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INTERNET GOVERNANCE FOR HUMAN RIGHTS AND DEMOCRACY

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>> JEREMY MALCOLM: Thank you, everyone, for being so prompt. We are just waiting for two of our panelists. One of them is remote and one of them is in person. So we'll get started if they're not here shortly.

So while we wait for the other panelists, I'll introduce those that we do have. Firstly, my name is Jeremy Malcolm. I work as the Senior Policy Officer for Consumers International, which is the global federation of consumer groups, and I coordinate the program area called Consumers in the Digital Age.

To my right we have Keith Davidson, International Director for InternetNZ.

Then across from me -- closest to me, we have Byoungil Oh from Korean Progressive Network Jinbonet. Next to him is Shahzad Ahmad, Country Coordinator from Bytes for All, Pakistan. Joining shortly will be YJ Park, Professor from SUNY Korea, and Asif Kabani will be joining remotely if all goes well.

So perhaps we'll begin as the others wander in. And the topic for this workshop is Internet Governance for human rights and democracy. I'm not going to read out the session description because you should have that already. But essentially, we'll all be talking about the ways in which the global regime for Internet Governance is lacking in the ability to ensure that human rights and democracy are upheld and what evolutionary steps can be taken to improve the mechanisms for ensuring that principles of human rights and democracy are upheld.

So I am going to begin. We are all going to spend about ten minutes to give our perspectives on the topic, and then we are going to open up for an open period of discussion and debate. And in the introductory remarks that I'm making, I am not going to try to be neutral. I am going to give my perspective on the issues not from the position of a moderator but from the perspective of an activist.

And the question that I want to begin with is to -- or the issue that I want to begin with is how quickly the Internet communities have gone from rallying hand the banner of Internet freedom last year, when we were fresh from our victory with the defeat of SOPA and ACTA, to the position that we're in now, when Byron Holland, the CEO of the Canadian Internet Registration Authority has claimed that the Internet as we now know it is dead. So we have such an extreme turnaround in the space of a year from victorious position, where we were convinced that we were all on the same side of Internet freedom, to the position we're now there's this almost despair at the state of the Internet.

How did this happen? Well, the obvious answer is that it was a result of the PRISM revelations, the revelations of NSA surveillance, but I think that's too simplistic an answer. Really, that was just a stimulus for us to realize and become aware of how overconfident we had been in the ability of the existing Internet Governance regime at national and global levels to channel public interest concerns expressed by Internet user communities into policy processes. I think we've now realized that we were thinking a bit too -- putting a bit too much stock in the ability of distributed movements to feed into policy processes and to make sure that their concerns were reflected in policy choices.

Now I think the PRISM revelations have really just been a wake-up call for us to realize that, actually, it doesn't work that way. Especially in the very typical case where there is no democratic process to represent the interests of those whom the policy processes affect. What I mean by that is that national Internet policymaking processes don't take into account -- there's no democratic process by which for them to take into account the interests of those from outside the country's borders. And so we've seen this not only in the NSA surveillance programs, but in similar programs in India, Japan, New Zealand, the UK, and other countries, and that's just one example of policies that seem to have been completely divorced from the expectations of the community about how rights and freedoms would influence policy at the national level in the light of global norms such as the Universal Declaration of Human Rights.

We've been completely blindsided, some of us. Others have known this for quite some time. So that's just one example. The surveillance scandal is one example of this. There are many other scandals, and they are not hard to find. Some of them are in countries not considered to be free. A current example is the clamp-down on Internet events. Others, such as domain name seizures and the list goes on, occurring in countries that are the champions of Internet freedom.

So what can we -- how can we reconcile this, this fact that on the one hand we have a very strong support in principle for Internet rights and freedoms, but it's not actually reflected in domestic policymaking?

I think we also have to realize that human rights infringements of users are not just limited to governments, of course. They're also -- transnational corporations are also committing human rights infringements. Think of Microsoft that promised that its users' privacy was its top priority, and then it's subsequently been revealed that it was putting in surveillance back doors. Think of Google's recent admission that Gmail users have no legitimate expectation of privacy in their emails. And who regulates the global activities of these Internet corporations? Of course, it's national governments. Therefore, the only protection that Internet users worldwide have that their rights will be respected is the extent to which national governments recognize and enforce them. There's no global mechanism to do so.

So another example is Facebook's latest terms of service revision, just in the last week or so, made it clear that users should only -- users would have to give up the certain elements of their personal privacy. They could have their names and photos shown in association with third-party companies without their consent. And this was prompted by U.S. authorities demanding a clearer disclosure of what Facebook is already doing.

So since Facebook operates globally, why is it the U.S. Government alone gets to say what its privacy policies should contain? Or do we feel any better if 190 other countries should also be able to ask for changes to Facebook's privacy policies so long as Facebook has a presence in their jurisdictions? That's no better.

So it should, of course, not be Nation States or corporations that decide how human rights of Internet users worldwide are respected. It should be the people, including non-state transnational networks of people who have a say in the policies that apply to them.

Although they may not be citizens of the countries or customers of the corporations who apply those policies, they nevertheless have human rights that those countries and corporations are obliged to respect. Unfortunately, the international human rights framework doesn't have the machinery to prevent the infringement of rights ex ante. The only way to do that would be to have civil society human rights defenders participate in the development of policies that affect Internet users worldwide. Now, that could mean giving them a seat in all of those policy development processes, and indeed, civil society is present in some policy development processes and institutions, such as the Brazilian Internet Steering Committee, the OECD's Committee on Information, Computer, and Communications Policy, and various other examples.

But that doesn't scale. There are just too many possible venues in which civil society would need to act as a watchdog for human rights, and civil society's capacity to do so is too limited.

