
BUENOS AIRES – Challenges Post NET Mundial for the LAC Region

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OLGA CAVALLI:

The session will be in Spanish. If you need translation, I encourage you to use your headphones. We have translation in which languages? Spanish and English? Right? Si? Okay.

Could our friends at the back sit down please? Good afternoon, everybody. Olga Cavalli, representative of Argentina at the Advisory Committee to the GAC. I'm honored to have been called to moderate this session on the NETmundial Initiative and the challenges post-NETmundial, which for our region has been a very important event.

As I told you, we'll hold the session in Spanish, and I have with my dear panelists. We have one more panelist who is also very distinguished who I'll mention later who is going to join us later because he has another commitment.

We have Juan Cruz Gonzalez Allonca, Director of the National Department of for Personal Data Protection in Argentina, who is also a member of the Coordinating Committee for the NETmundial Initiative, about which we are talking today.

Next to him is Ambassador Benedicto Fonseca Filho, Director of the Department of Scientific and Technological Themes, which is a ministry of foreign affairs in Brazil.

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Next to him is my dear friend, Wolfgang Kleinwachter, who is a professor for the University of Aarhus, Denmark. As you know, he's a very well-known person in the environment. As he said, "I'm a veteran of the ICANN environment." Besides being a veteran, he's a member of the ICANN board. He's a dear friend to us, to Argentina and to the region.

Later, we will have Dr. Norberto Berner, who is President of the Federal Authority of Information and Communication Technologies, which as you know has been recently created.

Before I begin, I would like to remind the audience that the NETmundial Initiative was held in April 2014 in Sao Paulo. It was a unique meeting because it was multi-stakeholder, and besides this meeting generated document which had the participation of all stakeholders. Unlike other multi-stakeholder meetings such as the Internet Governance Forum, which doesn't include in its [inaudible] of negotiated documents.

It was an important meeting for our region because it was run by a country of our region. It had participation of the highest political authorities of the Latin American region and from all over the world. We also had relevant personalities from all the different stakeholders.

We are at a scenario that has changed. After the NETmundial meeting, the NETmundial Initiative emerged by the initiative of ICANN in Brazil and the World Economic Forum.

Besides, it would be important to review what this initiative is, what we can expect from our region and globally, what actions have been taken, what are the next meetings.

Besides the review of the NETmundial document, there are several very important references related to the transition process that is being conducted nowadays in terms of the role of the U.S. government in the coordination of ICANN.

So I'd also like us to have this in mind and see from our panelist what their opinions are and what we said on that NETmundial document and how much we have to take it into consideration.

If we look in fact at the comments that Argentina made, we made specific reference to several items of NETmundial as a document.

Without further ado, I'll turn the floor to Juan Cruz, who is next to me. Juan Cruz, welcome. You have the floor.

JUAN CRUZ GONZALEZ ALLONCA: Hello. Good afternoon. Thank you for inviting me. I would like to thank the authorities. What I'm going to do now is, before explaining what are the challenges of NETmundial, let me tell you where we are and what the origins of this initiative are.

The initiative began in April of last year in Sao Paulo. 1480 participants from 97 countries met, including the civil society, academia, the technological community, the private sector, and government.

It was a historical meeting. It set out what we believe was the beginning of a new process of a new way of looking at Internet governance and of participating in this Internet governance.

As a result, a document was produced. This joint document was shared, involving a series principles and a guideline for incorporation in Internet governance. Many of the members participated in that event, committed to generate an initiative and continue that meeting.

This is how the NETmundial Initiative came to life. Its main mission was defined by the groups of the local participants in the Coordinating Committee to provide a platform helping to catalyze the practical cooperation among all the stakeholders in order to approach Internet topics, moving forward in the implementation of the principles that were set out at NETmundial and the roadmap.

How is this initiative representative? How is it organized? We believe that it is organized on equal footing, that all sectors are represented. We can look at all the representatives of each sector and of each continent. Representation is, as I said, equal, and it was transparent. All the meetings and conferences were published and streamed online.

I should say that the people that were members of the Coordinating Committee were elected among a group of persons that proposed themselves for those positions.

What is the scope of NETmundial? On the one hand, to exchange information to serve as a center of exchange of information and disclosure on topics related to Internet governance.

Another item of the scope is collaboration, where we purport to foster a platform for filing projects, finding partners, and establishing collaboration mechanisms. There are open, inclusive and collaborative processes for the community to share experiences on the best practices in terms of Internet governance, and at the same time, facilitating participation and engagement so that all the stakeholders can participate either remotely, by e-mail or one the blogs that were created to that end.

Principles of NETmundial were established in Sao Paulo in 2014. They are the light that we follow, the core in terms of philosophy on which the NETmundial Initiative is based, helping developing countries develop capacities or networks in order to approach topics related to Internet governance.

How are we doing it? Through a platform that drives practical cooperation. The initiative is going to act as a bridge between the stakeholders who have specific proposals and ideas and others that are prepared to contribute with their experience, funding or other forms of contributions to get those ideas to come to life.

Modes of operation I mentioned before. The initiative undertakes to operate by means of the engagement of the stakeholders in an open, transparent and inclusive manner as part of the Internet governance ecosystem.

In terms of reference of the initiative, together with all the other guiding documents, are developed on the basis of these principles. The initiative will try to supplement and support the tasks of the existing fora. It is not coming to replace any of the Internet governance fora that exist.

