus.

And when we talk about principles, I'd just like to come back to the point that a way to find consensus in such areas may be to move to a level of higher abstraction where parties may agree, because it is desirable to have a document and to have a process here where, in as many ways as possible, particularly with principles, we can find that level of agreement and consensus.

One such area which has been mentioned already does have to do with Paragraph 12, an open and distributed architecture.

As we talk about things, first of all, there is an area of consensus, and that is the notion of the open Internet.

It's a topic that across the very diverse business membership, we have support and we heard it many times today. Where there is not consensus are the notions of more prescriptive rules on net neutrality which get into details that vary by -- country by vary and may freeze in time innovation different practices.

So my recommendation for consensus on this topic in that area is with the -- the open Internet and the ICC has submitted proposed language already which I will not repeat at this time, which has solutions to that.

[ Applause ]

ADIEL AKPLOGAN:

Thank you. We'll take the two comments online and close this –

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REMOTE INTERVENTION: So we have a text comment that will be read that was sent by the remote hub here in Sao Paulo, Brazil, and followed by a video interaction from San Francisco in the USA.

REMOTE INTERVENTION: Brazil civil society. Which mechanisms will be assured for the protection from different practices like the reduction of speed, band speed, and the control of content through obstacles for -- to the access to Internet, for example? All this on behalf of the administrators of networks or by third parties.

REMOTE INTERVENTION: -- San Francisco.

REMOTE INTERVENTION: Hello. Thank you. Good evening to everyone in Brazil. My name is (saying name) and we are speaking to you from San Francisco in the United States.

Our question regards Paragraphs 10 and 12 of the principles set out here which concern a unified network and open architecture.

In conversations concerning a more decentralized Internet, a point which seems to come up often is the threat of this fragmentation of the Internet, or the development of several Internets across which communication is difficult, limited, or is possibly obstructed.

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But it's also clear that a truly diverse and open space depends on this type of decentralization.

Paragraph 10 describes an Internet that's coherent, stable, unfragmented, allows for the free flow of information, and it's obvious that in order to facilitate this, a certain amount of agreement has to be in place regarding technical infrastructure.

However, it's important to consider that choices about technical architectures, protocols, et cetera, can play a profound role in regulating the values of the space, but choices about architecture necessarily means particular -- a particular choice of what is and is not possible.

And therefore, the technical foundation of the Internet regulates its character in a very fundamental way.

So my question is how we can sort of move forward responsibly in light of this. That is, on the one hand, recognizing that certain choices must be made regarding the infrastructure and organization of the Internet, but also recognizing that the act of making these choices is also an act that inherently regulates the values and ideologies of the space.

Thank you.

ADIEL AKPLOGAN:

Thank you very much. And this ends the series of input to this session today.

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>> (inaudible).

ADIEL AKPLOGAN: Started with civil society.

>> Started with government.

ADIEL AKPLOGAN: He was in the wrong line. Okay. We correct that with civil society, and that will be the last.

>> Thank you. My name is Mishi Choudhary. I'm from India, but I work with civil society platforms like Best Fit and Just Net. Today's conference started with a video of diverse people talking about "my Internet." We have to understand the Internet belongs to the people who use it. Governments and private cooperations are trustees who have to work in public in trust, the public in trust, which is defined in democratic ways.

These trustees should be legally responsible to the public for performance of their obligations. That also means that governments should be liable to citizens for conducting or facilitating mass surveillance of Internet users. Telecommunications operators should be legally liable --- to do business for acts facilitating illegal surveillance everywhere.

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We also ask for a separate item on net neutrality without which this document does not actually do justice to what it is attempting to do. Telecommunications, network operators should either be common carriers obliged to move all packets on a non-discriminatory basis leaving all users free to offer and accept any service on any port. Operators who do not want to be common carriers should be strictly liable for all routing and bad content selection decisions.

Further, paragraph 2, the Internet should be preserved as a fertile and innovative environment based on free and Open Source software and open system architecture. We also recommend that paragraph 13 should be retained for permissionless innovation. And then there is some recommendation also from -- sorry -- okay. I have some tech problem here.

But Internet governance principles should recognize the enabling power of the Internet for the realization of human rights. At the same time, principles should protect the Internet's critical infrastructure and necessary actors from undue interference or actions that could diminish people's ability to enjoy human rights in its civil, political, economic, social --

[ Timer sounds. ]

-- and cultural dimensions. Thank you.

[ Applause ]



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ADIEL AKPLOGAN: Thank you very much. So as mentioned by Markus before, this is the first round of input. Tomorrow there will be another session on the roadmap, and those in the line before we close will be given priority.

MARKUS KUMMER: The session on the roadmap will follow immediately now. We continue with the session on principles tomorrow morning at 8:30. And those who want to watch us put together and amend the document as we have it, we will be in the room upstairs on the second floor after this session, roughly 8:30.

Thank you for your input and see you all tomorrow again.

[ Applause ]

[END OF TRANSCRIPTION]