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A NEW INTERNET ERA

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SYNTHESIS DOCUMENT SESSION

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>> Hello everyone. We will be beginning the synthesis document town hall session in a few minutes while we track down our second Moderator. So please take your seats. We will be beginning shortly.

>> MODERATOR: All right. If everyone could just take a seat and please feel free to take a seat at the table. Please feel free to take a seat at the table. We will beginning the synthesis document town hall session presently.

Okay. Welcome everyone to the Day Two synthesis document town hall session. Very, very happy to see a full room and see everyone sitting at the table. We were very encouraged from the very fruitful and robust discussion we had at the end of Day One. And we got some comments on the commenting platform. Thank you. Thank you again to the small volunteer group who met this afternoon and drafted some text around a particular paragraph on the right to be forgotten. I am sure there is other topics that people have. We have received 42 comments so far on the document which is a big improvement from last year. That's really encouraging.

One note I would like to make before I open up the mic people who made a contribution yesterday during the town hall session and did not put in the text on the commenting platform, the Secretariat has taken the lead to just put a placeholder of the topic that was mentioned -- the topic that was mentioned in the paragraph that was

indicated. So please people who did make a contribution yesterday, take a look at the commenting platform just to see if your contribution was captured correctly. And if you do have specific text around your topic or around your placeholder that you would like to add, please do put it on there.

So without further ado and I have introduced our two co-Moderators from yesterday. We have Ms. Maureen Hilyard and Ms. Jennifer Chung. I will turn it over to our Moderators.

>> MODERATOR: Just before we get going thank you everyone. It is -- wow, people are really pouring in here. It is really neat to see. Come around. You can go around there. We have got a couple of mics. Over here we are going to have some roving mics up front, too. Please if you have got anything to add to this document, put your hand up. We will give you a mic. Feel free.

Anyone would like -- is there anyone who would like to start? I'll give you a few minutes to think about it. No. One minute to think about it. Can you say your name and organisation?

>> GAYATRI KHANDHADAI: I was kind of hoping someone else would start. But I'm Gayatri Khandhadai. I work with the Association for Progressive Communication. And there was three paragraphs but I was not able to do it on the document. So I have left it in the comments. It is paragraphs 36, 37 and 39.

On 36 this is slightly different from the discussion we had yesterday which is why I think I wanted to highlight this. On 36, yeah. It is investigation and prosecution. Actually the issue with investigation and prosecution of matters of activities that happen online goes further than just legal assistance treaties. The problem there is that legislation on ICTs that are coming up quite rapidly across the region. There are offline legislations that are being applied to online spaces, but in addition there are also specialized legislation in the form of information and communication technology, whatever it is called in the different jurisdictions. My point is that MLAT is an important aspect, but I have offered two different kinds of text. I have used one which does not include MLATs and the other one that also includes MLATs. But all legislation and policies that seek to govern ICT spaces must meet international standards, whether it is Conventions or governance. Like the ICPR they must all come together.

The second point there was a discussion about the Budapest Convention, but I have a feeling we might have missed something because it is a regional convention for Europe. It is not a global convention. That's -- perhaps there was a suggestion about developing one at the regional level.

>> Hand up.

>> MARIE-LAURE LEMINEUR: Sorry. Just to point even if it is a regional convention it is open for concession to noncouncil member countries. Regional instrument with the possibility of other

countries joining. That's an important point. My name? Marie-Laure based in Bangkok. Thank you.

>> MODERATOR: Any others? Any more? Anything, any issues that came up in the discussion today? From yesterday one of the things that came up is that it is important to have in this synthesis document, especially issues that have been discussed and have come up in discussion. So anything I think that, you know, you feel you need to look at from your premiere discussions in the workshops.

Hmmm. Maybe behind me. From the youth IGF, anything you discussed specifically that you want to be included? We will have an early evening. Okay. You mean in the placeholders?

>> Yeah. (Off microphone).

>> Okay.

>> MODERATOR: So there was a suggestion from the floor from the issue that was brought up yesterday about placeholders, if nobody feels very strongly about keeping a certain placeholder that it might perhaps be a way of, you know, taking it out or making it more robust. So we could use this time right now because we are all here face to face to take a look at these placeholders and see if we do or do not want to keep it in this document. There are quite a few placeholders that are currently in Draft 1 that our drafting committee will have quite a lot of work ahead in this coming week to reconcile. Whoever is actually -- can we scroll back up to -- all the way up? Yes. Nope. Come back down. That's a little too far. Paragraph 25. Oh, 27. Stop. There you go. If we can click on to paragraph 26, actually -- that might not be the most up-to-date version. It is. If you click on that, we can see that I have included from the contribution from the audience from the previous day that there was two placeholders for new sections that may or may not be followed in to the current sections. The first one is intermediary liability. And the second one is capacity building. So if anybody in the room would like to speak a little bit about that or speak to whether keeping it or crafting more text around it now would be a very good time to have some discussion around that.