What are our talents? This is a series of the challenges that the region foresees. To monitor or foster the implementation of the NETmundial principles is one of them. Second is to strengthen the gross regional bonds among the stakeholders in the Internet governance ecosystem, consolidating the NETmundial Initiative as an outstanding space in Internet governance, empowering through the platform projects that continues the practical implementation of these principles, and especially fostering active engagement of all the ecosystem through the NETmundial solution map, which is going to be introduced later, giving emphasis to developing countries.

What are the next steps of the initiative? In a week from now, in Sao Paulo, the Coordinating Committee will be meeting. The terms of reference will be adopted there. This will lead to the second phase of the initiative. The council will participate in the next section of the IGF.

Those who are interested in the topic and would like to contribute to this initiative, you can go to the website of the initiative, NETmundial.org, or you can e-mail this account that you see here on the screen.

That's all on my side. Thank you all. This is a vision of the government sector of Latin America and the Caribbean. You can contact me for any questions or comments.

OLGA CAVALLI: Thank you, Juan Cruz. I have some questions, but I'll keep them for later. Ambassador Benedicto, you have the floor.

BENEDICTO FONSECA FILHO: Thank you, Olga. I would like to thank the participants in this panel. But before I give my presentation, I would like to clarify three items. The Minister [inaudible] the Minister of Communications, should have attended this session. He couldn't come and he asked me to give this presentation on his behalf.

Secondly, it is the minister's understanding that the topic was going to NETmundial evaluating to what extent what has been said at NETmundial at their Sao Paulo meeting is being materialized or not in the process of ICANN that is being developed right now.

The third point of clarification: I am from the Ministry of Foreign Affairs, which is part of the government of Brazil. NETmundial was organized at the request of the President Dilma Rousseff from Brazil, by the Internet Managing Committee, which is a multi-stakeholder committee.

My comments are from one of the stakeholders that organized the meeting. They don't represent automatically the position of the

committee. I'm speaking on behalf of the government, making an assessment of what has been said regarding the transition process.

In terms of the NETmundial Initiative, I wouldn't be prepared to speak, but there are colleagues of the Internet Management Committee in the audience. Maybe if it is necessary, there's a person in the audience that could speak on behalf of the initiative.

The Sao Paulo meeting, for us, we are very happy to have organized the meeting, having hosted the meeting, because we believe it was a very special moment where the multi-stakeholder global community, including governments, were able to have a unique experience because we were not tied to specific process. We had no rules of procedure, whether from the U.N., etc., and we were totally free to have a reflection on the topics proposed.

Global principles for Internet governance was one part. The other part was thinking of the roadmap ahead. On this aspect, the roadmap ahead I believe has two paragraphs that refer to the process of ICANN, and I would like to focus my presentation on these.

What has been said, what has emerged, from NETmundial in terms of the transition process represents the rough consensus of those who participated. I'm clarifying one more thing here. The process that we followed was a collaborative participatory process where the agenda of the meeting was built from the comments that were received. The conduct of the meeting also followed the same format.

There was no formal mechanism for the level of consensus. We were guided by a feeling of our understanding of what we were trying to do. The document reflected the consensus. We did this through the end.

At the end, we had confirmation that some parts did not feel represented in the consensus. However, I believe that all that's in the final document of NETmundial represents, let's say, an important percentage of what would be the consensus of the [inaudible] international community.

But I could say that some, specifically some countries, declared very clearly at NETmundial that they did not agree with that consensus. However, the validity of the exercise and the lessons that were learned in the course of our experience, all that was contribution made to the community. These meant pressures, lessons on how we could work in a multi-stakeholder environment and reach specific results.

This was a new experience to some extent, and we are really proud to have been part of this and to have conducted it in Brazil with the participation of the whole community.

The document of NETmundial in the part referred to the roadmap, saying about the transition process the following. I'm going to make a quite selective reading, trying to go to the most important aspects.

The debate about the mechanisms to guarantee transparency and responsibility for the sections once the role performed by the government of the United States has been concluded must be

conducted through an open process with the involvement of all the stakeholders, besides those that are part of ICANN.

Our evaluation is that is being completed, not perfectly maybe. An important concern is an inclusive process to have an opportunity to make contributions, and we believe that that concern has really been dealt with.

All mechanisms that are adopted should protect an open bottom-up of the nature of the processes for policy development. To guarantee the stability and flexibility of the Internet here. We believe that this is a clear concern in the process to maintain that bottom-up process to guarantee that in the end, the net will continue to be stable and open, I believe. We have no doubt about it.

But there are other parts of the NETmundial document that we believe are not being complied with in such a binding manner in tune with what was said at NETmundial, which reflects important [consensus] from the community, besides some dissenting voices.

The document reads: “It is advisable to debate the appropriate relationship between political and operational aspects. Here we believe that this is not the case. The process is clearly being concentrated on the operational part, the technical part. There is a key concern [inaudible] that at the end of the process, ICANN should continue to perform. The IANA functions will continue to be performed without any problems from a technical standpoint. I believe we all agree on that.

From the government of Brazil, there is no doubt that that should be the case, but NETmundial has recommended that there should be a balance to include the political aspect discussion here. I believe that this is not happening. Our assessment is that the transition from ICANN is not aimed at resolving a technical issue. Technical is working fine. It should continue to work fine.