So rather than giving users a seat at every single level of every single government and company, an alternative is to empower users to participate in the establishment of globally applicable public policy principles in collaboration with other actors in the Internet Governance ecosystem, including governments, corporations, and technical community bodies, which those actors can draw upon in setting their own policies and which can establish a yardstick against which those actors can be held to account.

This is what many of us thought we would be getting eight years ago at WSIS that we would have a multistakeholder former, the IGF, that could develop policy recommendations in order to help institutions and actors to act in a coordinated and human rights compliant way, along with a more formal mechanism of enhanced cooperation for governments and perhaps others to incorporate those recommendations into their policy processes.

But fast-forward to 2013, and what do we have? The IGF has become of such central importance as a global governance institution that it was almost canceled this year because no one was serious about funding it. The ITU has again shut civil society out from its Council Working Group on International Internet-related Public Policy Issues. The U.S. has lost its credibility as a proponent of Internet freedom as a result of the PRISM scandal. And we're still arguing about what, if anything, enhanced cooperation even means rather than making the changes needed to actually implement it.

So in my view, it's crunch time. In Byron Holland's words that I began with, the Internet as we know it is dead. The status quo is broken. We need to create a more globally democratic way of dealing with border crossing Internet-related policy issues.

And thankfully, this year we do have the chance to do that through the CSTD Working Group on Enhanced Cooperation, which is currently sitting. And a joint civil society submission on this topic was developed to the CSTD Working Group last week, and I would like you all to have a look at that and feel -- consider whether you would be willing to endorse it if you haven't already. You can read the text online. It's at bestbits.net/ec. And I also have some hard copies here, so if you'd like a hard copy, please come up and see me later and I'll give you one.

But briefly, here are the main points of that submission. And I apologize if I'm summarizing them in an inaccurate way because I don't want to read out the whole thing. It's several pages long. But the submission acknowledges that there are a range of policy issues beyond the narrow issue of political oversight of ICANN for which there is no globally democratic process to ensure that human rights and other public interest perspectives are taken into account. It also acknowledges that such a globally democratic process cannot involved government representatives alone or be left to the private sector or technical community alone but will require multistakeholder involvement. However, it doesn't accept the Tunis Agenda's description of the roles of the stakeholders in this process.

The statement asserts that in thinking about new frameworks or mechanisms, it would be productive to distinguish between the political oversight of ICANN, which is one issue which concerns a lot of particularly developing country governments, to separate that from the broader public policy issues in other areas, such as privacy, freedom of expression, and so on.

The statement agrees that the process of developing more globally democratic processes should take place in phases and that we are now moving into a phase of more formalized transparency in reporting and collaboration among all institutions and processes dealing with Internet Governance. But as to what shape that new framework or -- sorry -- but ultimately, the statement goes on to accept that at least one new framework or mechanism to address globally global Internet-related public policy issues that don't already have an appropriate home is likely to be needed and that this should be developed through a process involving all stakeholders. On the other hand, the statement doesn't specify exactly what shape that new framework or mechanism should take. We have some divergence on that question.

Some favor an innovative UN-based mechanism with extensive multistakeholder participation, but others would seek more of a break from the existing Internet intergovernmental system and propose more of a natively multistakeholder process that might be based at the Internet Governance Forum. So this is still an open discussion. But these ideas will be discussed both today and further at the second of our two-day Best Bits meetings. Best Bits is a civil society forum on Internet rights and freedoms, and we're going to be holding our second of those meetings ahead of the global IGF in Bali this year. And we'll also be discussing some of these same ideas at a multistakeholder workshop at the IGF proper which is called "Who governs the Internet: How people can have a voice."  So this workshop at the Asia Pacific IGF is an important feeder into that global meeting and that global IGF workshop.

So hopefully we will be able to have a rich discussion, both within the panel and with the audience.

Keith, would you like to give your thoughts?

>> KEITH DAVIDSON: Thanks Jeremy.

My name is Keith Davidson. I am engaged by InternetNZ, the International Director. As a result of that, I serve on the ISOC board within ICANN, I am the Vice Chair of the ccNSO Council, the domain name organization within ICANN. I serve on a number of Internet Governance committees and organizing committees and so on, but I'm here to speak to you in a private capacity today, and I really want to make sure that you understand that I'm divorcing myself from any of the associations or organizations that I'm attached to and just want to speak -- Oh, sorry. Is that better? It's really impossible to tell here whether the microphone is working or not.

Okay. So I think as a topic, we've got quite an interesting range of issues that are caught under this topic of Internet Governance for human rights and democracy. And I'd have to say that firstly, by connecting to the Internet, you are gaining some rights that aren't otherwise available to you, including the immense power of access to information. There's a whole lot of information that just doesn't exist outside of the Internet, whether it's true, false, opinion, or fact is over to you to differentiate, but nonetheless, that is one of the powers and one of the rights that are given to you the moment you connect to the Internet.

The other is relative freedom of association. You can associate with all sorts of people across the network that you could not have otherwise engaged with.

So I think there are powers there that fundamental and immediately available as you connect. But Jeremy, you are right that there are threats to some aspects of the way we deal with the Internet, and certainly aspects of privacy and other human rights, intrusions becoming more apparent as time goes on. But I would say those issues are not necessarily Internet issues but, actually, purely public policy issues, and the Internet is the main vehicle for delivery. But there's no reason why the telephone or other forms of communication, including sitting in a room like this and talking, couldn't also be as concerned with and having its rights intruded on as much as the Internet. So I think we need to be quite clear in that regard.

I think the -- and with regard to your comments, I'll be a little bit provocative, but in regard to your comments about the rights that Facebook or other Web sites might attach to users of those services or Gmail or whoever you choose, I think most of these services start out with a very liberal approach to their customers, and then by political pressure tighten up on those terms and conditions to sometimes potentially infringe your individual rights.

