NETmundial – Working Session 3: Principles Part II
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MARKUS KUMMER:	Good morning, ladies and gentlemen. We have a lot of work ahead of us so I would ask if you'd kindly take your seats, so we can get started.
	We have a list of people in the queue from yesterday and I will maybe ask Adam to read out the list of people who are in the queue so that you can position yourself behind the microphone.
	We continue the discussion we had yesterday. It was a very good discussion, very valuable input. We sat together after the meeting and it did get rather late. Some of you stayed with us. And my co-chair for today, Anriette, is just emerging. Not all of the advisors are on the podium yet, but as I said, it did get rather late and I suppose some of our colleagues may have problems getting up.
	Please, may I ask you kindly take to your seats, and Adam, can you read out the list of people we have in the queue from yesterday?
ADAM PEAKE:	Thank you. Good morning, ladies and gentlemen. We begin with the line for government as governments will have the first option to speak this morning. So the order of governments as they were lining up in the queue yesterday is India, Cuba, Spain, Saudi Arabia, South Korea, Council of Europe, France, Morocco, Kuwait.

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So the first government speaker, India, should you please line up at the queue as you will be the person we will be calling on shortly followed by Cuba, Spain, Saudi Arabia, South Korea, Council of Europe, France, Morocco, and Kuwait.

Going to the next line, technical and academic: Joanna Verone and Leonardo Kareed (phonetic). I hope I pronounced the name right. I am struggling with names and also with my own handwriting. Leonardo, I hope you're here.

Private sector line: Maria Medriano, ITT. I hope again good. Alexander Castro, James Seng, Eduardo Panefo Abrinet (phonetic), Robert Pepper. So, Maria, Alexander, James, Eduardo, and Pepper.

Civil society, Baudouin Schombe, Jeremy Malcolm, Izumi Aizu, and Dr. Lauren Ekay (phonetic).

So if that's clear, the first speaker this morning will be India, Markus.

MARKUS KUMMER: Thank you for that. In terms of substance, I think, well, we knew when we got into the session that we had some issues that were controversial: Human rights, not surprisingly. It is always a difficult issue. But I think we have enough input to clarify the text and some of the comments received were extremely helpful.

We certainly, I think, got the point that we need to strengthen the language on surveillance. One issue that remains controversial and I fear we don't have a consensus in the room is the issue of net

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

neutrality. There are many participants who attach great importance to this and not only to the concept but also to the term "net neutrality."

We thought that one way to deal with this would be to have a clean text in the body of the text on the principles based on open Internet. One of the speakers yesterday made a very eloquent plea for that approach.

But then half maybe mentioned of the term "net neutrality" in the way forward section as one of the issues that need further exploration. And I think this is also one of the issues we would like to have guidance from you today.

And the issue that received most comments was the concept of permissionless innovation.

We heard very strongly I think also in the opening session for keeping that concept. The very inventor of the underlining TCP/IP protocol, Vint Cerf, used the term in his address. The inventor of the World Wide Web also made the strong plea for the concept of permissionless innovation. And we heard the chairman of the IETF also saying how important this is for the very nature of the Internet.

So I think we need to keep that in. Maybe for those who expressed concerns, that it would lead to anarchy, we could have a mention that this is an enabling based on the rule of law.

And also I think we heard a plea to expand on the reference to the Universal Declaration of Human Rights and bring in a reference of Article 27 which refers to the right of creators. That might be something worthwhile considering.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

We had other comments yesterday that were interesting suggestions for new text, such as on the role of intermediaries. This is something we considered.

There was also language on -- introduced from the floor on the protection of children. However, it seems -- we, of course, are all in favor of that.   But at the same time, it didn't fit in easily in the declaration of principles. So that may well be some issue we could also give for consideration for work that needs to be done in other fora.

But with that, I hand over to my co-chair of the day, Anriette, who -- feel free to fill in what I may have left out. And then you manage the session by giving the floor to our speakers.

Please, Anriette.

ANRIETTE ESTERHUYSEN: Thank you very much, Markus. And welcome back, everyone. I hope your night was not as late as ours was. And I don't have much to add to what Markus has said. Perhaps just a reminder that this is an important document to all of us, so there's a strong sense of ownership. There's a strong sense from different constituencies that they see text they are comfortable with, that they don't see text that they are not comfortable with. But let's keep in mind this is a non-binding document. This is an aspirational initiative. We are trying to be visionary. We are trying to look to the future.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

We are not negotiating specific issues that are going to be hitting us in the face in the next few weeks. So I think let's be flexible and open and optimistic around that.

I think an interesting thing, I think, that emerged from our discussion was that even in the principle section, there's a need to look at what happens next. So a roadmap is not just about Internet governance processes and institutions but also how do you comply with rights, for example. The point that Markus mentioned about the rights to children, perhaps we can't include that in very much detail at the moment, but we need to look at that.

Another point that came from one of the remote participants is how do companies comply with human rights? How do we ensure that? And then we talked about the role of intermediaries because there was an input but also the role of intermediaries in protecting privacy. So we are not going to cover all of these issues in detail at the moment. And I think we need to recognize that there are rights and principles-type actions that will require follow-up.

I think just one point perhaps that Markus didn't mention that was also difficult to resolve was how we refer to the Internet. We had introductory remarks from several speakers, from Vint Cerf, from Dilma, from Tim Berners-Lee, about the publicness or the commonness of the Internet as a resource, as a common resource for all.

And it was quite difficult to find language around that, that different stakeholder groups were comfortable with. So it might be useful to

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

reflect on that as well. And we will try to find a way, a non-contentious way, of capturing those permissions.

So on that, I think our first speaker is civil society -- government. So we are starting with government.   And just remember to introduce yourself.

Do we go -- we have the list. I will read the list. First comment comes from India.

>>   Thank you, Chair. At the outset, we, once again, thank the organizers for doing this wonderful meeting here.   As part of our intervention which made through our original text, we would like to supplement it in this platform.   India believes that there are many issues of importance highlighted in our submissions to the draft text circulated in the High-Level Multistakeholder Committee have not found any reflection.

There are no references to Geneva principles as well as the Tunis Agenda which form the bedrock for the ongoing global discourse on Internet governance. Despite a clear recognition in the Tunis Agenda to a multilateral process apart from the multistakeholder approach in the evolution of the future roadmap on Internet governance, we find no reference to it in this initial draft outcome document which you are considering now.

In our view, it is, therefore, a very unbalanced one. We believe that the future of Internet governance framework should also be multilateral, democratic, and representative as these aspects have been provided for

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

in the Tunis Agenda. Hence, we seek inclusion and suitable reflection of this sentiment in paragraph 1 of the text that we have -- which we are considering now.

We also seek inclusion of the phrase "with a view to preserve Internet as global commons" at the end of paragraph 1.

Mr. Chairman, we also seek inclusion of the following "under the Internet governance principles" as paragraph 14B -- and 14 -- para 18B. I read -- this has been submitted already in our intervention, written interventions: "Multilateral as policy authority for Internet-related public policy issues is a sovereign right of governments and, moreover, states have rights and responsibilities for international public policy issues." Legitimate -- "the Internet governance should ensure its legitimacy through participation of all the stakeholders and by being anchored in an appropriate international and legal authority."

In the end, Mr. Chair --

[Timer sounds.]

-- given the diversity of the views and attendant challenges n encapsulating all views in one document, we, once again, wish to reiterate the chairman's summary of the meeting as the most appropriate form of outcome for this meeting. Such a document alone can reflect the vibrant discussion and exchange of views among multiple thought streams that we have seen in this room. Thank you.

ANRIETTE ESTERHUYSEN: Thank you.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Next we have civil society. My co-chair suggested we go from left to right. So next we have technical community and academia.

>> Hello. I'm Joanna Verone, researcher from the Center for Technology and Society. On behalf of more than 100 representatives from civil society and academia that gathered at the ARIN Mundial on the 22nd, I would like to suggest a modification for paragraph 15 which sets the definition for multistakeholder. To set clear language for a balanced democratic multistakeholder approach, we propose: "Internet governance, processes, policies and decisions should respect and support full participation of all affected current and future stakeholders and force the democratic, bottom-up decision-making.

Any multistakeholder approach should particularly enable meaningful participation from developing countries and underrepresented groups. When stakeholder representatives need to be appointed, they should be selected through open participatory and transparent process in which different stakeholder groups should self-manage their processes based on inclusive publicly known, well-defined, well-documented, and accountable mechanisms."

That definition uses languages of paragraph 6, 8, and 9 of the roadmap which we thought were more appropriate to be used to set a clear and concrete definition of this concept in the session of principles.

We also agree with the importance of listing all the other Internet governance process principles set in the document. And we agree on the need to explicit mention the principle of net neutrality in the text.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Finally, I would like to make one addition of paragraph 5 on privacy, that due to technical problems, I was told was kept out of the record yesterday and is really important to us. So it is just a mention that the international principles of application of human rights to communications surveillance, the necessary (indiscernible) principles should be the vantage point of discussions of mass surveillance.