But there is a question of legitimacy at ICANN. Besides on the side of the government, there is very strong questioning on the way in which ICANN has been established in the way that their government is exercised. In our opinion, this is related to the political decision, and that is not happening.

Also, the document says that this transition should be connected thoughtfully with a focus on maintaining the security and stability of the Internet, empowering the principle of equal participation among all stakeholder groups.

Here in the English text it says “equal footing between stakeholders” and it is something that we believe is important in a governance model, in a multi-stakeholder model.

My government always is guided by two basic critical principles that have emerged from the Tunisian summit, that the governance in the Internet should be multi-stakeholder and in support of the full involvement of all stakeholders. This is the first one, and the second principle is that this involvement should be based on the different roles and responsibilities of each player.

This implies in our opinion that for some subjects the participation of academia may be more important than the government, in some other cases, it's just the opposite. For instance, fighting cybercrime and security.

But in technical subjects we acknowledge the technical community, but this does not mean that governments don't have a role or should not do it. From the government standpoint, we believe that the government has the clear mission of being updated [on] making propositions as to public policy. The government in implementing policy has a strong interest, and we believe that in this process, the role of the government as a stakeholder – that kind of [inaudible] – to raise issues as to public policy has not been considered suitably.

I believe this is associated to the way ICANN is organized today, where governments are not part of the decision-making process, and where governments have an advisory role. That's an area that we know was imposed by the contract, and the way ICANN was organized in association to the U.S. government, which determined that this would be this case.

But this way of doing things is guiding the process, and at the end of the day, the solution it is aiming at in the case this scenario will continue to be like that. So we believe that this principle, the transition should consider on equal footing, and we believe this is not taking place.

It is also expected that in the ICANN globalization process things would gain speed, which will bring about an independent

organization, truly international and global, at the service of public interest with clear and objective mechanisms of transparency and clarity, meeting the requirements of the global community.

Let me highlight here the words “independent” and “international,” truly international and global. In our eyes, this takes ICANN to aim at being an organization that, at the end of the day, has a legal status directly associated to the will of its contracting parties; that is, there is a legal state that provides independence and international organization status.

I’m not talking about an intergovernmental organization in relation to Internet governance, but I’m not talking about an organization whose rules would be discussed and adopted by a multi-sector community, including governments, but on equal footing, the other sectors.

We are talking about a novelty exercise, an unprecedented exercise, but I believe that ICANN’s example could perhaps be a seed for a new part-time international cooperation where governments, civil society, and the private sector have agreed in setting up an organization to manage a resource everybody is interested in, withdrawals agreed among them. That I believe is a process at which we are aiming for it to continue be an organization, organized under the rules of the state of California. Not as a decision of the stakeholders, but as a consequence of the previous scenario that will perpetuate.

So NETmundial aims at the vision that ICANN becomes a truly international, independent organization. Clearly, we are in a process.

Similar solutions thought for ways to strengthen or provide better surveillance have been ruled out because this has been a concern in fitting California rules or existing rules or procedures or existing something. So this likely a pre-existing condition, so believe it is a limiting factor to the process and goes against the message of NETmundial towards the process.

Finally it says that you have to have representation from all stakeholders in the ICANN structure from all regions. It's a key issue in the process of [inaudible] for organization.

We can clearly see here that the involvement of the Latin American region continues to grow. It is a very positive development, also, of other regions. Progress is required there. This is not just ICANN that has an economic context, but we see that there is interest in moving forward.

This is also a trend. We're moving towards that goal, even when now there's still a lot of it to be done to reach a level where the representation of global organizations and countries and people that are actually involved in the system today and those who are outside who have an interest believes there's still room for improvement. But we are aware of the recent effort in that sense, and we believe that it is very important.

That is my comment. I would like to apologize for the length of my presentation.

OLGA CAVALLI: We would like to give a round of applause to the Ambassador. I have a number of questions, but I will leave them for the end. Kleinwachter?

WOLFGANG KLEINWACHTER: I would like to thank Olga for organizing this panel. I want to thank the Argentinian host. I want to thank in particular Brazil and Benedicto for writing Internet history in 2014 because the Sao Paulo conference, probably from a perspective of five or ten years from now will be remembered as a watershed in 20, 40, 50 years of discussion on Internet governance.

Benedicto, I will not comment on the IANA transition because we have so many discussions here on the IANA transition and we should concentrate in this panel on the NETmundial Initiative, which I accept is partly interlinked and also driven by the idea to finalize the IANA transition.

Let me start with a brief look back into the year 2003 in December, when the first phase of the World Summit on the Information Society risked collapse. There were two conflicting views on how the Internet should be organized in the future.

The U.S. government said the Internet had to be based on private sector leadership, and the Chinese government said the Internet had to be based on governmental leadership. It was difficult to reach a compromise.

The compromise in the very last hour was, “Okay, we do not make a decision here, and now we create a working group. Then we ask the

working group with a solution.” The working group was established by Kofi Annan, at this time the Secretary General of the United Nations. Carlos Alfonso was a member of it. I don’t know whether he’s still in the room.

The first meeting we had with Kofi Annan – I remember this – is when he said, “Look, the Internet is an innovation in technology. All that around is based on innovation. But in policy, we are still using the instruments and tools from the 19th and 20th century. We need innovation in policy. Go ahead and come with an innovation in policy.”

After two years of discussion in the Working Group on Internet Governance, we concluded in our final report, which was sent to the Tunis Agenda, the second phase of the World Summit on the Information Society, we concluded that the Internet does not need a leader. It needs the involvement of all stakeholders.