>> Yeah. Sorry. I just wanted to make a comment about 27. Is it really intended to keep that there because it is the theme of the conference? That should be the main heading over everything. So there is no need to duplicate it there. And a general comment just to clarify the readability of the text maybe you could standardize or explain the meaning of capitalized text, meaning of highlighted in yellow and the meaning of other forms of highlighting and presenting, whether they all have the same status. Just a third comment on capacity building, looking at the comment over on the right-hand side capacity building there is defined. So maybe you need a separate section for definitions without necessarily repeating all the definitions rolling through the text. Make it more of a sort of legal new type document where you have a section on definitions at the top

which apply right throughout the whole text.

>> I think that we should keep a placeholder for Manila principles because it is the latest document giving guidance to private sector that's participating in this multi-stakeholder process. And it is making headway in to becoming a soft international law because it is -- it has been decided by the UN Special Rapporteur on freedom of speech, it has been decided by the Human Rights Council report. And it has been cited in many submissions by Civil Society working on Internet freedom. I think that having one less Manila principles there and, you know, crafting a language will not be all that difficult. It can be done in a couple of minutes because we just want to say private sectors and Governments, Governments and private sectors should respect Manila principles. Some simple language should suffice. I am in favor of keeping a placeholder and putting in simple language like that.

>> Oh, yeah. I also agree.

>> I am drafting something that I will send out as a comment on this point.

>> I also agree to have a paragraph on the Internet intermediary services. It is important to refer to Manila principles. That's in the intermediary primarily. Just now we have a discussion on standup digital rights. There is more comprehensive recommendations. Not only about liability but also about their obligations, including social responsibilities. So I wonder whether you have more thinking about that but at the intermediary, yes, that's really the kernel for this Internet services.

>> Thank you for the comments. Referring to this joint report titled Stand Up for Your Rights: Recommendations for Responsible Technology which was just introduced to the IGF community at a session that just ended now. I really thank you for the compliment because I was one of the drafters of the research but because it is so new I respectfully -- I cannot withdraw something that I didn't propose. But I think it will be okay not to put that in to the synthesis document now because only the people who participated in the workshop have seen it. So it will take too much time to collect critical nest of consensus from the participants.

>> JENNIFER CHUNG: Hi. This is Jennifer Chung from the Secretariat. Just a very quick response to Winston about explaining a little bit about the text, what the highlight means, what the capital letters mean. As you see actually projected on the screen paragraph 26 is just really a note for people who know what the highlighted text in Draft 1 of this document, all of this text is actually taken from the APrIGF website derived from all the proposals, the workshop proposals that we received for this event. So all of the highlighted text you see is placeholder text. If we decide that this is actually good language we can keep it. If we decide we want to reword this language it is -- I mean the whole document is there for you to reword

as we can reflect more -- we can reflect better what was discussed actually in Taipei. So the capital letters it is just a note and the highlight is the placeholder text. And one more -- just one more quick comment from Gayatri about commenting on the document, the way to comment on this document is to click on each paragraph and put it in as a comment. As you see in the middle of the production screen you can see the numbers 0, 1, 03 and those are the number of comments on each paragraph. So if you have an issue or text suggestion or comment or question on a specific paragraph you are able to then click on and comment and give your input there. So handing it back to our Moderators.

>> MODERATOR: Am I missing something? Are there any other comments on anything?

>> Thank you. Looking at the various placeholders if we take, for example, No. 28 about connecting the next billion, we take 31, Human Rights, sustaining diversity there is clear links there between those and some suggesting that maybe they can be combined or they can be clusters of related topics. And so there is a clear stream then of the various topics. And the other question I have is that some topics, I mean the themes, for example, Human Rights there was a lot of coverage about particular issues that related to women's rights. And I know that has been added in the comments by the Secretariat, but because of the prevalence of those particular discussions here maybe there should be a little bit more than just the word women's rights or something like that.

>> Okay. Thank you. Yes. Yes.

>> Can we look at paragraph 36?

>> Yes. 36.