[Timer sounds.]

Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much.

[Applause]

Next we have private sector.

>>   Thank you. Maria Madrano with the Information Technology Industry Council, ITI. ITI is an association of global high-tech companies based in Washington, D.C. We would like to thank the EMC for addressing open standards in the draft document, and we have a small proposal to paragraph 25. There were also several proposals submitted to the same effect online.

Our proposal is to place greater emphasis on the global voluntary consensus standards ecosystem as well as more accurately reflect the

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

processes employed by the standards development organizations whose work enables the Internet to work seamlessly across borders.

Our proposal is to add the word "voluntary," so "promote open voluntary standards" and also replace the phrase "decisions made by open consensus" with the phrase "replace decisions representing broad consensus." Thank you.

ANRIETTE ESTERHUYSEN: Thanks a lot.

[Applause]

Next we have civil society.

>>   Yeah. I am coming from the Democratic Republic of Congo. I'm a member of AFRALO At-large in Africa and member of the caucus of At-Large. And I would like to talk about paragraph 9. This paragraph is not complete. It is not finished according to me because we have to make reference to the instruments that are already adopted. And I would like to add this paragraph 9: "The governance of the Internet must protect and promote the diversity, the cultural diversity, and the multilingual diversity according to the convention on the diversity of cultural expression adopted in October 2005."

I think that if we formulated it that way, we're going to refer to that convention and that's the reason why we talk about cultural diversity and linguistic diversity.

This convention is very clear and explains how we can protect those concepts of cultural diversity and several languages. Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you. Next we have Cuba.

>>   First of all, we would like to agree today that we think the document is a good basis for discussion. Anyway, it is not complete and it has serious flaws that we believe that need to be solved. In the first place, we propose that we strengthen the need to respect and implement the two-phase agreements of the WSIS. We have some needed proposals to add a paragraph at the beginning of the document. We believe also that it is extremely important to reaffirm the international law, the charter of the United Nations, as an essential element for peace keeping and for maintaining stability and promoting an open, secure, peaceful, and accessible Internet. These are two concrete proposals for the beginning section.

As regards the human rights section, we believe that this may have a more balanced approach in consistency with the other agreements that have been achieved. So we propose, once again, to have another paragraph 8 and that would be paragraph 5 of the declaration of principles on gender. And we have submitted a document related to that topic.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Basically, in addition to drawing attention to Article 29 of the Universal Declaration of Human Rights, we refer to the duties that individuals have in the context of human rights.

We move that that paragraph be included as paragraph 8B. So as regards security, we believe that the section is incomplete. So as another paragraph 11, 11B, we speak about the hostile use of communications and that weaken the legal power of the states as international law obligations.

[Timer sounds.]

We have submitted some proposals in this regard and I'm going to speak later on. So we hope that you take into account these proposals in this document in order for the document to be a complete document that can be easily lead to consensus because I believe that so far it doesn't have those characteristics. Thank you.

>>   Thank you very much, Anriette. Derrick Cogburn, from the Institute on Disability and Public Policy at American University. We are a network of 17 universities, mostly focused on Southeast Asia, and I have a suggestion for Paragraph 6 under human rights, and it focuses on accessibility.

It was unclear to me initially how explicitly the document wanted to make reference to other documents and conventions and so forth, so it seems as if there's an ongoing trend to include references to other documents, and if so, I would encourage an explicit reference in

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Paragraph 6 to the U.N. Convention on the Rights of Persons with Disabilities. Most of you know the UNCRPD is seen as the first human rights treaty of the 21st century and one of the fastest growing treaties in history. It has over 158 signatories and 148 ratifications.

So I would just encourage Paragraph 6 to be more in line with the language of Article 9 of the CRPD which focuses on accessibility both in the electronic environment but also in the physical environment. So I think the language on electronic and information accessibility could strengthen Paragraph 6 in the outcome document.

ANRIETTE ESTERHUYSEN: Thanks very much. We actually discussed that already, so it's good to get confirmation of that.

Private sector.

>>   I'm going to speak in Portuguese. I'd like to -- I'd like to greet the chairman and other members of the panel and all of you. My name is Alessandro Castro. I'm speaking on behalf of (saying name), which is the agency that represents the telecom industry in Brazil supporting Internet access in our country.

I'd like to greet the organization for a document from so many different contributions in such a short period of time.

We'd like to suggest some minor, but very important, adjustments in the language of some paragraphs.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

First, Paragraph Number 5 regarding privacy, we would like to strengthen one issue that has been raised before regarding surveillance.

We think it should be made clear that we're talking about surveillance on data collected or inserted by users in the Internet and not metadata.

Second, the issue regarding Paragraph Number 10, right after the expression "network of networks," we should have "based on best efforts delivered."

Paragraph Number 12, we would like to align ourselves with the previous speakers from the private sector who said that in this document, there should be no mention to network neutrality.

Let me clarify that in spite of the approval of the civil framework, there is the provision of a decree, a law, where several technical situations will be exemplified where the network will not treat equally the data passages that --

[Timer sounds]

-- flow through it due to technical reasons.

Thank you.

>>   Thank you, Madam Chair. My name is Jeremy --- on an enabling an environment for innovation and creativity, which as your co-chair noted generated the most comments of any paragraph, due to the

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

misconception that reference to permissionless innovation was about the use of creative content without permission.

Now of course when we think of innovation, apart from scientists, we think of artists, and permissionless innovation is something that should be a familiar concept to artists because there is no permission required to write a song or a play or a novel. You just do it. And innovation on the Internet should work the same way.   Now innovation is always subject to the rule of law. That goes without saying. I don't, therefore, think it's necessary to spell out all the legal limits to innovation that may exist, of which intellectual property rights are just one. Though if we were to add the words "consistent with the other principles in this document," I don't see what harm that could do.

That does, however, raise the secondary point of whether IP rights should be added to the list of human rights, as some have contended.

Again, I don't see how that is necessary because the list of rights is already explicitly nonexclusive, and nothing that we agree at NETmundial can detract from what's already in the UDHR.

So I would oppose adding a point on IP, but if one was added nevertheless, it would, at the very least, be necessary to qualify it to reflect the need to balance private IP rights with the broader public interest.

Indeed, Paragraph 27 of the UDHR itself balances IP rights with the right to participate in the cultural life of the community, so we should mention that, along with the rights to education, freedom of expression and information, and the right to privacy.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

I can send some particular text suggestions, but we -- we do -- as a -- as a starting point, we oppose the addition of a right to IP.

So in conclusion, we do support the retention of permissionless innovation, and we believe that minimal, if any, changes are necessary to clarify that this is not intended to override intellectual property rights --

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-- thank you.

ANRIETTE ESTERHUYSEN: Thanks a lot.

[Applause]

Before we start another round, let's open the floor to the remote hubs.

>>   Okay.   So we have a comment on text coming from the technical community in Hong Kong, and afterwards, we will have a video interaction with Jakarta, Indonesia.

REMOTE INTERVENTION: The comment from the technical community reads: Regarding Paragraph 14 in the principles document on the issue that bottom-up should be identified as a separate point, as mentioned in the summary

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

of comments, I strongly believe that bottom-up should be a particular point on its own and distinguished from multistakeholder or inclusive.

I would like to suggest combining Paragraph 19 and 21 and split out bottom-up as a separate bullet point, perhaps to replace Paragraph 21 as follows: Paragraph 19.   Inclusive, equitable, and collaborative. Internet governance institutions and processes should be inclusive and open to all interested stakeholders.   Internet governance should be based on and encourage collaborative and cooperative approaches that reflect the inputs and interests of stakeholders.

Paragraph 21.   Bottom-up.   Internet governance policy development and implementation processes should be bottom-up, enabling the full involvement of all stakeholders, including issues identification, prioritization, and decision-making in a way that does not disadvantage any category of stakeholders.

Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much. Do we have another comment from the remote?

>>   Yes.   We have a video interaction coming from the remote hub in Jakarta, Indonesia. Jakarta?

REMOTE INTERVENTION: We from ID config, civil society, from -- with a membership of about around 20 civil society organizations in Indonesia. We specifically would like to highlight Paragraph 15, that multistakeholders are expected -- we expect this to be more concrete. Not only in spirit, but also to have reference so it can become a part of the decision-making process at the national level, because in some of the practices that happen, including those in Indonesia, the spirit of multistakeholder actually has already provided a symmetric opportunity for multistakeholders to be involved in the dialogue or on the debate about -- in the debate about Internet governance, but what happens is that there is asymmetric capacity between or among multistakeholders, multiple stakeholders, and that -- to encourage multistakeholders, it means that we're not only limited in spirit but also how we -- we also have to ensure to have a symmetric capacity or ability among stakeholders. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much. And it's really been fantastic, yesterday and today, to see the input from the remote hubs.

So I hope in our closing session, special attention will be given to that.

And we now go back to input from government.