So I think for the time in 2005, ten years ago, the multi-stakeholder approach for managing the Internet was in our eyes an innovation for policy-making. But we have seen in the ten years since the Tunis Agenda that more or less everybody supports the idea of the multi-stakeholder concept, but nobody can exactly say what it is or what multi-stakeholder isn’t. You have numerous different interpretations, and meanwhile you have all the different practices.

For instance, ICANN says, “We are a multi-stakeholder organization,” but at the end of the day, it’s the private sector – the Board – which makes the decisions and governs in an advisory capacity. This is what

Benedicto said. It's not on equal footing. That means governments are in an advisory capacity.

The World Summit process. We have now the WSIS+10 review arguing that we are a multi-stakeholder process. But the final decision-making is in the hands of an intergovernmental negotiation process. Other stakeholders are consulted, but they cannot influence the final decision-making.

The Internet Governance Forum, which is also a multi-stakeholder body, says, "Okay, everybody is on equal footing in the IGF, but the IGF does not take decisions."

Now we have NETmundial. This is why I said from a historical perspective this is probably a watershed. For the first time, we had all stakeholders involved on equal footing, and an outcome was produced. Not legally binding – that's important to remember – but there was a commitment by a huge number of governments by the most important private sector representatives from the Internet economy, by the majority of the technical community – the ISTAR organizations – and by a broad group of civil society organizations.

Not everybody was happy, as Benedicto has said. Some governments had reserved some, as I say, opinions. Some civil society groups were not happy. And like always in negotiation, at the end of the day, everybody's equally unhappy with the document.

But after a couple of weeks or months or years, then you see, oh, this is a unique document. This really has value and paves the way for the future and is a helpful instrument for the future.

That means the NMI and the follow-up, which is called now the NETmundial Initiative, has added a new, additional element to what is called now the Internet governance ecosystem.

As the other speakers have said, NETmundial did not replace us an organization. It's not a [NASA] IGF. It's just a new mechanism, innovation and platform which will allow the next step into still-untraveled territory. We have to be aware that cyberspace is an unknown territory. We have entered this only ten or 20 years ago, so it means it's like a discovery. We have still to find out what all the mechanism are in this new space, which is like the conquerors a couple of hundred years ago coming to North America and saying, "Oh, that's a new country. Let's discover what we can find here."

This is the process we see ahead of us. We have entered a new space, and now we have to explore this space. What can be done with this? I think the NETmundial conference and the NETmundial Initiative created steps into this direction and said, "Let's be courageous. Let's not sail backwards and use the instruments from the 19th and 20th century to settle problems of the 21st century. Let's create new instruments, the instruments of the 21st century, to manage the problems of the 21st and 22nd century because more problems will be ahead of us."

We are in the early days of this much bigger transition and the IANA transition. It's the transition from the industrial society to the information society, and we have still 85 years to go in the 21st century. That's still a long way ahead of us.

Let me conclude with this. This NETmundial Initiative, which has followed the NETmundial conference. The feel in Sao Paulo after this huge success with the conference was that the steam which was produced would, after a couple of weeks or months, disappear and the document would go to the archives of the forgotten documents.

This would have been bad because this was such a unique thing. That means something was needed to continue. So far, the energy of some groups behind it – in particular, [inaudible] from Brazil and ICANN and the World Economic Forum and others – have people said, “Okay, this is an asset we have to push forward.”

The functions which I see for the NETmundial Initiative as the result of an open, transparent, and inclusive discussion in a bottom-up way in the last couple months is that this initiative can have three functions.

In my eyes, the first function could be the clearinghouse function. That means a lot of issues are unclear. I can support Benedicto when he said, “Each issue needs probably a different governance model,” because this is also the result of the discussion of the last years that we have not one governance which fits all issues, but we have to build the specific governance model around the issue. So a policy for fighting cybercrime probably would look different than a policy for managing IP addresses.

So far, we have to clear this. We need places or mechanisms or instruments or platforms which help find the right answer, to clear an issue so that we can, based on this clearance, build the governance model around this issue.

The second function for the NMI in my eyes is an enabling function. It enables people to move forward. What the Indian Minister said this morning in the opening speech is, “The Internet is a multi-layer, multi-player mechanism. Different layers, different players.” It has no central authority which can give orders to the rest of the world.

So it creates a platform which enables people to do something on their own. That means we need more creativity and more innovation, and this innovation will not come from a central place. This innovation will come as in the Internet from the actions where the people, as they communicate to each other, then say, “Okay, this is a good idea. Let’s move forward, not only with technology, new applications and services, but also with policies.”

I think this is a great platform and a great opportunity to enable various groups and individuals to be creative and innovative. It’s certainly an inspiring function. It inspires people. There’s a small core group nowadays, the so-called Coordination Council, which is just like an engine in a big ship, and this big ship has space and places for hundreds, for thousands, of other players.

So this is an open mechanism, and it’s an inspiring mechanism. If we look forward and say, “We have to clear something. We have to enable people to participate and inspire people so that they can create and

innovate,” this gives the NETmundial Initiative a good orientation for the future.

Let me finish with one issue which was discussed in the last couple of weeks, again and again. The NMI is not a competitor to the IGF. The IGF is a discussion platform created by the World Summit on the Information Society. It started with a lot of mistrust. Some groups, like ISOC and ICANN had a lot of reservation against IGF, but after two or three years, they said, “Oh, the IGF is a good thing,” and now they are supportive.