So we still have the power as individuals to move on and move away from those Web sites. Nobody in this room has to have Facebook, for example, or Gmail. There are alternatives. And you can exercise your right to go with those alternatives. So if you don't like the way a company is hitting with its suite of services that you are using, then you should feel free and insist on changing, and you should do so loudly and objectively so that that company knows that they're losing customers because of their intrusions into your rights. Otherwise, we can never win that particular issue.

Jeremy, you were absolutely right about the threats that come fast, thick, and wide in countries like mine and New Zealand, even, where we live in a very light-handed regulatory framework. It's very hard to get new laws made. But you should never underestimate the power of the lobbyist, and the lobbyists are very hard at work on various issues, probably most fundamentally in our part of the world on intellectual property rights. And they are now seriously suggesting that people's rights to the Internet should be removed if they infringe copyright and so on, which we think is a bit of an overkill situation for what's a relatively trivial offense. And perhaps education might be a more appropriate means of curing people from infringing copyright.

So I think, you know, we need to, as consumers of the Internet, we need to become lobbyists ourselves. We need to fight the fight more appropriately. And there almost always will be -- at home in our own jurisdictions, you know, trying to cover that globally is very, very difficult. We already have treaties like the UN Declaration of Human Rights, but it's pretty clear that those commitments by all countries, all signatories to the Declaration of Human Rights, aren't always upheld, and we see people being imprisoned without fair trial or fair cause for sometimes nothing more than blogging and so on. So you know, there is already disregard for those treaty vehicles that exist to address those breaches of human rights. So perhaps the issue here is it doesn't matter what new mechanisms you come up with. Unless they are actually enforceable and have a commitment internationally, then they probably won't have any real chance of success.

I would just like to say, you know, I was recently in China for the ICANN meeting in Beijing, and for the first time ever, we had -- or in China, we had legitimate access to Facebook and Twitter and other such things. So I guess my argument there is if a country is denying access to what we would consider normal behaviors and normal things, like Facebook and Twitter, then perhaps those people in that country aren't actually on the Internet. They are actually only on a virtual private network which is occasionally allowed to interact with the network. So perhaps this is even more fundamental than that, that we should determine what is an actual connection to the Internet and what is merely a connection using TCP/IP over a virtual private network.

I think that's the challenge for us, and you've got a lot further than I have in terms of proposal for some positive outcome, but I am struggling at this stage to see that there is a positive way forward in any global sense and that the answers will probably start at home at a local jurisdictional level.

And that's it for me. Thanks.

>> JEREMY MALCOLM: Thanks very much for that, Keith. Now, Byoungil, would you like to speak? If you don't understand Korean, please put your headsets on, and we will hopefully have an English translation for you.

(Standing by for English translation)

>> BYOUNGIL OH: That, however, is passion. So each country might have their own way of protecting the rights of individuals. So on a global level, we need to have a mechanism, global mechanism, to control that. So the state's inspection on the personal information, personal conversation, so if we fail to control that right now, then, so the PRISM revelation, so we'll bring the whole world to just the worst situation.

So I am concerned that the PRISM event might push each country to strengthen their regulation or inspection efforts further. So let's say in Korea, some conservatives just raise their voice, so the U.S. Government has that functionality. Why does the Korean government not have that ability? So it might lead to kind of a competition among the governments in other countries. So we need to discuss further this issue and the right way to resolve this issue.

And secondly, so to improve human rights and democracy in times of Internet Governance, so we need definitely need to expand the participation of civil societies. According to the Tunis Agenda, enhanced cooperation is discussed, so that agenda emphasizes strengthening the role of individual governments. However, many public issues of Internet Governance, the Tunis Agenda has rather strengthened the roles and responsibilities of each government. So many things are being discussed and implemented behind the doors.

So for example, we have other types of treaty that is have been signed; however, these agreements have been closed behind the doors and just the governments, so many public citizens were excluded from that discussion and also some resolution.

So even in Korea, a very important law has been revised without the knowledge of the public citizens. So if we adopt something some treaty that is globally important, the government has to talk with civil societies in Korea. But those issues have been dealt with as a part of a trade agreement not involving any participation from the civil societies. So I feel the need to invite more civic groups and the civil organizations to discuss those issues. This is the most compelling issue for Korea.

And thirdly, except for ICANN, we are seeing many other mechanisms that can serve as Internet Governance mechanism. But still, for me, the concept is not clear enough for me. A questionnaire was created, and I just had a chance to review the questionnaire, so the questionnaire just specifies that the expression -- freedom of expression and net neutrality and other issues are the main issues of Internet Governance. Yeah, so I recognize those issues are related to Internet Governance, but I'm not still sure about these individual topics can build individual main issue as for Internet Governance. Some of the issues are just handled in trade-related negotiations and trade-related agreements or discussions. So some people just handle these issues as further infringement of intellectual property rights.

So I'm still not positive about how we can set up those issues as individually important Internet Governance issues. Or which organizations, such as, such as WIPO or other organizations. Many issues remain. So to discuss specific issues related to Internet Governance, we have to define the most important issues, and we also have to define the right places to discuss those issues.

So lastly, one of the -- so we usually talk about multinational -- as main mechanism of Internet Governance, but still, public awareness of the multistakeholderism is very weak. So even though the basic principles were declared, so in the WSIS meeting, but still many countries oppose the agreed idea. So I don't think many governments clearly understand the definition or the concept of multistakeholderism.

Not many governments have set up a separate institutional agency to have the multistakeholderism. So on a global level to establish a global mechanism, so we need to define the -- kind of the -- we have to have a consensus to how just the basic principles of handling that concept of multistakeholderism. Even in the Korea, I believe that the public consensus has to be set up to accept or adopt the multistakeholderism, and the government also has to make efforts to apply that concept to their public policies.