>>   Good morning. My name is Gema Campillos. I am representing the government of Spain.

First of all, I would like to congratulate the Government of Brazil and all the participants in this conference, because in a short period of time we

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

have been able to prepare a document that is quite good and I think that we may achieve great consensus in that respect.

I have a comment on Paragraph 12. It's related to the open and decentralized architecture of the Internet.

In this paragraph, there is a sentence that all the participants have understood as a reference to the network neutrality.

Some other the principles in the document make reference to the structure of the network. That it is open. That it is unique. That it should not be fragmented. That it is decentralized.

So they are descriptive and we all may agree on them, but the neutrality of the network is something more related to the value.

The other principles in the document are quite consolidated.

First of all, human rights, they are described in international treaties, but the Internet neutrality is something that is not settled down, so it's difficult to reach a broad consensus on this principle because this principle is being developed, is still being outlined in several regions around the world, and in several countries.

So if we are going to make a reference to this principle, we should find some language that is kind of abstract, general, so as not to set --

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-- any prejudice on the ideas that are being said in different fora.

Finally, we might draft the language and instead of "equal," it might say "equitable."

ANRIETTE ESTERHUYSEN: It's been brought to my attention that the standing order in the government line doesn't correspond with the -- with the speaking order, so I'm just going to read the speaking order and then politely ask you if you could take this order in the queue.

So we've just had Spain. Next we'll have Saudi Arabia, then South Korea, then Council of Europe.

So if you could just stand in this order.

Then France. Then Morocco. Then Kuwait and then Iran. Okay. Now we --- there's no one lining up there. Private sector, please.

>> Hi. My name is James Seng. I'm from (saying name). (Saying name) is the largest data center in China.

The first comment I want to make is on mass surveillance. There's no existing text in the document right now which we can comment online, but I understand that some text has been drafted into this principle on mass surveillance.

In respect to mass surveillance, as a drafting process I'd like to make a comment that as a business community, there are many of us -- oh, sorry. Let me clarify.

There are many people within the business community that is unwilling participant to the mass surveillance that's been ongoing in the previous incident that we are aware of, and recognizing that I not only support the safe harbor provisioning for the business community, that the businesses should also be protected from being coerced by their government or any other legal authorities into mass surveillance.

The second comment I'd like to make is on the culture and linguistic promotion.

I'm disappointed that on such an important topic, that there's only one sentence that talks about culture and linguistic rights or principles.

I believe that there are more important capabilities that we need to be within -- that should be part of the principle, including the ability to write your own email, to put up your own Web pages, and more importantly and closer to my heart, the ability to have your own names in domain names, in email addresses, in the language and script of your own culture. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much for that, business. We now go back to civil society.

>>   (Speaking in a non-English language.)

Just to follow up on what our friend James said, yes, we'd like to mention our name in our own language, and so my name is Izumi Aizu

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

from Institute for InfoSocinomics and also a member of the MAG and Internet Government Caucus, just speaking from the civil society.

On Paragraph 9, respect for culture and linguistic diversity, I'd like to propose to add the following one sentence: Practical measures that address the needs of non-English speakers and those who do not speak the official U.N. languages should be implemented in the execution of all IG or Internet governance institutions and (indiscernible). The reason is not only because I am Japanese. There are more than a hundred or 200 million who speak Bahasa for Indonesia and Malaysia, Urdu, Punjabi, Bengali from the Indian continent or sub-continent and many others with their own languages.

I understand that we use or there is no choice but to use English as a working language, but some measures like this one or other -- I don't go to the details, but consideration should be really enforced using the technology, and that will help Internet governance institutions to have much more meaningful participation from non-English speakers which I believe is the majority of the world population.

Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you very much, civil society.

And we go back to government and we now are calling on, according to my list, Saudi Arabia. If not, let's just move on to the next speaker, which is, I think, South Korea. Is South Korea here?

Then we have South Korea. Thank you very much.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

>>   Thank you. My name is (saying name) from the Ministry of Science, ICT, and Future Planning of South Korea.

I echo the sentiments expressed by many participants here in appreciating the concise and comprehensive documents that EMC produced for this meeting.

We sincerely hope that the discussion during this meeting produce a consensus document that will become the foundation for the future Internet governance.

In order to contribute to this process, the Republic of Korea would like to propose the following changes in the principles.

The main objective in emphasizing the multistakeholder regime is to ensure that the right of the affected parties are protected and the basic human rights are preserved.

However, the statement that various stakeholders have respectable roles has been challenged because of the possibility of enabling certain stakeholders to have more authority than others.

We should have used (indiscernible) government such as Germany and France in believing that governments, private companies, and the civil society all play important but different roles. Thus, in order to accommodate the concern by some that such a phrase would create a situation of inequality among the stakeholders, we propose including the phrase "taking measures to ensure meaningful and equal participation."

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

One principle that we propose for the (indiscernible) building roles is the (indiscernible) flexibility. We agree with the position of the government of Norway which says that flexibility is inherent in multistakeholderism. (indiscernible) involved different stakeholders --

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-- and we are suggesting that we take a more flexible position in defining the democratic multistakeholderism.

We really appreciate the support of everyone who have made this meeting possible. Thank you.

ANRIETTE ESTERHUYSEN: And next, we go back to academia and technical community.

>>   Hi. I'm (saying name) from (saying name) of India.

I'd like to really congratulate NETmundial organizers for this fantastic meeting that we are having, but also would like to bring out that if we look at what caused the meeting, the dragnet surveillance that came out, the fact that what are called basically computer network exploitations which are really cruel (indiscernible) logic bombs on the Internet and what President Dilma talked about, none of these issues can really have been really satisfactorily addressed and I suspect that one of the problems we have is if it is by consensus and equal footing that we have the problem on how do you get a consensus which is against the interest of certain parties.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

So I would strongly suggest that the roadmap we insert this issue about the WSIS agenda, the WSIS process, because that's something which has been continuing and we shouldn't see this as a replacement but a continuation of the WSIS process. This is, I think, something which will really address that all issues are not going to be addressed satisfactorily here and we need to continue to discuss these issues further and they effect all of us, both in terms of what we call about the human rights but also the technical stability of the network that we are looking at and the fact that one network can be used to attack another is something we need to address.

The second point I would have is that I suggest whenever we talk of the multistakeholder model, either we use the word "with roles and responsibilities defined" or we talk about a democratic multistakeholder model and we leave this process further to discuss what constitutes the democratic multistakeholder model in which essentially dissimilar powers that each stakeholder has to represent itself then can be addressed through this democratic multistakeholder model. Thank you.

ANRIETTE ESTERHUYSEN: Thank you. Before we go to business, remember, it is very helpful if you mention the paragraph numbers that you are speaking to, so just to urge people. Then we will have business, civil society, and then we are going to go back to the remote hubs, if you are ready.

Good. Business.

>>   Thank you, Chair. (saying name) from Cisco today representing the business community and ICC/BASIS. One of the things we talked about yesterday was trying to develop consensus by moving up to higher level principles.

The issue we have been talking a lot about, we have already heard about this morning, which is net neutrality. There is clearly no consensus. Net neutrality means different things to different people in different countries. It is being implemented and addressed in different ways. There is no consensus.

However, we believe that the end-to-end open Internet does incorporate the key principles embedded in this very diverse discussion about net neutrality. For example, the discussion includes freedom of expression, competition, consumer choice, appropriate network management. These are all the concepts of the open Internet, and they are all concepts that are often raised in the conversations about net neutrality.

Therefore, we believe that discussing these open Internet principles in a venue such as the IGF is the appropriate way forward as suggested by the chair.

Given that there's no consensus on what the term means, we still have to have more discussion. But framing it as freedom of expression, as competition, consumer choice, appropriate network management in the context of the open Internet, we think is the right way to go.

I'm not sure what the going-forward language process is. But once that's clear, we're happy to provide specific text to reflect these

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

important principles of the open Internet for the going forward conversation. Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you very much. Civil society.

>>   I'm tempted to continue in my native Polish language after several comments we heard today, but I will continue in English.

Ladies and gentlemen, good morning. My name is (saying name), and I'm from the Internet.   I'm representing the free and open source software foundation from Poland.

I, too, like many before me, would like to stress the need for the outcome document to explicitly touch the issue of mass surveillance. I would also like to join the voices worried about possible Internet fragmentation or balkanization.   Building upon yesterday's comment from Argentina, I would like, however, to highlight that surveillance fragmentation, disregard for open standards, and issues related to human rights are all often overlooked in the context of certain private services that have become de facto public infrastructures. Such world gardens are dividing the open Internet or the open Web into a series of semi darknets and need to be recognized as an issue of growing importance. The language of the document does not explicitly exclude such services from its scope.   I do, however, feel that they are unfortunately being excluded or exempt implicitly. Thank you.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

ANRIETTE ESTERHUYSEN: Thank you very much. And remote hubs.

>>   Okay. So we have now two comments coming from remote hubs. We'll start from the one in Brasilia.