But the IGF is for discussion. The NETmundial Initiative is not for discussion. There is no need to have another discussion space. This is really for translating the discussion interaction. This is for projects, for concrete activities.

In particular, I have tried to formulate this, the IGF, as talking the talk, and the NETmundial Initiative as walking the walk. That means they have to deliver something. I think this is the challenge. This is not a done deal. This is still open, and the meeting next week will discuss how we can move forward with projects. That means we do not yet know how to translate talking into walking, and that’s why I invite everybody to come with ideas, to participate in public comments periods, and to produce proposals.

As it was outlined in the first speech, the timetable is so that we will have a meeting next week in Sao Paulo. Then the next big meeting is on the eve of the IGF in November in Brazil. This is a good time to produce new ideas. Thank you very much.

OLGA CAVALLI:

Thank you very much. Thank you, Wolfgang, and thank you to our three panelists. We have a microphone for multi-stakeholder members of NETmundial. There was one microphone for each stakeholder. While we have one for all stakeholders, I'm going to invite those of you who have comments to a fixed mic, another roving mic. If you would like to make a comment or a question, you're invited to go to the stakeholder mic, as Raul is already there. Welcome, Raul. You have the floor.

RAUL ECHEBERRIA:

Hello? Can you hear me? I can hear myself. Can you hear me? Well, seeing that the panelists are speaking Spanish, I'm going to do the same.

Thank you, Benedicto, for making the effort to speak in your perfect Spanish. Well, the title of this session was something like "Challenges Post NETmundial for the LAC Region," so we'll try to focus on that.

Of course, I agree with the positive evaluation of the NETmundial process and last year's meeting in Brazil. I am very proud to have been part and to have made a contribution to that work. I believe that it is very valuable. I liked the analysis of Benedicto to focus on precisely what we wrote over a year ago and what we are doing now.

Besides his specific comments, many of which I agree with, I believe that what's important is to do this exercise, to check what is it that we agreed upon last year in Sao Paulo and work on evaluating how we've

advanced and commit on the advancement of those agreements. That's the approach that I like the most.

I don't think that there is one single way to work on the application of the NETmundial agreements. I believe that this initiative is really fine. This NETmundial Initiative is okay. There are many people that I respect and that I'm fond of there.

I would have to be cautious. It was decided to name the initiative after this meeting. This may reduce the reach aspect. What's important is to advance the principles that we agreed upon at the historic process, which is unprecedented, not only with Internet governance, but also with international governance in general. We should work in that direction.

I see that a lot has been done in the Internet governance forum, and that the work is being done in which Benedicto is really involved as to the development of the best practices. Policy options are being offered, and that's a very important breakthrough because at the end of the day, nobody [inaudible] specific and unique recommendations from the [inaudible] Those who many times request those complete outcomes from the IGF will be unhappy if we said, "This is what you have to do."

So submitting options for policies is a very good solution. I believe ICANN can continue to work in that direction and with the understanding that there is no one, single way of working on the implementation of last year's agreements.

We for sure should not lose the focus of looking at the wealth of diversities and opportunities where we can work at several fora. Thank you very much. That's it for me.

OLGA CAVALLI:

Thank you, Raul. Would anybody like to participate on the multi-stakeholder microphone? [inaudible]? Juan Carlos? Welcome.

[inaudible] with her new look.

JUAN CARLOS::

Very briefly, just to reaffirm Raul's comments, we came to this meeting, which is a discussion about the challenges of NETmundial. The initiative is one of the options, but there may be and there will be many others.

Very briefly, I would like to give my support to Raul's vision on the treatment to the future of the initiatives and the roadmap, etc. Of course, all the initiatives and projects and activities that seek to include the vision of NETmundial I'll welcome. That's just that.

UNIDENTIFIED MALE:

Thank you. Good afternoon. [inaudible] from the [inaudible] for the progress of communications. I would like to thank the panel for the overview that they offered.

I would also like to support the vision that Raul shared. I believe that it is in the diversity that we will find much of the value of what is to come to identify the challenges we have ahead.

Particularly for Latin America, I would like to comment that last year in the original meeting of Internet governance, a process of debate and reflection started on how the principles and the roadmap adopted at NETmundial would translate into the original reality. I believe that that depending on the regions and the context, that is a process that will take time. Maybe we won't be able to give the [leap] immediately.

I believe that it is important that in the regions the NETmundial [inaudible] not only as a framework, but also in terms of the framework for action. We expect that for in August in this year we can continue to reflect at the original meeting of Internet governance in Mexico.

I would like to make a special call to the members of the NETmundial Initiative Council, Latin America, to join the debate. It would be very important to have their vision at the same time as they could collect their perspectives to integrate them into the plan and [inaudible] reflection occurring globally with the NETmundial Initiative.

OLGA CAVALLI:

Thank you very much. I would like to welcome our special panelist of the afternoon, Dr. Norberto Berner, who is President of the Federal Authority of Information and Communication Technologies, Argentina. It is an agency that was recently created. Norberto, as I told

you at the beginning, was busy with another activity, but he was kind enough to join our panel.

Norberto, to brief you, [inaudible] and Juan Cruz have been telling you about the NETmundial Initiative, and [inaudible] has been telling us about the document of NETMundial and what news there is about the IANA transition. You have the floor. Welcome to the panel.