This is the end of my comment.

>> JEREMY MALCOLM: Thank you very much. Shahzad, are you ready to take over? Thanks.

>> SHAHZAD AHMAD: Thank you. Thank you very much. Hi, everyone. My name is Shahzad Ahmad, and I work for an organization called Bytes for All based in Islamabad, Pakistan.

I wish to bring on the table a few perspectives from the ground. I mean, there are -- actually, there's a lot of discussion at several international global levels, and there is a lot of discussion around Internet Governance issues, but there are some issues, some perspective which is important to understand the Internet Governance at the national level or to know what people, activists, human rights workers are facing on the ground when it comes to various Internet Governance issues.

I would actually take a few examples from some of the Asian countries, and then we can have -- I mean, there is a lot of complaints already, so I will add a few more, so just to understand how chaotic, noisy, problematic Internet Governance is becoming.

So if you look at some of the Muslim countries, for example, Pakistan, so Internet Governance is actually driven or governed by blasphemy laws of the country. So a lot of Internet Governance-related issues are just taken over when it comes to rights. And then the countries I am going to talk about are all democratic countries. They are all open. They are democracies. But still, then we can assess what the situation is. So I mean, I just wanted to bring in front of you the example of Pakistan from where I am.

So largely, we would see that the religion or other blasphemy laws would take over any other rights perspective or constitutional rights perspective. I can give several examples. The current YouTube ban. For a long, long time, almost a year now, our net freedom case in the court. That also has a lot of different issues, very little capacity of the judiciary to understand how Internet works, then very little understanding within the government what democracies are, and that further complicates and creates further chaos and problems. So it's not only the access issue. Then, Keith, I will disagree with you that if Facebook doesn't respond to do what you want and you can just leave it. No, it's not a choice for many of us, like Facebook is a medium of masses, for example, in several of our countries.

Then I would mention another recent example of Bangladesh democracy and very progressive government over there. If you look at very recent developments in the last month or so, there is a new ICT act. It actually probably started with the arrest of a human rights defender, and then apparently for fake reporting that has been alleged against him on a political issue within the country, and then they brought an amendment to the ICT act which now can put him behind bars for more than 14 years. The minimum punishment of a violation is 7 years over there under that act.

Similarly, if you look at Malaysia, what happened during the elections. So again, when we -- since we are talking about democracy and human rights-related issues as well, so political expression is another very, very important aspect. I mean, it covers the association, it covers the larger freedom of expression issues, which are undermined, which are compromised. And these issues at the national level which are really, really important and bringing very negative impacts on the ground doesn't actually feed into the global policy debates, discussions, or processes.

So another aspect to it is these are the few countries which you mentioned, and we can list several examples from within Asia what are the issues, and Byoungil also mentioned issues in Korea as well, a developed democracy.

Then the really larger policy spaces which does not include, for example, there are certain mechanisms. We usually take pride in our work at the Human Rights Council, which we think is a very important place to engage in human rights issues other than IGF, and yeah, there are several other platforms as well, but this is another very important platform.

OIC, for example, Organization of Islamic Countries, I mean, there's very little engagement with those platforms, which are very important, not only to engage with, but also to discuss around all these issues.

So Internet, as Jeremy said, and it's written in the description as well, has come a long way, developed by individuals, by organizations, by companies, and then we have used it for several different aspects. Very positive uses. Amazing developments. But now it is extremely important, and probably huge effort will be required to keep it as it was. I hope it's not dead. It's still alive, and it remains alive, and it continues to thrive and it continues to do the wonders it has done in the last, like, 10, 12 years. But these are real issues. These are issues which people on the ground are facing. They are facing the music. So I mean, they need to consider these ground realities in the larger Internet Governance discussions at ITU, at IGF, ICANN, or any other platform.

So that was my quick submission, but we will discuss further, and then we can have more discussion on this.

Thank you very much.

>> JEREMY MALCOLM: Thank you very much. Ms. Park.

>> YJ PARK: Hi. Nice to see so many people here at SUNY Korea, and another very exciting thing this time is we can see some people from government sector, which was not the case in the previous APrIGF.

Before I start my talk, how many of you are from the government sector in this room? Could you raise your hand? Yeah. Yes. Can I ask which country are you from? Malaysia. Okay. So we have people from Malaysia and United States and Hungary. But still like sort of a lot of this government participation in this Internet Governance, it is still very limited, I think. So that's sort of the dilemma we have in this community.

So now we are talking about very heavily layered like terms, like the Internet Governance and democracy and human rights. I mean, they very big words. So as Byoungil just mentioned, people still are debating about the scope of Internet Governance in some sense, but I think the main purpose of this panel is to propose some guideline of human rights and democracy in terms of this Internet Governance.

So maybe I can start with some kind of issues. In Korea, we are sort of experiencing like the two interesting cases that is. One case is about the recent intervention from NIA, which can be similar to CIA. Sort of like people accuse that the Korean version of CIA has been deeply engaged with this previous election, sort of like manipulation. So a lot of those, the Korean version of CIA employees, they kind of like made some comments that can lead to some wrong kind of opinion, so that kind of created lots of issues.

Also, there was some kind of election which has been coordinated through this NIA, which is the Korean version of CIA. So now a lot of people in Korea, we are cautioning of this kind of role of government in this process without some kind of balance from other stakeholders. And that is a very serious issue.

And on the other hand, some people are talking about this government's regulation over Naver. Naver is one of the number one search engines like Google in Korea. So as you all know about Google around the world, Naver is playing the role of Google in Korea, so therefore, a lot of people here in Korea, they found companies like Naver, they can, again, sort of like fabricate public opinion if they want to, and that's kind of the fear about this kind of no regulation of this Internet industry.