>>   Hub from Brasilia, from the academic sector, topic 9, diverse cultural and linguistic diversity. We suggest including the term "local contents." This would be the final text: "Internet governance must respect and promote culture, local content, and linguistic diversity in all its forms." Rationale is incentive to introducing local contents, guarantees maintaining cultural expression and linguistic expressions, reinforcing local characteristics of our states.

>>   Sorry. We have also a comment coming from India, Chenai.

REMOTE INTERVENTION: This is a comment from India, from Chenai hub which reads: Members of Internet Society of India Chenai present in the hub and guests together would like to make a joint comment that defers from the views expressed by the government of India. We express this view with ample respect for our government but as stakeholders with our own point of view.   We would like to emphasize that the future of Internet governance should be determined by multistakeholder deliberations and not by multilateral approach.   We believe that this idea of

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

multilateral governance for Internet should be dropped by government. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much. Is there another comment? Can we move on?

Now we have Council of Europe.

>>   Thank you very much.   Lee Hibbard from the Council of Europe, an intergovernmental organization of 47 member states. I would like to congratulate the Brazilian authorities on the progressive nature of this event. I would like to refer to the lady from civil society from India yesterday who started by talking about the video clip we saw yesterday morning. A video clip was talked about with ordinary people about "my Internet." And yesterday we spoke a lot about human rights as we're doing today. It seems to be the main focus.

But I think we're missing the point. Internet users are not directly referred to in this document. The draft is much more directed to the usual stakeholder groups. So from the outset, I would like to propose that we retitle the document to read: "Internet governance principles, serving the best interests of users." And to this end to enrich the preamble with reference to users in the public interest. So I would like to propose in the preamble references to Internet as a common global resource which should be managed in the public interest, doing no transboundary harm to the Internet, users having a legitimate expectation. The Internet sources are accessible, secure, affordable,

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

and ongoing, recognizing the Internet's role as a legacy for humanity and advancement of societies.

And I would like to mention the need for a reference to the other Internet governance principles which have already been adopted in different organizations.

A second point regards the process principles. I would stress that not all actors are the same. Governments are more legally and politically accountable to protect human rights. And because human rights are the primary component of the principles, I would like to propose that the accountable principle includes a new second sentence which reads: In this connection, it is important to underline the governments have primary legal and political accountability for the protection of human rights. Thank you.

[Applause]

ANRIETTE ESTERHUYSEN: Thank you, Council of Europe.

Academic, technical community.

>>   My name, Roberto Uzal, from Nacional University de San Luis, Argentina. My comment is about freedom of human rights, actual freedom and actual human rights in Internet ecosystems.

In the (indiscernible) Internet history as otherwise happened in all changing processes, the classical human being resistant to change will have an important wait. (indiscernible) must be managed. In order to contribute to a new era in Internet governance, I (indiscernible) a new one, new era, the core problem of attribution must be completely solved.

Problem of attribution solution implies that in the case of cyberfelonies, organizations like (indiscernible) of ITU must have the capability for identifying (indiscernible) about 95% and with four positive (indiscernible) less than 0.5%, some computer networks and the hidden command and control service associated to each specific cyber felony.

We have commented in this forum that Internet needed controls, can be secured without human rights violation. (indiscernible), ITU needs (indiscernible) real-time solution, technology can support, institutional support and political support.   There are not easy goals to be accomplished. But we are not here to solve trivial inconvenience.

Thank you very much for your patience.   Please consider this contribution. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much. Business.

>>   Good morning. (saying name), Brazilian Association of Internet. I would like to make the comment firstly regarding safety, stability, and resiliency of the network. Suggestion, we would like to add in this

paragraph that definitions be adopted as well as recommendations of best practices of the technical community like IETF and first among others recognized as reliable sources for parameters and risk mitigation in the Internet. This is very important due to possible distortions that may take place with these parameters.

Second comment as regards paragraph 2 of openness and distribution of Internet, we should substitute "network" for "architecture." And Internet principles refers to the architecture of Internet and not of communications which is lesser. We should be very, very concise regarding the terms we use.

Last comment as to neutrality, I would like to call your attention that we need to keep a neutral Internet so that we can still be able to use the Internet as we know it today as regards contents, rights to use, no filters, no degradation. So we need Internet to continue evolving. Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you. Civil society.

[Applause]

>>   I'm going to speak in Spanish. I'm Erick Iriarte coming from Peru. In the last years, we have been observing how in many countries the organizations of civil society and citizens as a whole have been struggling against some laws that might affect freedom of expressions or access to the network. Laws that come from intellectual property

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

rights, security, intelligence agencies or the national defense area in some countries. So it is important to have a principle of no censorship, no censorship at all.

To develop standards and to develop laws at global and national level, but we don't affect the human rights that are already vested.

So at this time, in order to block the empowerment of citizens, governments and private entities as well prevent access to network, prevent access to applications, prevent applications to Twitter, YouTube, to the network. And in some countries, we may reverse this phenomenon because of the fight of the citizens. But in some countries, no power has been given to the citizens. So from other countries, we have to empower those citizens and to prevent censorship in those countries.

[Applause]

ANRIETTE ESTERHUYSEN: Before we move to France, can we have input from remote hubs?

>>   Yes. We have a text comment coming from Canada followed by a video interaction from Lebanon.

REMOTE INTERVENTION: This is a comment from civil society community informatics network. We would like to repeat Nnenna Nwakanma's steering call to include

social justice along with human rights as a fundamental element of Internet principles. Thank you.

>>   Now we have video interaction from Lebanon. You are good to go. Speak.

We will have to skip that and we will introduce Lebanon next. Thanks.

ANRIETTE ESTERHUYSEN: Thank you very much for that. We'll get back to the U.N. office in Beirut.

France?

>>   I'm David Martineau (phonetic) from France. I would like to say three things. Firstly, I would like to comment on copyrights and intellectual property rights. We posted an amendment because we believe that we cannot have creation when creators cannot live off what they do. We could, of course, in the spirit of commitment accept a text which refers to statement Number 27 that is the section of human rights that interest us as large as possible, of course.

And then we wrote something on the need to fight against the thefts of online works. We would also compromise by proposing that the following sentence be added at the end of the list of fundamental

rights: "Ensured through a full and genuine cooperation between all stakeholders."

Having said this, we could not support the mention of stakeholders who are particular cases. This has to be a general edition, and we find it hard and unfair to have a single category of stakeholders on this matter.

Thirdly, on the neutrality of the net, I think regardless of the final text and of the final proposals that we make, we hold it dear in our hearts that at least in this text, it should be said that network access should be fair and non-discriminatory. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much, France.

Technical, academic community.

>>   This is Xiadong Lee from China Internet Network Information Center, dot cn registry. I want to express my thanks to Brazilian government to host this meeting. We made over 30 hours journey from Beijing to here.

We also thank the team for your hard work to draft this wonderful document. It is a good job.

So as a technical community member, I tried to give my two comments technically to make this draft perfect.

So first one, it is nice to put human rights here and respect it here. But I want to emphasize all rights need to follow the national laws. Otherwise, it will make big conflict between offline and online activities.

In paragraph 2, rights that people have offline must also be protect online. I strongly suggest (indiscernible) to be the rights people have and the law people followed offline must also be protected and followed online.

The second comment, we have over 4 billion people online. Most of them are in developing countries. And also the Internet users (indiscernible) are in developing countries, which have very different culture and economic statures. We need to respect the cultural diversity, especially the (indiscernible) rights of states. They have the right to develop their own policy for critical infrastructures and resource to reflect their national requirement.

If we have a principle for all countries, I strongly encourage you to reflect this in or before paragraph 9, cultural and linguistic diversity.

ANRIETTE ESTERHUYSEN: Thank you very much. Business.

>>   I'm David Ferris and I'm a representative from the creative industries.

First, I would like to thank the Brazilian government, CGI, and all the organizers for organizing this event here in Sao Paulo this week and thank them for their kind hospitality.

Now regarding substance, I would like to raise two points. I would like to follow up on the statement made by the Motion Picture Association yesterday, and I would like to highlight the remarks that were just made by the French government and follow up on those.

We appreciate that in the summary from this morning after the drafting session last night, that there is agreement that there needs to be some sort of reference to intellectual property in the section on human rights and shared values. In that regard, we understand that there might be a reference to authors' rights. But in order to cover the entire panoply of creators, we believe the rights of the word "creators," authors and creators, should be in that text as well.

Regarding permissionless innovation, we also greatly appreciate that there is a recognition that there needs to be clarity about what exactly that phrase means. We could -- if that text remains in the document, we could support the reference to "rule of law" after it as a condition or a statement that references that it is conditioned on the application of the principles within the document.

And on both of these points, we would like to thank civil society as stated by Jeremy Malcolm for their flexibility in addressing these two points. So thank you very much.

ANRIETTE ESTERHUYSEN: Thanks very much, business.