NORBERTO BERNER:

Good afternoon, everybody. Thank you very much for the presentation. I apologize for being late. Evidently we are going through a very, very nice moment in the region, the world, and in Argentina, too. In December last year, the national congress passed a national law, which was called Argentina Digital, which upgrades the regulatory framework in terms of telecommunications, including many fundamental elements in terms of the debate over the Internet.

For example, the net neutrality was clearly established, pursuant to a debate that took place over two years at congress, although the discussion of the Digital Argentina law took around four months overall.

Today is a very special day because on June the 12th the Secretariat of Communications ceased to exist, which I run. In a previous ICANN meeting in Buenos Aires, ICANN48, which was about two years ago, I was starting as a Secretary of Communications. Now at ICANN53 I am taking over as President of this new agency.

Today we held the first Board of Directors meeting. This agency is a regulator in terms of communications. In terms of ICT, it integrates with the Board of Directors. It's very interesting because it includes seven members, of which two are proposed by the executive. One is the Chairman of the Board [inaudible] three directors are proposed by a two-time recommendation of the congress, representing the three first political minorities, two of which have been appointed. The third one is in debate.

There are two other directors, one proposed by the provinces of Argentina. You must know that Argentina consists of 23 provinces or federal states, and one [inaudible] city. These 24 districts propose a sixth director and the seventh director.

This is the reason why I'm telling it here is proposed by the Federal Council of Technologies and Digitization, which is integrated by 34 members, of which one comes from each province and three representatives from the telecommunications workers, two representatives from the telephone industry, one large company and one cooperative or SME.

At the same time, there is one representative for the ISPs and one representative for ICT not-for-profit. We have many cooperatives in Argentina which provide telecommunication services. And there is one representative from the users and consumers associations, [inaudible], and one representative, which is not a minor one, from academia, for the universities of Argentina, which there are several. And they propose one of the members of this council.

As you may see – I don't know if this is accurate – it's quite similar to a multi-stakeholder model. At the same time, this system or this council does not make minor decisions but proposes that one of the directories has actual power. At the same time, it is the agency that oversees the Board's decisions. It is the one who can remove the members. This council can change its members.

So we are going through a very nice moment today. We had the first Board of Directors' meeting, so I apologize for my delay. I know that Juan Cruz and Benedicto and Wolfgang were talking to you before me. The idea is to review after NETmundial. Now I'm talking as a government or Argentina administration as part of the state whose authorities are elected democratically.

To revise and tell you about our vision of this transition process, at NETmundial, a framework of reference was established for everybody; for every governments, the private sector, the civil society, the technical community, the academia. The final document where we worked discussed a lot, I was lucky to participate in that event. It was really an effort of all the parts.

The same with any final document, it has its ups and downs. Some things we like more. Some things we like less. But this is why we constructed it together.

It has reaffirmed and recognized that the Internet is a global resource that has to be managed for the benefit of the public interest. The importance of human rights is reaffirmed and a series of governance principles is set out.

It was very important that in this Buenos Aires meeting a lot of progress is being made in that respect. The contribution and the commitment of all the parties working on the transfer of the IANA stewardship in relation to the announcement that the United States government has done to globalize IANA in the framework of ICANN.

We agreed – and this is why we actively participated as government from GAC and also from every possible instance – to accompanying strengthening. I believe that we have made no statement to stall or postpone any of the decisions. On the contrary, we are not refusing any of the analyses from the technical community. But we are really paying attention to compliance to commitments and terms because we believe that the work of the technical communities is great. We're really respectful of it, and we know about these problems.

Argentina is one of the countries that has put up a satellite. We know that this takes time, but there is a moment where you have to bring the satellite on the rocket and launch it. Otherwise it will be only R&D, and this is not R&D. We are conducting a process that is directly related to the everyday life of each and all of the citizens of the world because, as we said before at NETmundial, what happens in the Internet happens in real life, and the other way around.

It's not a parallel world. It's not that you hire something on the Internet and you lose money. Well, you lose real money, physical money. It's not virtual e-commerce. It's something that happens, and so on and so forth.

This is the most important example, but privacy of personal data and national security – all of the topics and items that happen in the Internet happen in real life. This is why we have embraced one of the principles of NETmundial, which is that Internet regulation has to be in line with the legislation of real life. That is to say, our agency is not going to legislate over Bit Coins or mobile money.

It's probably going to regulate on the quality of service because if they use platforms, data platforms or telecommunications or Internet platforms, the quality of service and compliance with technology conditions will be related to the regulation, but not the money questions to itself. The same as tax aspects. That relates to real life, the same as human rights. We have public agencies and private agencies and civil society agencies that preserve and safeguard and struggle for human rights, and they will be in charge of the content of the Internet.

So I believe that NETmundial has been really clear in this respect, and it strengthens the position of ICANN into being a technical body which searches for security, stability, and resilience of this system.

Now, as I told you before, we are concerned and we are focused on the globalization of the Internet occurring because in the end, the countries that have embraced the discussion at NETmundial have a clear vision and will participate in international agencies. We have clearly decided certain things so that this would come true. If the internationalization or globalization of ICANN does not occur and finally we maintain and continue to have the bylaws of the state of

California because it's not even the constitution of the United States, we are in trouble. We are in trouble, and we are in serious trouble.