So there are like the sort of different attempts from both sides, like from the government they kind of -- they cannot really trust private sector. Therefore, they really wanted to regulate the private sector. But on the other hand, from like the individual users like me and also Byoungil, civil society, and others, sort of the sectors, are very concerned about the potential kind of fraud that can be coordinated in a grand scale like the election fraud or whatever, some kind of the public opinion fabrication process.

So we now have every sort of like stakeholder, they have some concerns, and they have some sort of, you know, the distrust about the other stakeholders. And that's sort of the issue we have. So I don't think that might be the case only for Korea. I mean, that kind of like situation can be repeated in other countries, like I understand for example, like, in Europe, Europe -- a lot of European nations, they are interested in regulating kind of Google as well, sort of they are not really sure whether Google is playing some kind of playing God role in their Internet community. So that's a very -- the interesting debate. Maybe we can continue with our, like, audience here because a lot of the -- sort of the purpose of having this very open-ended workshop is we also wanted to increase your participation in this discussion as well.

And then I think another issue we can think about is the connection between this national level of Internet policy discussion and together with this global level because always there is like a very big gap between this national level of the discussion and the global level of discussion.

So for example, many people here in IGF and also the Asia Pacific regional IGF, we always say multistakeholder approach, but in reality, at the national level, government controls everything. So it's a very different reality, and you cannot really change it because that's the reality we are facing on the national level. So even though we kept emphasizing lots of this multistakeholderism as a concept in global level, as Byoungil mentioned, the multistakeholderism seems to be well applied and well implemented in organizations like ICANN, I think that's the only organization that seems to take very seriously about multistakeholder model. But other than ICANN, I haven't seen that serious decision-making process in other forums like UN and ITU, for example, as Jeremy raised in this panel for the discussion, and also UNCSTD. Currently, UNCSTD introduced multistakeholder approach, which is very new concept as well. So maybe we have to kind of discuss how to fill up this gap between like a national level and kind of the global level.

Then lastly, so I don't really have some kind of solution for specific guidelines for this sort of human rights or this democracy in terms of Internet Governance, but as I introduced the first case of the election sort of rig and some kind of the public opinion fabrication through the Internet, I think that can be a serious threat to democracy in this kind of digital age. So I think we really have to think about what's kind of the best solution we can have, especially when we have some kind of distrust, you know, between the different stakeholders. Because as I introduce governments, they don't really trust the private sector. They don't really trust other civil society groups. On the other hand, like civil society and the private sector, they don't really trust government. That's the reality. Because they really want to lose their control over the existing system. So maybe that's one of the things we can discuss for future.

And then lastly, sort of the balance of the civil society participation is going to be a very substantial issue. So as I highlighted, I think the role of civil society is guaranteed I think only in the ICANN space, and I wonder whether this kind of substantial civil society participation can be guaranteed in other platforms. So maybe that's sort of the issue for open discussion with the audience.

>> JEREMY MALCOLM: Thanks very much for that, and I can see we've already got a couple of themes emerging, and we haven't really coordinated what we were going to say very closely, but nonetheless, there have been a couple of themes that have been repeated by various of the speakers, such as difficulty of linking Internet Governance at the national level to the global level, the difficulty in getting governments to participate, particularly developing country governments to participate in Internet Governance at the global level.

So we have one more speaker who I hope will be able to come in at this point using Adobe Connect. Can we try and put that up on the screen? We have Asif Kabani, who is an Internet Governance and policy expert, and he has been listening in through the remote link, and we are going to try and hear from him now. Let me just check how that's going.

While that's in progress, maybe we could have short interval for any questions or comments.

Firstly, between the panelists, and then we will go to the audience.

So are there any reactions, questions, disagreements between the panelists that you'd like to raise?

>> As always, I'd like to raise a couple of discussion points on what YJ Park was just talking about.

One was that YJ asserted ICANN as the only global example of multistakeholderism, and I'd suggest that ISOC and particularly the ITF, the Internet Engineering Task Force that works under the ISOC umbrella or is administered by ISOC are both prime examples of real multistakeholderism in the broader public policy and the narrower technical policy forums that they deal with. So I don't think ICANN's alone.

It's probably really important too in this debate to differentiate ICANN from Internet Governance. ICANN is an organization that is given a very, very narrow mandate, and that is managing the unique identifiers of the Internet, the IP addresses and Domain Name System, and that is all. It doesn't have any mandate to act in terms of the broader public policy issues on the Internet. Certainly not privacy and so on.

So I think, you know, we need to be clear in our minds of what ICANN's role is and isn't.

And I think you then raise the point that governments control everything and therefore we need to be concerned by that. And so I think the message is that democratically elected instances that we have the right to change governments. So where we have governments who want to control everything, we should see to it that they do not get their chance and that we get rid of them and put in governments that will listen.

And perhaps the whole concept of multistakeholderism is greater than the Internet and Internet Governance and it's something that governments could endorse to use as a vehicle for setting their own public policies at home. And so maybe we should be making multistakeholderism manifesto issue in political bodies, raising it as a concern as individuals in our own jurisdictions as well.

>> JEREMY MALCOLM: Thanks for that.

Is our remote participant ready to come on yet? Yes. Excellent. Okay. So Asif? I think he is going to be on the monitor.

>> YJ PARK: So okay, until we wait for Asif to come on the screen, can I respond to Keith for a while?

Yeah, maybe the thing is how to define the multistakeholderism is going to be a challenge. For example, like you are saying that ISOC and IETF are the multistakeholder institutions. Mostly that's not sort of the understanding of people, especially about ISOC.