Civil society

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

>>   My name is Dr. Lauren Ekay (phonetic), a medical woman, an ophthalmologist. I want to talk on paragraph 6. I would like it to read this way: "Persons with disabilities should enjoy full access and involvement in decision-making process to online resources and online equal basis with others." Because I think it is an oversight that people with disabilities should be involved in the process over NETmundial.

                           Imagine being deaf and dumb in this room. I don't know how I would be able to follow the process. Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you very much. Remote hubs.

>>   Now we have a comment from the remote hub in Brazilia, followed by a second attempt of a video interaction with Lebanon.

REMOTE INTERVENTION: Hub, Brazil academia.

                           Topic 12, open architecture and distributed. We suggest incorporation of "an complete absence of differentiation" to preserve its neutrality and impartiality after "open architecture."

                           Rationale: The principle, distributed and open architecture has to do with a neutral proposal regarding flow of information, and this is due to the fact that in spite of the importance of network neutrality at the physical layer, the lack of a principle of neutrality that is wide-

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

encompassing, including the logic system of the Internet ecosystem -- authors, compilers, example Google -- is key for an economist (indiscernible). In spite of a technical differentiation, equal technical treatment of all protocols and data, this is not enough, because there may be a differentiation in services. Premium, for example. Commercial, integration of level and -- or sorry, physical logical levels, or political.

Second, the absence of mentioning an open architecture contemplating neutrality of the ecosystem makes it impossible to ensure other principles among them. (a) human rights, freedom of expression and privacy; (b) the assurance of an environment for innovation and creativity.

The most important feature for producing a level playing field for any actor in the Internet, from the economist treatment of innovators and accountants.

It is an environment that has partnerships between ISPs and the physical level and logic, but this does not disable the end -- the ends of the network, so the network --

[Timer sounds]

-- needs the authorization or the sponsorship of managers of the ecosystem to be known.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

REMOTE INTERVENTION: Good morning, everybody. This is (saying name), (indiscernible) ICT policies (indiscernible) general commission, U.N. secretariat for west Asia and (indiscernible).

First of all, I'd like to emphasize the fact that (indiscernible) the WSIS process and WSIS+10 (indiscernible) also on the Internet governance at-large, the IGF, and as (indiscernible) role in establishing the (indiscernible) Internet Governance Forums (indiscernible) we are also participating in enhanced cooperation. We'd like to work on bridging any gap that we (indiscernible) where both are enshrined in the WSIS agenda. Also the (indiscernible) is actively working now in the IANA transition dialogue (indiscernible) NETmundial and global IGF 2014.

So our position on the model that we believe that (indiscernible) Internet governance in the future should separate between policymaking and operations. It has to be stable -- maintain stable, resilient, and unfragmented Internet and (indiscernible) respective roles of stakeholders.   The model has to be contextualized under the framework of the WSIS and the (indiscernible) which is the successor of the (indiscernible) processes.

What we are aspiring to is convergence between processes. I mean, there is the NETmundial process now ongoing, the IGF, the regional IGFs, CSTD and many things, enhanced cooperation and (indiscernible). We would like to see, if not convergence, at least proper interfacing between these processes.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Dialogue should need outputs so there should not be such fragmentation which output days and non-output days processes. We think that governments need to be attracted more.

There is an issue when we figure out the number of governments who have (indiscernible) in the IGF as (indiscernible) yesterday 54 countries only participated in IGF in the last (indiscernible) years.

Also (indiscernible) in the document of the NETmundial, 11% only from governments --

[Timer sounds]

-- so that seems to be a need for attracting them. The U.N. and regional commissions can help bridge these gaps and attract more governmental stakeholders to the process and we think that there should be more time dedicated to this excellent work of the document, but the two week -- the one week, the 14 hours in the two days are not enough (indiscernible) global public support, so we need more time for that, and at the end of the day, the roadmap should be time-bound, objective, action-oriented, and (indiscernible) define the respective roles in the (indiscernible). Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much for that.

And Beirut, if you were in the room, you would be very happy to see that the longest queue is the government queue.

So excellent participation from government.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Civil society.

>>   Hi. Gabriel (saying name), Article 19. I'm speaking on behalf of over a
                                hundred organizations from around the world and I'd like to raise three
                                issues.

                                First, I'd like to support Malcolm (saying name) text on the intermediary
                                liability that was read out to you yesterday, for the reasons he gave.
                                Namely, that it's been widely accepted by a number of international
                                bodies, the U.N. special rapporteurs in particular.

                                The text reads as follows: "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."

                                Secondly, I'd like to read out to you the statement from civil society in
                                relation to net neutrality, which reads as follows: "We'd like to see a
                                separate item referring to the principle of net neutrality. In addition,
                                we suggest this principle should be reinforced in Paragraphs 10 and 23,
                                with the changes as follows.

                                Paragraph 10, Internet should be a globally coherent, interconnected,
                                stable, unfragmented, scalable, and accessible network of networks
                                based on a common set of unique identifiers and that allows the free
                                nondiscriminatory flow of data packets or information.

                                Paragraph 23, accessibility and low barriers.   Internet governance
                                should promote universal, equal opportunity, affordable, and high-
                                quality Internet access in accordance with the principle of net neutrality

so it can be an effective tool for enabling human development and social inclusion. There should be no barriers to entry for new users.

Finally, I'd like to read out civil society's statement on open standards -- can you give it to me quickly –

ANRIETTE ESTERHUYSEN: Just running out of time.

>>   -- which reads as follows: "Internet governance should promote the use and production of free and open-source software and open public standards."

[Timer sounds]

Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much.

[Applause]

Next we have Morocco.

>>   Good morning. Thank you very much for giving me the floor. My name is (saying name) from Morocco and I'm presently working at the U.N. on

the International Organizations Department of the Ministry of Foreign Affairs.

I'm particularly working on international initiatives, and it is from this perspective that I would like to address this meeting.

We see NETmundial as a process, having carefully followed the discussions since yesterday, as a global initiative that will provide substantial contribution to existing multilateral efforts for Internet governance. We do have a lot of expectations that NETmundial would produce a document that would positively reflect this.

The document compiled is a good one, and the discussions that revolved around this document are even better.

It's an indication that the participatory approach and the inclusive work taken by NETmundial is an excellent one.

Ladies and gentlemen, the ingredients of success, if we add the outstanding turnout of participants are united in the track pursued, then the track is the right track.

For this, I would like to commend the outstanding efforts of the Brazilian government and pay special tribute to the organizing committee.

I have a couple of comments.

The first is on the multilateral, multistakeholder processes and the interactive debate going on here in this room.

The second is simply a question: Where do we go from now?

I would like to note that it's an interactive process. There are no ready-made speeches, and this is a good thing, and recalling what Ambassador Filho said yesterday, on the existing relationship between the multistakeholder approach and the multilateral approach, I think we would like to underline that they're not mutually exclusive, but rather complementary.

I don't have much time, so I might just as well stop here and I hope I will have the opportunity to talk once more. Thank you.

[Timer sounds]

ANRIETTE ESTERHUYSEN: Thank you very much. Technical/academic community.

>>   Hi. I'm (saying name) from El Salvador, the entity managing the dot sv. I'm a member of LACNIC.

I would like to thank the organizing and the hosts and the members of the various committees.

As part of the technical community, we fully agree with the text of the document regarding human rights online and offline, so we would like to make explicit reference to the Internet infrastructure.

I have a suggestion for Paragraph 2 and I will read it in English just before the human rights are listed.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

"Internet governance principles should recognize the enabled power of Internet for the realizations 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 civil, political, economic, social, and cultural dimensions."

Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you very much. Business?

>>   Good morning, everybody. I am Roberto Meyer. I am vice president at (saying name), which is the Brazilian federation of I.T. companies, associations.

We currently run the presidency of (saying name), which is the (saying name) American federation of I.T. associations covering Spain, Portugal, and all Spanish-speaking companies in Latin America, and are also members of WITSA board, which is the World Federation of I.T. Associations.

In all, we support the principle sections but we would like to contribute with a few points.

The first one, regarding the first section, we suggest that this section should be renamed to the title "Human Rights and Shared Values."

The -- along with support for the human rights noted, we believe that development is critically important if we are to achieve, as all stakeholders, the delivery of affordable and useful access, in particular, to those not yet connected.

We do believe this should be a shared value for NETmundial participants.

Our next comment is about Paragraph 10, unified and unfragmented space.

Additional connectivity in particular for developing countries is a high priority. In all developing countries, this interest and concern bridges all stakeholders. Government, civil society, NGOs, technical community, and business.

So we suggest that the words "increasingly available" are inserted before "globally" and to add the words "interoperably."

We understand that this does not change the intent of Paragraph 10 but strengthens the recognition that the Internet and the World Wide Web have yet more citizens to reach and serve.

In regards to Paragraph 15, we took note about various comments regarding the Tunis Agenda offered by some speakers. We noted it is extremely important to find a way --

[Timer sounds]

-- to be as inclusive as possible, so we prefer the present language in Paragraphs 15 and 16. Thank you.