From Argentina, we will embrace a true internationalization process. That does not mean, as Benedicto must have said because we have said because we've discussed it extensively with the Ministry of Communications of Brazil, a new intergovernmental agency or a merely intergovernmental aspect, but complying with the principles and understanding the evidently technical role that ICANN has in the multi-stakeholder model.

But no doubt, the multiple stakeholders need to – and let me say it bluntly – constituency, a regional constituency. Otherwise, it's not true that we are globalizing and assuming the multi-stakeholder model. If we stick to the conditions set out by the government of the U.S. under the framework of what has been done, because it was provided for by laws of the state of California, well, then we don't have an international and global agency, and the independence that was mentioned today by Fadi will not be such.

We support that this process should be an autonomous process for this community with all the stakeholders fulfilling their roles and with all the countries on an equal footing. If you wish, we request from the governments the different stakeholders to undertake that responsibility and undertake to defend the interest of the communities that they represent in front of any force. They should not be afraid of the government of California, for example.

UNIDENTIFIED MALE:

In the framework, we have been working by this process. I wanted to talk about a limit we found and a concrete case where the involvement of the governments and the sovereign states has to be very clear. We said we don't have any problem in IPv4/IPv6 to be something technical that we find out just to apply it. We also talked about the seven layers needing to be discussed to the third. The fourth: is this telecoms or not? That discussion is okay.

But when we touch upon things associated with [inaudible] sovereignty, we believe that there's a limit and there's a point where this organization has to report to an international governmental organization. I see someone who's been fighting for this.

All of you know and should know because the resolutions of the permanent U.N. solutions determined that there is a conflict of sovereignty. It's quite an important historical conflict with the U.K., and that is associated with the sovereignty on the Malvinas Islands, Georgia Islands, archipelagos, Falklands. I'm not pronouncing it well. Malvinas is the name for us.

This has had a number of resolutions, multiple resolutions, by the U.N, who have said something very clear. It directs, it recommends, it demands Great Britain to sit at the table and discuss with the Argentinian state the Malvinas issue just to sit, to negotiate, and to talk and discuss.

At the same time, it has instructed all the third parties to refrain from getting involved in that conflict of sovereignty. Those resolutions that included Malvinas Islands being called Malvinas. If they want to call

them Falkland, they can, but clearly the word Malvinas should be included. Argentina calls them Malvinas. If they want to call them Falklands, that's okay, but they should be called Malvinas.

A technical organization then moves forward and probably in good faith makes a serious mistake. What is the error? That they use the naming of another private organization – ISO – to say what the countries in the world are.

No, ladies and gentlemen. They are acknowledged by other countries in the world and the U.N. Therefore, the fact that .fk and Georgia and Sandwich, without footnotes and the observation and compliance with the U.N., resolution is an error that hurts our souls because we walk hand-in-hand with ICANN, it takes place in Buenos Aires many a times, and it's something that we have gotten support from most of the world, and yet you leave us aside with this.

This is where we raise our flag and say, “ICANN, the multi-stakeholder community, the technical community, has a limit.” National sovereignty should be respected and in some cases be on the multiple stakeholder approach.

This is a clear, concrete case where the ICANN resolution system fails because it does not comply with U.N. resolutions. In this case, it's not the lack of democracy. Organizations, countries, and members of the U.N., especially in this 21st century, are mostly democratic organizations. We are democratic states.

The representatives of the Argentinian peoples are chosen by popular will. If we talk about democracy, few things are more democratic than a government chosen by its people.

This is a point that we understand within the framework of the internationalization of ICANN. The role of the states need to be reviewed. We do not intend to discuss IPv4 or IPv6. We do not intend to have a different role from the one of the other communities in this discussion about IPv4, IPv6 or personal data.

Of course, there are many national laws that need to be considered. We're not interested in the regulation of the contents of the Internet at all. We support the multi-stakeholder model in the network.

By talking about sovereignty, it is critical for us to be careful, or else what will or may happen is that we find limitations to the possibility of working hand-in-hand and what is expected to be avoided or prevented. That is to say, governmental states moving forward on things that have been working well that are basically technical or have to do with multiple stakeholder communities to take governments to a serious scenario where we have to intervene and put forward a different mechanism.

So we need to continue to work strongly for this to take place soon now so that the ICANN community is and feels sovereign because an internationalization process that is broken at the beginning because it is born with inherent limitations of the rules of one of the countries of the world – just one – moves forward in the wrong direction.

When we asked the democratic governments to carefully consider the role of the states, we are considering things such as the sovereignty of the Malvinas Islands. We're thinking of Crimea. We are thinking of situations associated with world peace and security of the states.

These are the areas we have to take care of and where there is no neutrality. I understand that ICANN, when it talks about using ISO, considers its use in a neutral tool. The neutral tool in sovereignty is the U.N. There's no neutral organization as to state sovereignty.

Therefore, the message we would like to convey from the government of Argentina is the following: We are quite satisfied with the progress made up to the present time. We are quite satisfied with what happened after these world scenarios, and we believe that ICANN is moving forward in this process of internationalization. We don't want it to stop. We want the schedules to be complied with. The schedules, the deadlines, are pretty tight. We are beyond what we have agreed on, but there is a clear work plan, at least.

The community needs to understand that that deadline is there to be met, that there's not all the time in the world out there to do this because this is happening today in real life. We citizens of the world need a secure, interoperable, resilient Internet that secures security, sovereignty of the states, the possibility of a neutral position which we understand, and the addition of all relevant players.