>> The paragraph puts in to question the current mutual legal assistance agreement system whereby any surveillance done within a physical territory should be approved by the Government that has jurisdiction over that territory. So if you are doing search -- if a search is taking place within Canada, you should be approved by the Canadian Government's judiciary. If search and seizure is taking place in Thailand, Thailand's judiciary should approve that. That's the system of MLAT. And the paragraph is basically asking whether the Manila process is cumbersome, but I think the cumbersomeness of MLAT is the gift that the Internet has given to -- the Internet has given to the human civilization. The Internet is a platform that allows people to choose different services through which they can communicate with one another. And depending on where the services -- servers are located, different rules of privacy, different rules of criminal procedure apply. So, for instance, if I'm communicating with my fellow Koreans within Korea if I'm -- if I want to put -- if I want to use communication -- if I want to communicate with my fellow Koreans within Korea safe from search and seizure or surveillance by the Korean government I can choose to communicate

through a service, service administered through a server located offshore, like in the U.S. And the MLAT process kind of a separate -- separates -- MLAT process makes sure if there is any surveillance done on my communication going through the U.S. server that surveillance is approved by a U.S. judge. I think this is a protection that all citizens of the world should enjoy. I oppose that paragraph because it only shows one side of the picture. Again I think the cumbersomeness of going through the MLAT process is actually benefitting, is protecting people's privacy. So yes.

>> There is a suggested text on that. Would you be -- would you look at that and see if that actually reflects your concern or if you can work with alternative text then you can comment on that, that could be one way. Because it doesn't hear the cumbersome, the sentence that says but the process is very cumbersome, has been deleted from that, from the alternative text that is being suggested.

>> I would be willing to do anything but -- I am willing to do anything to water down or delete a paragraph. But also have to be with a consent of whoever proposed the main text or the comments.

>> I'm one of the people who are commenting on that paragraph and I actually agree with KS Park, basically the idea of the comments that have been made just -- I'm sorry, I'm Arti from the Chinese network. Basically the comments that have been made, if you are scrolling down a bit, it is actually the protection of the person in question who got investigated and what it says actually like if they are actually different layers of protection in relevance jurisdiction, highest level of protection should be honored. Basically the same thing as KS Park proposed. Yep.

>> Yeah, I want to support KS's comment as well. Yeah. I'm Kelly from APNIC Korea. He is my boss. But --

(Laughter).

>> I just want to --

>> I told her to take the mic.

>> Actually I poked him to say something about this. So there is a -- there was a case on this issue on Facebook posting in Korea. So this guy, this guy posted pictures of a gun, and I don't know the exact comment but he was threatening to assassinate. And he said let's go to the Blue House. The Blue House is the White House of Korea. I don't know how serious he was, but the prosecution, the investigative authority considered it as against the President. They wanted to find the identity of the person. In theory they should go through this MLAT process which is very cumbersome and takes a long time. So instead they send an e-mail and warranting PDF, in PDF form and send an e-mail to Facebook headquarters requesting identification there of the person. And we were -- I don't know what the consequences of that request, but like the investigative authority police or the prosecution office was like complaining about how cumbersome this process is and why they cannot get identification of this person just

right away. Like the way it is in Korea when they deal with like Korean intermediaries is easy to get those information. They can make a request. But because, because Facebook is like a U.S. company or the servers in the U.S., they should -- they had to go through this -- I mean they had to go through this process but to bypass them and send an e-mail? So as to support KS's comment and agree with Arti it can be a protection than a cumbersome process that delays investigation or prosecution.

>> Okay. Yes.

>> So to make my proposal concrete, maybe we can remove the paragraph in the main document and replace with a synthesis of the two comments that are -- there are two comments, right? Arti and the one above by Gayantri. There is one more there. But the one below will be I think --

>> Yes, it is either/or. If you use the second one and the rest of the comments, yes.

>> Yes. In terms of synthesizing the final text I don't know who is going to do that. It has to be done by tomorrow, right?

>> Yes.

>> Okay.

>> Well --

>> Yes? No?

>> No. You can make a suggestion after tomorrow.

>> I will use the commenting platform.

>> Yes. Thank you. Okay.

>> MODERATOR: Thank you very much. Thank you very much. We only got a few more minutes left. It is a shortened time today which is unfortunate. But one of the things that we are really -- we are really keen for are more comments. And if you -- can you scroll right up to the top, sort of the whole of the questions?

>> Scroll up to paragraph 16, please.

>> MODERATOR: As you can see there is a series of questions and this basically sort of like underpins a lot of what we are actually trying to incorporate in to this document. So if you are sort of like looking for something to, you know, like -- if you are trying to find a topic or something, have a look and see if it sort of fits in to the questions that we actually have here because it really would help us put together something that's going to sort of like be valid and relevant to the -- to what it is that we are trying to achieve here and also remembering as we said leave a comment on paragraph 16 if you want to, you know, if it is actually on -- and then you can just -- for each person who puts in a comment you put your own name and put your comment and it keeps it safer from everyone else but it is on that particular topic. Please feel free to add.