ANRIETTE ESTERHUYSEN: Thank you, business.

Civil society.

>>   Thank you. My name is Joe Hamilton. I'm speaking on behalf of the International Federation of Library Associations and Institutions or IFLA, the global voice of libraries. IFLA represents the interests of around 330,000 public libraries, over 100,000 school libraries, and thousands of academic, university, research and national libraries.

Libraries are concerned with access to information and they are concerned with access to knowledge for all, regardless of their circumstances.

In the context of this meeting, we are concerned with access to the Internet, as it is through access to the Internet that people can find the information they need to improve their lives.

Access to the Internet supports access to information and access to information supports development.

With two-thirds of the world's population not yet online, we believe that public access to the Internet plays a huge role in bridging the digital divide.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Public access to the Internet through libraries, telecenters, or community access points, should be recognized in the Internet governance principles.

Millions of people every day rely upon public access to go online. In light of this, and in connection with Colombia's comments yesterday, we, therefore, support the suggested amendments to Paragraph 23 to include reference to public access.

As libraries are also interested in balance and equitable copyright frameworks, we would oppose any suggested text on cooperation efforts, in case they are -- it is used to undermine the rights, process, and freedom of expression as it has been in the ACTA and TPP agreement.

Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you very much.

[Applause]

And next, I call on Kuwait and then Iran will be after Kuwait, and then we have completed yesterday's list for governments.

>>   Thank you.   Qusai Al-Shatti, the central agency for information technology, state of Kuwait.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

First, we would like to thank the Government of Brazil, CGI.BR and the ICANN for all the effort made for the successful organization of the NETmundial conference.

With regard to the principles part of the outcome document, we have the following comments.

We would like to see a reference in the beginning of the principles section to the outcomes of the WSIS, the Geneva declaration of principles and the Tunis Agenda that initiated the Internet governance on a global level.

Net neutrality does not have a direct reference in the principles part of the outcome document. There are headings related to open and distributed architectures and open standards, but that does not necessarily ensure net neutrality.

Many things in the Internet do not have a definition but we know what it means, so we do not need to eliminate it but rather include it and work on its definition.

Net neutrality is an aspect which guarantees that the creativity and innovation do not have barriers or limits and ensures that there are always new players in the Internet.

Therefore, we suggest that the heading of "Open Standards," Paragraph 25 of the open -- of the outcome document, to be modified to "Open Standards and Net Neutrality." We further suggest modifying the last sentence under the same heading and paragraph to be "Standards must

preserve that net neutrality be consistent with the human rights and allow development and innovation."

We further believe that while we are talking about the principles of Internet governance, we should also reference a definition for Internet governance -- that we should also reference a definition for Internet governance to relate to the proposal of principles. In the respect, we would like to see, in the principles part of the outcome document, a reference to the only working definition of Internet governance -- that is, Paragraph 34 of the Tunis Agenda -- "the development and application of governments, the private sector, and civil society, in their respective roles of shared principles, norms, rules, decision-making" --

[Timer sounds]

-- "procedures and programs that share the evolution and the use of the Internet."

Thank you.

ANRIETTE ESTERHUYSEN: Thank you for that, Qusai. Technical/academic.

>>   Thank you, chair. My name is (saying name) from China Network Information Center and the Internet Research Center.

I have three specific comments. For the first one, regarding to Paragraph 5, we strongly agree that netizens' privacy rights should be

respected by every nation and be protected under national and international law. Meanwhile, we also believe that we should build up a common and stronger technical standard to protect the user information against unlawful collection internationally.

So regarding to Paragraph 9, cultural and linguistic diversity, we strongly believe that this principle should not only call for protecting the minority culture, but also more actively promote the local content.

This needs the joint effort of various stakeholders, especially international organizations and the local authorities.

In the meantime, we believe the first organizations like ICANN, ISOC, should devote more efforts in promote the diversity in a technical way, such as promotion of internationalized domain names and in a way such as improving the language support for non-English speaking countries, like China, which have more than 600 million users.

So regarding to Paragraph 19, we support the idea that the Internet governance should be inclusive and open to all stakeholders.

Meanwhile, we also believe that the specific Internet governance tasks should be coordinated and balanced in a more systematic way with different responsibilities to different stakeholders to enhance the efficiency of the global Internet governance.

Thank you.

ANRIETTE ESTERHUYSEN: Thank you. Business?

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

>>   Hi. My name is Lorenzo (saying name). I'm talking on behalf of Telecom Italia Group, Telecom Italia in Italy and in Brazil.

First of all, I'd like to congratulate the Brazilian government for this -- the organizers of this great event, and I think the best measure of the success of this event is the high level of participation here and also remotely.

What I'd like to do briefly is to support bringing additional evidence to the needs that's been mentioned before to move the mentioning on the net neutrality to a better place for this -- like the IGF, for instance, for the very divisive, complex nature of this issue.

If we look at Paragraph 12, for instance, if we look at the phrasing "equal technical treatment of all protocol data," at least we should say this is questionable phrasing, because from one side, protocols are law that need to be applied and so to some extent cannot be treated. But I think what is most important for me is that this phrasing to some extent reveals mistake that sometimes, you know, public policymaker, many people made when they think about the Internet. In other words, they look at the future of Internet with the eye of the past if -- you know, there was like a Golden Age of the Internet and that it would never change.

Instead, we know that the Internet today is a totally different reality than what it was in the '90s.

So it's important to keep this in mind.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Also because, in the high-tech industry, we have not only the Moore's law but we have learned there is the law of unintended consequences.

[Timer sounds]

If we are too prescriptive on these matters, we risk to screw up everything. Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you. Civil society.

>>   Thank you, chair. I'm (saying name) from ICANN's At-Large, Computer Society of India, and the International Center for Free and Open Source Software. At the outset, I would like to congratulate the people in government and the President of Brazil for providing us this global rallying point in the form of NETmundial, for signing into law Marco Civil, and for the hospitality here.

My submission is mostly regarding para 25, open standards. First open standards of the Internet is necessary but not sufficient given that all Internet access is intermediated by software. It is important when calling for a free and open Internet to ensure that software use on the Internet respects this freedom and openness. Free and Open Source software provides inalienable rights and freedoms to Internet users and ensures that communities of users can create, study, audit or extend and localize software they use to access Internet. FOS is software by the community, of the community, and for the community.

Second, the Internet is now poised to add the next 2 billion users. As compared to the first billion, the new users will be from more isolated geographies, from non-mainstream cultures, from linguistic and other minorities, may be (indiscernible) and may consist of more women.

They will need to use new kinds of access devices that are cheaper, that speak their language. FOS can enable such software through community action.

Third, with the coming of the Internet of things, many users of the Internet would not even be human beings but devices (indiscernible) and senses. They may be all around us in our homes, offices, cars, public places, on our bodies, and inside of our bodies.

We need software for these devices that guarantee that we are not spied upon and our privacy is respected.

In the past, FOS communities have been working on thread-bare budgets driven largely by their own motivation. And it is important we support these initiatives both financially and otherwise.

On a slightly different note, I would also like to caution against inserting language of intellectual property into this (indiscernible) which impedes the free flow of data.

In closing, mere open standards will not give us --

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Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

-- accountable, free, and open end without back doors. For this ideal, FOS should be an essential ingredient of the Internet governance framework. Thank you.

ANRIETTE ESTERHUYSEN: Thank you.

[Applause]

Do we have remote hubs standing by?

>>   So we have a text comment coming from the technical community in Nigeria, and afterwards we will have video interaction with the remote participation hub in Bhimavaram Town, India.

REMOTE INTERVENTION: This is a comment from the technical community and it reads: I think relating specific roles to "multistakeholder" should not be encouraged in the statement. So I propose edit of paragraph 15 as thus: "With the full participation of governments, the private sector, civil society, the technical community, academia, and the entire Internet users." thank you.

ANRIETTE ESTERHUYSEN: Thank you. And the next one?

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

REMOTE INTERVENTION: Can you hear -- hello? Good evening. This is Bhimavaram Town hub. (indiscernible).

ANRIETTE ESTERHUYSEN: I think this is too hard to hear. Could you perhaps ask them to send it in text form and you can read it later? We're very sorry, but we really couldn't hear you. The facilitators will communicate with you.

Okay. Next we have Iran.

>>   Good morning, everybody. I hope you are well. Madam chairman, distinguished colleagues, something that we have to -- or one thing we have to affirm at this meeting is the multistakeholder approach. However, within that approach, there are constituencies and a component of that approach which has been listed but yet to be clarified.

Above that, we need to know the right of each of those components and constituencies. Something which has been worked very hard during the WSIS process, putting at the center saying according to the role and responsibilities. That is key elements.

Madam Chairman, you said that the queue of the government is longer than any other. Yes, because government normally representing the public. So, therefore, they are longer. Their role should be respected, and also there should be an equal treatment of government and others. This is an important element that we have this.