For example, let me share with my experience about ISOC chapter formation process here. And first of all, how many of you are familiar with Internet Society or ISOC in this room? How many have heard of it? Oh, quite a lot. Okay. But unlike this room, unfortunately, especially like government people in Korea, they really do not understand ISOC. So whenever we kind of talk about ISOC, they kind of think it's kind of NGO. And so finally, you know, I try to, like, persuade government Internet Society and ISOC is a very key player in this arena, and you really have to kind of support this kind of activity, and you probably like even support like some kind of formation process. Many people in Korea have this misunderstanding about ISOC. ISOC chapter Korea includes people from government probably that can't be sort of the reason why ISOC headquarters in Washington, not really like this ISOC chapter in Korea sort of thing. So there's a lot of these sort of concerns.

So in that sense, I'm not quite so sure whether ISOC really kind of welcomes the governments' participation. And again, ISOC doesn't make that much serious Internet policy-related decision. It's more like the Internet community-based activity. So that's still like, you know, a question here with ISOC Korea chapter, which whenever I try to invite lots of people from the government in Korea, they kind of kept responding to us that if we join this chapter, it would hurt the legitimacy of ISOC Korea chapter because they believe it should be more civil society institution rather than more government-included institution. So that's sort of the still ongoing like debate here as well.

Again, like IETF, if you know that, it's a very NGO-oriented institution. Like I mean, sort of I understand like there are some government people from I guess like some states, like U.S. Government, like some of the government ministries or departments, they kind of like participate there, but it's not really like the participants' participation. They kinds of observe the process. But I don't see that many government people in IETF. Could you have some response?

>> JEREMY MALCOLM: Why don't we go to the floor, then we'll go to Keith. Milton, I'm not sure we have a microphone, but you have a loud voice anyway.

(Speaker off mic)

>> JEREMY MALCOLM: It's worth mentioning also that the IGF has acknowledged and been self-critical the problems it has with inclusiveness, in part because it doesn't have a stakeholder system, I think, because it's self-selection. And that tends to result in a lot of engineers, understandably, and we don't have a strong system of participation from governments as a stakeholder group and from nontechnical civil society as a stakeholder group.

So yeah, I agree that the IETF is not necessarily the Paragon of multistakeholderism or, indeed, an example of multistakeholderism in the way that it exists in other fora such as ICANN and what we're trying to achieve with the IGF.

Before we go back to Keith, if he wants to respond again, any progress with our Asif Kabani? Is he able to join us yet?

Okay. I am on Skype with him now. Unfortunately, I don't have a connection that will work with this screen from my computer, so we can't do it that way. Okay. How about we do it using Skype, and I will just put the microphone near my computer. Okay. Do you want to -- while I am just doing that.

>> KEITH DAVIDSON: Okay. Thanks. Provocative as always. I wasn't advocating that there was a single solution to multistakeholderism, just merely that the IETF contains a multistakeholder process.

It does to the extent that it's consensus-driven decision making, that there is no barrier to entry and it's equal participation. And having just come from an IETF meeting in Berlin a couple of weeks ago, I can assure you that governments are very interested in the affairs of the IETF. A number of regulators, for example, sitting in the workshop rooms participating, discussing, and proposing issues that are quite clearly public policy issues and not technical issues in that forum.

So I'd say it contains the essential elements of equal participation, consensus-based decision making, and no barrier to entry.

I agree it's individual, but there are organizations who have organizational representatives there who are advocating from an organizational perspective, and likewise, governments with regulators who are advocating clearly a government position, not a personal position. So I think you could say that there's a thread there, even though it's not built on a constituency model like ICANN is.

>> JEREMY MALCOLM: Okay. Thanks for that.

So let's pass to Asif Kabani. Can you say a few words and make sure we can hear you?

While we're waiting, going back to YJ's comment too about ISOC chapters, again, I don't want to sound like an advertisement for ISOC, but chapters are only one way of interacting with ISOC. You can join as an individual globally outside of any chapter, and you can also have organizations joining. And the chapters, organizations, and the technical community elect their own representatives to the ISOC Board.

So again, it's -- you're looking at it from the narrow perspective of chapters, and there's many ways of interacting. And their policy development processes as well are not truly multistakeholder in the sense of development by exhaustive exploration of the issues. It is, nonetheless, subject to the scrutiny of the various stakeholder groups. And perhaps the right of veto exists where an individual chapter or some -- you know, the organizations object to an aspect of where ISOC's taking its policies.

So you know, it's not, again, a single motel of multistakeholderism, but there are the right threads that there that there's no barrier to entry. It's consensus based, and it's equal participation.

>> YJ PARK: Okay. So since we have some silence in this room, can I sort of respond a little bit about this ISOC chapter and some Internet Governance things?

Yeah, so basically, it's more like ISOC chapter issues can be closely related with the ccTLD discussion as well in some sense because whenever we talk about the ccTLDs in the old days of ICANN, there was a little bit of some kind of -- how can I say? -- fear whether ccTLD is run by government or run by the ccTLD manager or run by private sector kind of debate. So basically, ICANN in the old days strongly promoted, like, this private sector operation. So therefore, those who were strongly connected with government operations, they sort of felt very uncomfortable. Right? I mean, that was the case, like, in the early days of ICANN, and that's not the case, I think, anymore with ICANN. Sort of like ICANN is getting more mature. So they started to accept this diversity of, you know, ccTLD situation.

>> ASIF KABANI: Can you hear me?

>> YJ PARK: We, we can hear you.

>> ASIF KABANI: Okay. Great.

>> JEREMY MALCOLM: Okay. Sorry about that. I think we have you now, so why don't you go ahead. We don't actually have you on the screen, but we have your voice.

We did have. Sorry about this. Sorry about this. We didn't have time to test out the videoconference facilities before we began. So why don't we just leave the technical people to have a fiddle over there, and if Asif starts to speak, then we'll pass over to him.