>> Thank you. I would suggest to add capacity building like this topic in to the synthesis document. And actually in Hong Kong we have organized several like toolkits for the secondary and also University

students for the issues of Internet governance and especially in South Asia it is important for us to increase these kinds of work because in South -- in Asia where lack of these capacity building and I -- actually tomorrow we have another section for the successful practices for youth engagement. And I would suggest to add this. And then tomorrow after we have like discussion, further discussion on this, we will have more details on the contents. Thank you.

>> MODERATOR: We have four minutes left. Anyone with a burning desire to come to the mic?

(Laughter).

>> I think that -- may I suggest that some of you might have difficulty like me, I'm not a native speaker. There are several documents that you can work through like IGF stock taking document in IGF websites. There are a lot of places of concern. And you can develop a kind of idea from that stock taking. There is a paper that APrIGF also provides to the IGF. If you read and you can adjust the text because I know the difficulty like, for example, MLAT. If I read it I have to question to whom you like to communicate. I don't know whether you want to communicate to the Government or the country or -- because somebody needs to be working on Conventions. So to whom you like to address. So maybe you read the stock taking because that have been passed through the edit and working. Maybe ten pages. I can't remember. Do you remember how long it is? It is quite a lot of stock taking Articles that have been passed from the IGF. And then maybe you can construct the text easy for someone that like to participate. And you can read and think okay, this matches with what you like to communicate that can be the base of adjusting the text as well.

>> MODERATOR: Yeah. So we will point out where the document is that might be helpful for people. Anything else? I think we have two minutes by now.

>> Something absolutely burning that came up in today's sessions perhaps?

>> MODERATOR: Arti, thank you. Do we still keep that respect to cultural differences or remove or -- there is a question from yesterday actually.

>> Okay. I think there are a number of comments on that specific -- on 37. You are referring to 37 and there are several here. So I propose that the drafting Committee can look at this different comments because there are there from many different people and look at how we either -- because one of the suggestions is to replace this with something else. So we will look at that and then in the next version you will be able to see what we have done, but I think one of the suggestions there was to replace this 37.

>> MODERATOR: Going going...look, I know that -- it is a quarter passed. It is time to shut up the shop. But we do -- we would like you please, please put this document, please add a comment. Please

like I mean we -- have a look through those questions. There must have been something that was sort of like -- that really captured your attention that you think is really valid for Asia-Pacific that you would like -- you think it should be in there. Even if you are not sure that it should be in there but you do it anyway because it might give -- it will give us to select in to our document.

Just even mentioning, for example, the cultural differences comments, there is some interesting comments and among the eight there are two that says get rid of it. We need to hear that. We need to sort of like see how people are thinking.

>> WINSTON ROBERTS: Thanks, Maureen. Can I just make a procedural suggestion? When you go through the comments -- when you go through the synthesis document tomorrow in the town hall session make sure that nothing gets missed. Could I suggest modestly that you go through it plottingly step by step, paragraph by paragraph; paragraph 1, any comments yes or no. Paragraph 2, any comments, yes or no right through to the end and then go back and if necessary all over again. Just work through it paragraph number by number. Just to make sure that everyone has read every paragraph or at least had a split second in the room to focus on each paragraph, because if we sort of scroll up and down madly like this it seems to me there is a danger that some things might get accidentally left out. Overlooked. That's all.

>> JENNIFER CHUNG: Hello. This is Jennifer Chung from the Secretariat. Thank you, Winston, for your procedural suggestion. It is very unfortunate that tomorrow we won't be having a town hall session, but I do know going through paragraph by paragraph in a consecutive manner is a good way to make sure that something is not missed. We have remote participants who are not in the room with us. We do want their input as well. As I have mentioned yesterday and this feels like I am a stuck record, please, please do go on the comment platform. You can see the URL up there. It is [comment.rigf.asia](http://comment.rigf.asia). I know that a lot of people who did make a contribution at a town hall session today did agree to go back in and actually put in some text. Please do that. We will have our drafting committee go through every single part of your comments to make sure that everything is captured and people might have mentioned something, will go through the transcripts to make sure that gets captured.

The commenting platform will not be closed. So throughout the night, tomorrow it will still be open. We will close this after the event so we can synthesize the input from everyone. But then the draft that results from that, from the synthesis will be out for comment again early August. I think I mentioned it was August 5th. Don't quote me on that. But the actual timeline will be available on the website. We will post the proposed timeline. So you know, you still have opportunities to give your input and make yourself heard. I know in our region it might not be so easy to stand up to the mic and start

speaking when you are a little unsure about how to frame a certain concept that you really want in the document. But please go back, take a look on the website, put your comments in and hopefully at the closing Plenary tomorrow we will have a little more detail on what's going to happen next for the document. So with that I'll pass it back to the Moderators to close the session.

>> MODERATOR: I close this session. Go and --  
(Laughter).

>> MODERATOR: Go and have fun. Thank you very much.  
(Session concluded at 1820 p.m.)

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