Madam Chairman, with respect to the security, stability and resilience, it is a very short paragraph. It should be expanded. I send a message today and last night to Mr. Benedicto and to Santos and propose a text according to that to what we have in the document. We need to address that properly indicating in particular any harm of any kind, deliberate, undeliberate, technical or non-technical, must be avoided to the network. That is a very, very important element that we have to mention.

Then with respect to issues of accountability, yesterday reference was made several times that there are -- there is a need to separate within the policy making and policy implementing and also the policy itself. Currently, they are mixed up. If you go to one organization -- I don't want to name -- they do everything themselves. They are accountable to themselves. It is not correct. We should be accountable to another entity and that entity is the one to makes the policy.

[Timer sounds.]

Madam Chairman, I had a few other things. But the modality of the implementation of bottom-up approach is not mentioned and is not clarified.

MARKUS KUMMER: Thank you.

>>   Thank you.

MARKUS KUMMER: May I ask you to conclude? Ladies and gentlemen, it is 10:00. We have a hard stop at 10:30, and it's obvious we are not able to go through the long queues we still have. Yesterday we had the option of giving you a slot in today's queue. And we don't have that option anymore.

So either we go on at the speed two-minute speed as our Brazilian hosts have urged us to give everybody the chance to speak. The other option would be to give you the chance to send us a tweet, be extremely short. And in that way, we may be able to go through the list.

So may I have you to focus on whatever you say into tweetable language, that you have a very, very short statement, that you really give in a nutshell the essence of what you would like to say. And please in consideration for the others so we can go through the list of those who are queuing up. And the list is closed. Yes, please no new people to the queue.

With that, can we go to the academic queue and ask for a tweet from them?

ANRIETTE ESTERHUYSEN: And also just can we ask the organizers to adjust our clock to one minute instead of two? 30 seconds.

>> Francis Augusto Mederio (phonetic). The document, we believe it really represents what we think. However, the jurisdiction is below what we

wanted. We believe the issues relative to jurisdiction, immunity of resources which are of global interest in the Internet are not sufficiently protected. We have insisted in the last two years -- really quick -- I will conclude very quickly. We believe in paragraph 40 of Section 4 should be moved to the previous section because it has to do with an urgent matter. We have to balance national interests with law enforcement.

>>   Tim Conway from Australia representing the WITSA. Just want to address paragraphs 12 and 23 in the context of network neutrality.

The short answer is, as Bob Pepper said earlier, this is an area where there is no consensus. And I don't think you should try and make the document at this stage more complex by trying to address it. It can be referenced elsewhere. Thank you.

ANRIETTE ESTERHUYSEN: Thanks very much. Civil society.

[Applause]

>>   I'm Oksana Prykhodko, Ukraine, European Media Platform, EURALO At-Large ICANN. I would like to talk on the need to protect multistakeholder model itself. What I propose to do, to add to the paragraph 41, proposition to liberate memorandum of intentions which has to be open for signing for all participants of any multistakeholder process. If any participant declares intention -- if declared intentions

differ from real ones or if this participant misrepresents its stakeholder respective rules, this needs to at least be (indiscernible).

ANRIETTE ESTERHUYSEN: Thanks, government.

>> Thank you, Madam Chairman, ladies and gentlemen, good morning. My name is Dabois (phonetic). I'm from the post-ICT ministry from Algeria. And I am the government representative. First of all, I would congratulate the government of Brazil for its (indiscernible) and hosting this important and successful event. I thank him also for the invitation to us to participate in this nice city.

There is no doubt that (indiscernible) would provide to the outcome document we have had on hands. And for this, I congratulate the groups and all the teams who have contributed in that form.

[Timer sounds.]

For us, it concerns many principles or actions that we share globally. But they still need to be worked for reaching the minimum required for visibility in the actions and better and distending of concepts or mechanisms for implementing --

ANRIETTE ESTERHUYSEN: I'm sorry.

>>   -- and the national or global levels.

ANRIETTE ESTERHUYSEN: Algeria, I'm really sorry. But your time is up because we've reduced the time. I apologize, but that's the only way we can be more inclusive. So I'm afraid we have to move on.

>>   I have not spoken before.

ANRIETTE ESTERHUYSEN: I think we can accept written text. I think people who have prepared text such as yourself, please feel free to give it to us and then we can consider it in the next phase. So thank you very much.

                                    Next we have academic/technical.

>>   Thank you. I just want to second what the gentleman said about the IOT, the Internet of things, which brings us the horrific aspect of miniaturized spying machines. To this end, I would like to recommend we strengthen paragraph 5, privacy, to include something along the lines at the end of what's already there. "Popular freedom from mass surveillance must be guaranteed. Popular freedom from mass surveillance must be realized," something to that end. Muito obrigado.

ANRIETTE ESTERHUYSEN: Thank you very much. Business.

>>   Good morning. I'm talking on behalf of ACELL (phonetic), which is mobile operators of Brazil. Some brief comments. Paragraph 13 would suggest an introduction of the expression "sustainability," changing the title -- change the title from "enabling" -- well, this title -- we also would like to have introduced free trade and full competition.

[Timer sounds.]

ANRIETTE ESTERHUYSEN: ---

>>   I'm (saying name). And I'm speaking on behalf of a large group. We have an alternative formulation to develop -- to strengthen development in paragraph 8, and we will send it in text.

In paragraph 2, we may say that human rights are the fundamentals for the government -- governance of the Internet and this includes the use of Internet to (indiscernible). For paragraph 15, we propose to eliminate the portion related to roles and responsibilities.

ANRIETTE ESTERHUYSEN: I don't know how the text capturers managed to capture that.

Government.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

>>   (saying name) from (saying name). We welcome efforts to reach consensus on human rights such as Article 12 and Article 27 of the Universal Declaration. They are both innovation friendly.

Regarding paragraph 12, we would be in favor of having an explicit reference to network neutrality, but we could also support the German proposal from yesterday.

We also support the first sentence of paragraph 35.

[Timer sounds.]

But please delete the rest of the article. Thank you.

ANRIETTE ESTERHUYSEN: Okay. Thank you. Technical/academic, we don't. So we are going straight to business.

>>   InterAmerican Association of Communications. We have something related to paragraph 12. It should not include net neutrality here because it is not an issue of consensus, and it is being discussed around the world right now. So this reflection should include things like interoperability, cloud computing, and the portability and the protection of personal data. So there should be further discussion at the IGF so as to reach a consensus position. Thank you.

[Timer sounds.]

ANRIETTE ESTERHUYSEN: Thank you. Civil society.

>>   -- movement with more than 100 groups in the world, I don't understand the position of telecommunications. They only make money four more times than us to send the money to Europe. This wrong vision of telecommunications company see Internet only as a business arena, and it will kill the hen of the golden eggs and the business sector.

>>   (saying name). We believe that Internet governance processes should be multistakeholder, multilateral, open and democratic. Multistakeholder, multilateral are non-contradictory principles.

                          In paragraph 5, concerning privacy, we believe that not only the collection but also the treatment and use of data should be mentioned.

                          Paragraph 11, security, stability and resilience should not stand in the way of innovation improvements of the current status quo.

                          And in paragraph 13, we believe that intellectual property rights should not be mentioned. Thank you.

ANRIETTE ESTERHUYSEN: Thank you. Can you just state which government you are from. We didn't capture that.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

>>   The government of Brazil.

ANRIETTE ESTERHUYSEN: Government of Brazil. Good.

                          Next we have business. Yes, I think technical -- the speakers list was
                          closed, I'm afraid, so we are not taking any new speakers. So business.

>>   So (saying name), society of small operator providers in Brazil. Some
                          4,000 companies are in favor of neutrality in the network and of
                          accountability of the network. We should -- we shouldn't take care of
                          actions of users or whatever is happening in the networks.

ANRIETTE ESTERHUYSEN: We closed the lists, the queues on the floor. So a few minutes ago we
                          made it clear that no one new should come in line at the mics. At that
                          point, there was no one at the technical and academic community mic,
                          and that's why we are following the sequence that we are.

                          Civil society.

>>   Okay. This is on lack of consensus on net neutrality. Yes, it's true, net
                          neutrality is a hat that was put on top after the United States put 9,000
                          ISPs out of business in 2004 by vertically integrating. What we want to

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

do is not export the U.S. model, which unfortunately the Information Society Project is geared towards fostering. And we want to specifically mention in the enabling environment clause here competitive access to the physical layer is conducive to all the advantages of an open and neutral network.

ANRIETTE ESTERHUYSEN: Government?

>>   Thank you. My name is Bjorn Svensen, and I represent the government of Norway. Three short points.

One, I would like to remind some of the participants that the documents we will agree on here are not legally binding documents. They are principles. Important principles, though, representing important steps.

Point 2, it is a good document what we have in front of us. It will always be language some of us would like to delete. It is a good one. Therefore, I would be cautious to introduce new language at this point, new language on privacy and surveillance, for example.