But meanwhile, let's go back to the floor or the panel with any other questions or comments.

So one thing that I found important was making the link between the national level and the global level and making sure that governments will participate, and partly I think the problem is that there is no forum that is both global and covers all of the issues that we're dealing with, such as just taking surveillance as one example, what is the global forum where these issues can be discussed in a way that governments are interested in hearing? Because governments will come to the IGF, but they realize that there are no recommendations, there are no outputs, no formal outputs. So we're not going to get high-level people coming to the IGF. We're going to get lower-level government representatives. It's not going to feed directly into policy.

So what's the way forward there? How do we connect what happens at the IGF or at the global level back to the national level in a more tangible way?

Yes.

>> All right. Okay. My name is Rafida. I am from Malaysia, Malaysia government, handling Internet Governance as well.

I would just like to comment from all the panels. Internet for me is not dead, of course. For our country, although we started the Internet like a long, long time ago, 1984; however, I believe that the Internet, our users have been actively using the Internet I think just recently. I can say the last ten years, for example.

So in terms of like Shahzad mentioned about our election this past year, it was really fun to see how the people start to give comments or people start to talk about our election freely on the Internet.

We, as the regulator, at that time, we monitor just to make sure people don't cross the boundary. But you know, luckily, there was no one who crossed the boundary, and everyone, they are really fun to see people between both parties. But to answer the question, we did monitor.

But my point is, come to my point, Internet Governance, especially for Asia Pacific, we are not sure whether our users are ready yet. In the Western countries, your users, they can see anything on the Internet, but in our country, some things that they say, if it's very sensitive, it will cause a national issue. For example, recently for the Muslims, we have our Ramadan, and we have a case where a different race -- it actually became a national issue because it actually led to a kidnapping, it led to violence, and one Chinese guy -- which is not even related to the case -- has been kidnapped, and not really violence happened to him, but he was kidded in a and humiliated over the Internet, not because of his action but because he's Chinese.

So in Malaysia, we have three big races, which is the Chinese, Malay, and Indian. Everyone has to respect each other. We have 70% of Muslim people in Malaysia. So just because one picture by one guy who is crazy enough to put it on the Internet, it created big issues. So that's the thing that we are facing in Asian countries, I think, not just in may will a Shah.

As well as -- okay. I forgot what I am trying to say. So when we said about human rights, when we did the Internet Governance, we are not trying to be very straight, but we are trying to see whether our people are ready for what they read and what they see on the Internet. So I think that's all. Thank you.

>> JEREMY MALCOLM: To what extent is the regulation of Internet usage that's not transparent in Malaysia? In other words, there were allegations during election that there was some interference by ISPs or by the regulator in accessing certain Web sites that was not transparent. There was no process for that. Is there any need to increase the transparency of regulation of Internet usage in Malaysia?

>> Yes, definitely, I agree with that. And on the allegations that we block certain Web sites, from a person who actually does it, I disagree with that because we didn't, actually. We didn't block any Web sites with regards to the elections, any Web site for -- on the regulation part, no, we did not give any direction to the ISPs to block.

So when the allegation came during that time, we sincerely said no because it's not.

And then the thing that I forgot just now is actually when we did a certain blocking, there are questions that I received from the public. They were asking why we blocked, for example, like, you know, sex videos, for example, and then I told them at that time we didn't know. They told us if you block, we can always bypass the proxy by ISP. The answer I gave to them is it's okay. If you want to watch anything, it's up to you. You can bypass the proxy. You can Google from the Internet how to bypass it. But the reason we are doing it, because we are protecting the people and the minors who doesn't want to see all those things. So that's the response I gave.

So up to you. You want to go for any Web sites because you will know how to do it, but we are protecting the people who doesn't know how to do it and don't want to see it.

>> JEREMY MALCOLM: So Shahzad.

>> SHAHZAD AHMAD: Okay. From the activists or activism perspective, what you say is important to do in the country is kind of moral policing. We think that blocking certain Web sites will not promote peace and harmony among Malay, Chinese, and different.

In our court case in Pakistan, we are fighting a court case on Internet freedoms in Pakistan, and 13 hearings have happened so far, and then the APEC. I may not be discussing it like this, but the judge says that either the political leadership of the country needs to take charge and respond to the issues -- I mean take charge and lead the citizens towards Internet freedoms, or if the way they are operating will have to just switch off, kill switch, no Internet. So this is the kind of direction which the judge is saying in the courtroom.

So what happens is that what we have found since 2007 in Pakistan, whenever there is filtering or there is blocking, the reason is always political. And we have ample evidence of this. So that is how a situation gets worse, and then the allegations of oppression, the allegations of, you know, curbing freedom of expression on the regulators and the government from citizens. So that is happening not only in Malaysia; that is in Pakistan. The issue is in Bangladesh. The issue is in India as well. In India there are certain kinds of issues.

So it is probably -- what we see is the fight for control. Governments can pass overnight ordinance or laws or bills and take charge of whatever they want to do, and citizens probably can't do that. I mean, except, I mean, raising or creating noise or, you know, raising it at different platforms. So that is unfortunately happening in several Asian countries.

And then the policy laundering. That is rampant. If you have done something oppressive successfully in Malaysia, Pakistan would learn very quickly, Bangladesh would pick it up very quickly, and then it will happen and replicate in several other countries. So somehow we need to look at it, how to deal with this. And for this purpose, I mean, I think Frank LaRue, the UN Special Rapporteur on Freedom of Expression, has done some wonderful work, and it is useful.

Then people like Milton sitting over there, a lot of people, they have written and they have done wonderful work on this, and then probably we need to put all those things into some practice on the ground.