In this sense, I believe that another positive effect is that in all countries we're working to build our own multiple stakeholder

systems. But let's not leave aside this. Let's not do away with this process. Let's not leave this to happen.

I know that you are making an enormous effort, and the government of Argentina, in the region of Latin America, and the sisters and brothers of Latin America will hold this before the organization [inaudible].

OLGA CAVALLI:

Dr. Berner, thank you very much. Do you have time for questions? We have some ten minutes for questions. We have a microphone that's a multi-stakeholder microphone. We just have one, unlike the world meeting.

Any questions? I see Sergio moving forward. Good, Sergio. Welcome, Sergio.

[SERGIO SALINAS PORTO]:

You can hear me well? Okay. Good afternoon. Thank you, Norberto, for the Malvinas presentation.

I have two concerns. This is to Norberto. The first thing is how can other organizations associated with Internet users participate or support this up-tick process from now on? I would be good for Argentinians to know that.

Second, to get deeper into something you talked about, the Dutch GS.fk and the Malvinas issue. I think there is something more complicated. ICANN determined somehow that Malvinas is an

independent state and it is not. Argentina considers it to be its national territory. The U.K. considers I'm sure that it's an occupied territory, but that's not an independent state, and ICANN should fix that sometime.

We asked four times to set up a committee to discuss this, involving all the stakeholders, discussing as to how the problem will be solved. Up to the present time, there has not been a solution. We hope that ICANN can now solve that issue. Thank you very much.

OLGA CAVALLI:

Thank you, Sergio. Sergio, you brought this issue forward in 2013.

SERGIO ABRAHAO:

Senegal, 2011. Costa Rica, 2012. Buenos Aires, 2013. At no time did the Board issue any feedback on that. That is complex because the public forum and the interventions we have and the documents we have delivered become just something to be destroyed. They have not responded to anything from the Ministry of Foreign Affairs. We have sent letters also to ISO to have the Malvinas/Falklands [nomination].

The U.K. is an authority in ISO, but now the Argentinians [inaudible] body used to be on our server, but now after a number of meetings, they can bring forward proposals to the list, but this processes are long and complex. But we have also made our contribution.

OLGA CAVALLI: But the Board said that they would do something about it, yes. Any other questions for our panel?

NORBERTO BERNER: I have a question. Very frankly, we advertised this. We brought a lot of publicity to this: the possibility of registering in the entity list was open, and it's still open. It was published in the [official] gazette.

Honestly, the registration process is completed, but agency [inaudible]. This needs to grow. It's renewed every two years. Therefore, I expect more registrations to the entity registry. There are 40-something agencies and organizations have been registered. More should be registered. The process will be more [inaudible] encompassing from the mere fact that there are people from the opposition. We are more than one making decisions, and the further [inaudible] will have a clear existence.

Come over, register yourselves, and let's discuss one of the most serious problems that we have and we continue to have, is associated to the representativity of the multiple stakeholders. If we look at the corporate purpose, 75% of civil society organizations in Argentina should be entitled to become a member of this organization [inaudible].

So this is not restrictive. On the contrary, this has been put together to exist for many years in CGI. Brazil started many years ago, and we started with [inaudible]. That was a broader experience. We got into the National Congress. The council is actually operating, and in the

multiple exchanges with time, there will be room for participation. CABASE is one. Even when they are not users and consumers, maybe any areas have included technical communities. It is a process and permanent development.

Even [one] formally, this round of registration has concluded. It's open for you to join us. It's good to discuss who is representative in each of the stages. So the [up-take] is open to all and every of the interested parties.

OLGA CAVALLI:

Thank you, Norberto. You're right. I got emotional with the Malvinas issue, and I forgot about the previous question. I would like to know whether there will be any system for those who are not involved in this [30-something] representatives considering a part of the society of academia or a company who'd like to bring forward some comment, some suggestion whether there would be any mechanism online to make this contribution or that would be cause for contributions or open meetings. Have you thought of this already?

NORBERTO BERNER:

The implementation of the Argentinian Digital Act implies a permanent interaction with everybody. Actually, we have done it, but it happens with telecoms as with Internet, such as ICANN is open and no one comes forward. We published this is the official gazette and nobody came.

The implementation of something so complex as telecom regulation implies more open processes or closed processes. In some instances of implementation, I'm sure there will be experiences of collective organization. But we continue to work. That does not belong to [inaudible] or this authority, and it was a conscious decision that was associated to securing a way to operate that very well-developed NIC process is Argentina.

So stakeholders have many possibilities of getting involved through the Federal Council and the Board. It's not a balanced approach. Universal service is something we will work with, and it has to do with infrastructure. A core thing of the organization and the Argentinian Digital Act is to do away with the digital gap and develop [inaudible] and that sort of thing that for Internet governance alone [inaudible]

When we discuss the [coast model] for instance, we are already calling all stakeholders to provide the Internet, and the Internet works in Argentina. We have a web page. It's called [inaudible]. AR. It used to be the CNC webpage. Follow us and you will see the news.

OLGA CAVALLI:

I believe that this is the end of the panel. I would like to thank Benedicto, Roberto, and Juan [Cruz] for having joined us and sharing such important news. We expect that these jurisdiction things [inaudible] safe haven. It's a difficult thing. There's some room and opportunity for feedback.

I would like to thank you all and wish you a good day. Thank you or having joined us.

[END OF TRANSCRIPTION]