[Timer sounds.]

If it is produced, it should be consistent with the already agreed language in the U.N. resolution.

ANRIETTE ESTERHUYSEN: Thank you for that very useful reminder, Norway.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

Business.

>>   Good morning and thank you. Ross Schulman with the Computer and

Communications Industry Association in Washington, D.C. I want to --

CCIA, we believe very much in innovation and the right to free

expression online. For that reason, I want to associate myself with two

comments that were made earlier. Yesterday by Mr. Hotta, the

importance of limiting intermediary liability cannot be overstated for

improving free expression and innovation online.

And then also I want to associate myself with comments of Bob Pepper

earlier today about net neutrality and the idea of sending that to IGF or

something. Thank you very much.

[Timer sounds.]

ANRIETTE ESTERHUYSEN: Thank you very much. Civil society.

>>   Multistakeholderism is mentioned in many paragraphs in the document.

A universally accepted definition must be stated.   Vague

multistakeholderism has been used as a convenient camouflage to drive

dangerous conflicts of interest. Internet principles and a roadmap must

address participation comprehensively and exhaustively. Participation

in the sense of diversity, sustainabilty, (indiscernible) shared

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

responsibility and authority. Anything short of this would be a facade on fairness and actual justice.

Last year highlighted the dangers of the system that disregarded input from certain stakeholders.

[Timer sounds.]

Everything must be stated. Finally, NETmundial has shown that Internet governance will be --

ANRIETTE ESTERHUYSEN: Cut, cut, cut. Sorry. Please, if you feel something has been said before or covered comprehensively, then there's really no need to state it again. We are back to the government list.

>>   American Ambassador Daniel, (saying name). Three points. One, move -- use the operative paragraph language, Paragraph 4(c) in the U.N. General Assembly resolution from last fall to deal with the surveillance issues.

Two, respect the rights of all creators, not just authors.

Three, move the net neutrality debate and discussion to the IGF later this year. There's still an immense amount to discuss about proper definitions and proper application of the concept. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much.

Business? Are they finished? Business is closed.

Civil society.

>>   Leon Sanchez.

With reference to Paragraph 22, I would like to add a call upon governments in order to have them open all multilateral negotiations, whether commercial or not, that inciting public policy that impacts the Internet, so that there is the chance to receive wide input from all stakeholders on an equal footing environment, because governments cannot continue to create public policy without considering and keeping public interest in mind.

And also, the Paragraph 13 should be drafted within the frame of Article 27 to consider both creators and users --

[Timer sounds]

-- in safety environment.

ANRIETTE ESTERHUYSEN: That's it. Government?

>>   Olga Cavalli, government of Argentina.

Additions to Paragraph 11 about security and stability.

Promote awareness related to critical information infrastructure based on international standards and best practices. Adequate measures of information security shall be taken about treatment of personal data in order to prevent undue access, misuse or non-authorized publication against laws of either accidental or unlawful adulteration. Thank you very much.

ANRIETTE ESTERHUYSEN: Thank you very much. And we're going to take a comment from a remote hub.

>>   So we have a -- we have a text comment coming from the Internet Society, India, Chennai hub, and also a video interaction from Jakarta.

REMOTE INTERVENTION: This is a comment about outcome document.

Principle of Internet governance, Paragraph 13, enable environment for innovation and creativity.

At the India Chennai hub we are aware -- we are of the opinion, with the exception of one participant, that permissionless environment is an essential element of the Internet ecosystem and that permissionless environment provides a level playing field for every nation, small and

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

big businesses, from every part of the world and from individual entrepreneurs from around the world.

We oppose the adverse suggestions expressed predominantly by intellectual property proponents and we wish to echo the views expressed by Vint Cerf, Tim Berners-Lee and Jari Arkko and several other participants from other stakeholder groups that --

MARKUS KUMMER: Thank you. The 30 seconds are up. We got the message. Thank you.

REMOTE INTERVENTION: -- must be preserved --

ANRIETTE ESTERHUYSEN: I'm afraid we also have to shorten the remote hubs. We're given the people in the room only 30 seconds so I'm afraid we can only give them 30 seconds as well.

I suggest we leave the video for later. We've nearly closed the floor, so I think that would work better.

So I'm now going back to civil society, government, civil society. I think we have just two people. Go ahead.

>>   (saying name), Internet Society of Australia. As Nnenna said in her opening speech, there are 1 billion people living with disability, and 80%

are in developing countries. Combined with poverty and cultural attitudes to disability, people living with disabilities are doubly disadvantaged. That can change. A deaf-blind woman was part of a workshop at the Australian IGF last year and showed how technology enabled her to communicate.

I congratulate the NETmundial organizers for making an accessible Web site according to W3C guidelines. Web sites can be user-friendly, attractive, and accessible. This is a model for others to follow.

Therefore, I suggest that the current --

[Timer sounds]

-- wording in Paragraph 6 remain as-is. Thank you.

ANRIETTE ESTERHUYSEN: Thank you. Government.

>>   My name is Carl. I come from the Internet but I represent the Swedish government.

We support the previous speakers who commend this initiative and those who have called for the better alignment of the text with existing and international human rights standards.

Sweden believes there's a need for clear principles and adherence to the rule of law regarding surveillance. Such principles were stated by our foreign minister, Carl Bildt, yesterday. Therefore, we believe more

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

action-oriented language reflecting the Brazilian/German resolution on the right to privacy in the digital age adopted by consensus by the U.N. General Assembly should be used in Paragraph 5 of the human rights section.

[Timer sounds]

ANRIETTE ESTERHUYSEN: Thank you very much.

And now we can go to the video from the remote hub as our last input on principles.

>>   Okay. So now we have a video from Jakarta.

REMOTE INTERVENTION: Okay.   Go straight way.   (saying name) CSO Network for Internet governance, ID config.

We'd like to underline again the importance of a coherent strategy agreed by all stakeholders -- all stakeholders that accurately reflects public priorities. By "public," we mean citizens of the world who are users of the Internet.

In this context, the value of the Web should be considered in more forward-looking fashion, to ensure that Internet governance, particularly at the national level, is designed and regulated with main

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

objectives of fostering economic growth, freedom of speech, protection of privacy, and cyber-security. Thank you.

ANRIETTE ESTERHUYSEN: Thank you very much and thank you, everyone, for your input.

I'm handing over to my co-chair to explain the next steps.

MARKUS KUMMER: Well, thank you, Anriette, and thank you all for your discipline.

It was very much appreciated and that's -- we had very long lists to go through. All in all, we had 60 speakers and that was not a mean undertaking. And I was particularly encouraged by governments playing the game so well and also sticking, at the end of the session, to the 30 minutes [sic].

We also had many useful reminders that as always in the case of putting together a document, it is helpful to stick to agreed language, especially when it comes to controversial issues, and we will revisit the document in this light, and wherever possible use agreed language.

We also heard that many participants, also governments, would like to include more and more, but we are not going to rewrite the outcome of the World Summit on the Information Society. That is there. We're trying to build on that and we have also moved on since 2005. The concepts contained in Tunis and in Geneva in 2003 are still valid, but we are not going to repeat all of them.

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

And as we said yesterday, this is an outcome document and we hope that participants will find it acceptable and take it home with them, but it is not a legally binding text. That was also pointed out by some of the speakers. And it doesn't bind anyone, but it will go forward and it will go to other meetings.

The next meeting on the list will be the Internet Governance Forum meeting in Istanbul, and that can be -- some of the concepts can be revisited and some of the issues may be revisited in Istanbul.

This is obviously not a fully comprehensive document, but again, as I said yesterday, it is not perfect but I think it is good enough, and good enough is sometimes good enough.

And with that, I think I conclude this session. I think our task is not over yet. We will withdraw after this session and go in to put the final document together as regards the principles section.

We will be in the same place we were yesterday. That is the upstairs lounge. For those who were with us know where it is, but we would essentially encourage you to stay in the room and to engage in the discussion on the roadmap, but whoever would like to watch us, to make sure we don't go astray, is welcome to join us for the final stage in putting together the document.

With this --

ANRIETTE ESTERHUYSEN: And where will we be?

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial

MARKUS KUMMER: It's the upstairs lounge, which I'm not able to explain where it is, but you have to go outside the main entrance and find your way to it. It goes up the steps somewhere.

ANRIETTE ESTERHUYSEN: I'll explain briefly. It's above the Japanese restaurant within the Hyatt.

>>   (off microphone.)

ANRIETTE ESTERHUYSEN: The French restaurant. I'm so sorry. Apologies to the Japanese.

So it's above the French restaurant within the Hyatt, towards the residential part of the hotel. Not in the conference center.

MARKUS KUMMER: Thank you for this explanation, and with that, I conclude this session and thank you for participating so constructively and actively. Thank you very much.

[Applause]

[END OF TRANSCRIPTION]

Global Multistakeholder
Meeting on the Future
of Internet Governance

NETmundial