Again, that is why I mentioned that the issues are national. Then it will feed into the global policy practices. Otherwise, it is all debates way up there, and the activists on the ground will continue to face problems.

>> JEREMY MALCOLM: Byoungil.

(Standing by for English translation)

>> BYOUNGIL OH: -- recommendations at the meeting. In some respect, probably for them it would have been difficult for them to come up with recommendations for other parts. If we want to have a more democratic Internet Governance, in order to have a specific framework, we have to think about what issues, so what topics we need to talk about in the first place.

What do you think about what I have just suggested? I would like to hear your opinions.

>> JEREMY MALCOLM: We only have a couple of minutes left, but if we just give a maximum of one minute to each of the panelists to summarize what they think is in a nutshell the most promising way forward to address these problems that we're seeing in various countries around the world where human rights issues are coming up in relation to Internet Governance.

>> KEITH DAVIDSON: Okay. Three things you can do: Buy your favorite politician a ticket to Bali and have them see the Internet Governance Forum in action is probably quite a good thing to do. Get a national IGF going. You know, actually create one if you don't already have one. And make sure that the dialogue is so engaging that politicians will want to come along and participate. And I think thirdly, get experts in country attached to government delegations that go to the ITU, the UN, so on, so those experts can advise the government officials clearly on issues that are of importance in Internet Governance. And I think that's -- you're seeing benefits of that in places like the WCIT, where you know, clearly, the advice governments were getting was much more pragmatic than some of the advice they did in past.

That's it for me.

>> JEREMY MALCOLM: Do you have one minute summarization?

>> (Speaker off mic). Just reflecting on the multistakeholder model, we try to follow this model, whatever it means, and participation is a multistakeholder. Try to extend it to be as inclusive as possible, open up the question and the meeting to observers and streaming and whatever we have financial support for. That's one thing.

Multistakeholder model is being advocated by many, including the ITU, and I am always kind of taking an optimistic view. I always take the glass is half full, not half empty. So yes, there are very good steps had in the multistakeholder approach in the ITU. (Speaker off mic) -- in my experience, one of the slightly good examples of that. You may agree or disagree. But I think it's a step ahead.

And last remark concerning PRISM. (Speaker off mic)

The issue here is, as Keith mentioned, that we have democratically elected governments which can be reelected or just changed. And the issue, however, even with these governments, is control. If they don't control the organizations, that is intelligence, intelligence services can work on their own, and it's irrespective of approximating in a democracy system.

>> JEREMY MALCOLM: Thanks for that. I think the perspective of some of us with the ITU is it's sometimes one step forward, two steps back. The IEG, which created some of the output documents for the WTPF, was a promising step in the right direction, but then we went backwards again when the ITU refused to open up its Council working group. So I think the ITU remains a work in progress for all of us.

We are running into the coffee break, but if either YJ Park or Shahzad want to give a very short one-minute closing remark.

>> YJ PARK: Yeah, the very short one is as I address this role of government in Asia Pacific, I think it's better for them to have some kind of this platform to discuss about these kind of issues. For example, very briefly, like Korea introduced this real name registration policy, which without it's not really like sort of a reasonable policy, so the court kind of like canceled the policy. But on the other hand, the Chinese government picked it up. And so now China sort of like adopted this real name registration policy.

So maybe this is sort of the example, you know, so maybe like governments in this region can sort of like get together, talk about whether this is the really the effective policy for all of us. So hopefully we can have more facilitation through this APrIGF in the future.

>> SHAHZAD AHMAD: Very quickly, Internet Governance is taking center stage. A lot of different governments, organizations, platforms looking at it. It's extremely important to organize ourselves at the national level, create a lot of noise if something happens.

The other very important platform that we have -- we feel is very important and useful -- that is Human Rights Council. That's where if something is wrong happening in your country from the government side, you feel quite comfortable at that platform. So we have seen interventions at that forum have been very useful and successful. You may also like to try that. Continue to work towards Internet freedoms.

(Standing by for English translation)

>> BYOUNGIL OH: So Internet Governance at the national level is very important. So in that sense, we don't have an Internet Governance Forum in Korea, so I hope we should make some progress in setting up the national body that brings together the multi-stakeholders regarding the Internet Governance as some kind of -- we can train ourselves how to set up the policies regarding the Internet Governance.

Because of time constraint, I haven't talked about a lot, but in the upcoming meetings, like at the Bali meeting, I would like to have more chance to share.

>> JEREMY MALCOLM: Asif has just asked if he has one minute to sum up. I think what we'll do is we'll share his presentation via email. I'm not sure if we have the ability to do that. But I'll look into that with the organizers to see if we can share his presentation, or at least we can put it on the Web site.

And Asif, are you here? Are you able to speak as well? Doesn't seem like it. So we'll share his presentation on the Web site.

So thank you very much. I mean, my closing remark is going to be less than one minute. I think we've heard some really good suggestions about how we can link the national level to the global level with the intent of making sure that these human rights lessons are learned and shared rather than the bad lessons being passed along as we've heard Byoungil mention, the real name system maybe is a bad practice that wasn't a multistakeholder development being passed along, in order to have the more informed, more multistakeholder policies being promulgated throughout the world. The IGF is a good start, both national IGFs, regional IGFs, and the global IGF. I've suggested that we need to improve the IGF still further to give it a stronger link with policymaking processes, and I'd encourage you, again, to have a look at the submission that we came up with to the Enhanced Cooperation Working Group, and you can find that again at bestbits.net/ec. Have a read of that. There's about 16 endorsements from various organizations, and if you would like to endorse it as well, you're very welcome to do that.

So can we give a round of applause to our panelists?

(Applause)

I'd like to apologize to Asif that we weren't able to bring him in, and I'd like to apologize to the audience for going into your coffee break, but thank you very much for taking your time out to join us in this session.

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