

Messages from Geneva



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European Dialogue on Internet Governance
EuroDIG 2009

Messages from Geneva

Geneva, 14-15 September 2009

co-organised by

the Swiss Federal Office of Communications (OFCOM)
and the European Broadcasting Union (EBU),
supported by the Council of Europe (CoE),
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Information on EuroDIG

The Pan-European dialogue on Internet governance (EuroDIG) is an open platform for informal and inclusive discussion and exchange on public policy issues related to Internet Governance (IG) between stakeholders from all over Europe. It was created in 2008 by a number of key stakeholders representing various European stakeholder groups working in the field of IG. EuroDIG is a network which is open to all European stakeholders that are interested in contributing to an open and interactive discussion on IG issues. The stakeholders participating in the EuroDIG programme network comprise a considerable number of representatives from civil society, the business sector, the technical and academic community as well as European governments, institutions and organisations including the EU-presidency, the European Commission, the European Parliament, the Council of Europe and the European Broadcasting Union.¹ There was also important and substantial contributions to EuroDIG 2009 from other international organizations and certain representatives of non-European states, including the Secretariat of the IGF, Egypt (host country for IGF 2009), UNESCO and ITU.

The purpose of EuroDIG is twofold: first to help European stakeholders to exchange their views and best practices on the issues to be discussed at global IGF meetings and to identify common ground which is shared by all European stakeholders as well as highlighting the diversity of experience of the different European stakeholders; second to raise awareness in Europe and among European stakeholders about the relevance of the issues discussed in the IGF context and also to raise awareness of the value of the new multistakeholder discussion format developed by and around the IGF.

The second EuroDIG was held at the EBU Headquarters, Geneva, Switzerland, on 14-15 September 2009, and was attended by around 200 participants from all stakeholder groups and regions in Europe. It was co-organized by the Swiss Federal Office of Communications (OFCOM) and the European Broadcasting Union (EBU) with the support of the Council of Europe. The six workshops and four plenary sessions were organized by open networks of interested European stakeholders. More information on the sessions and its organizers can be found on www.eurodig.org.

Compared to the first EuroDIG of 2008, several steps had been taken for EuroDIG 2009 to enhance the participation of relevant stakeholders in the event: At the opening, a parliamentary roundtable was organized with representatives from the European Parliament, the Parliamentary Assembly of the Council of Europe and of national parliaments from EU member states and non EU member states. A number of youth representatives were invited to participate in the discussions.² An Internet Governance Capacity Building Programme was conducted prior to EuroDIG with a priority for stakeholders from Central and Southern European Countries. This programme included six months of teaching and research activities, participation of the best students at the EuroDIG event and a feedback loop through reports back to the programme.³ Remote participation was provided through a combination of a streaming within the EuroDIG web and the informal discussions and social reporting performed by participants through tweets, social network and wiki reports (including individual reports in several European languages⁴).

This document contains a number of messages heard from EuroDIG participants during the dialogue. These messages are not a negotiated text but are seen by EuroDIG organizers as the key messages from Europe into the global debate.

The participants at EuroDIG 2009 expressed their view that EuroDIG should continue to be the platform open to all European stakeholders for discussing public policy issues related to Internet governance and should be considered the future European IGF.

NB: The EuroDIG community would like to pay tribute to one of the prominent contributors to European dialogue on Internet governance, Francis Muguet, who passed away in the weeks following EuroDIG.

1. For more information see: www.eurodig.org: programme network

2. This was done through the European Youth Forum sponsored by the Council of Europe. For more information see: www.youthforum.org.

3. This was done through the DiploFoundation's European Capacity Development Programme in Internet Governance (ECDIG) sponsored by the Swiss government. For more information see: <http://www.diplomacy.edu/ig/display.asp?Topic=news-more/EuroDig>

4. Wiki presenting personal summaries, views and impressions of some participants is available at: <http://www.diplomacy.edu/ig/eurodig09>.

HUMAN RIGHTS and the rule of law were considered to be fundamental issues in Internet governance with attention given to how best to implement and consolidate existing human rights standards in this context. The public value of the Internet as an infrastructure on which citizens increasingly rely for their social, economic and political development was highlighted as well as governments' key responsibilities in guaranteeing their citizen's rights and freedoms online.

THE INTERNET and Internet services should be accessible to all and be stable and well-functioning. All regulation should be people-centred and use innovative approaches, taking into account the respective roles of all stakeholders.

MORE MEDIA EDUCATION to empower users was considered essential, and national government initiatives to increase media education need to be implemented. Here, it was stressed that the Council of Europe should take a leadership role.

EUROPEAN STAKEHOLDERS should also support stakeholders from the developing world in successfully facing the challenges brought about by the Internet and support their participating in its governance.

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Workshop 1: End user access to and choice in services

Workshop 1

Workshop focus: to explore the role of ISPs and governments with regard to Internet users' access to and choice of services; rights and freedoms of users as citizens and as consumers; what competition principles to underpin access to and use of content and services? The proposal to develop a (European) Internet users' rights charter.

"Network neutrality" was the central theme of discussions and was understood by many as users' access to and use and distribute of (legal) content, services and applications of their choice without discrimination. In this connection, the discussions underlined the following:

- It is crucial to provide fair and equal access to the Internet and the content that runs over it.
- As convergence translates into the rapid evolution of business models, it is important to ensure that quality content continues to be generated and distributed over the Internet, by both public and commercial

broadcasters, helping also to allay piracy concerns.

- Content is worthless to users if they are prevented from accessing it, with the right to receive and impart information and ideas underlined.
- The Norwegian Guidelines on Network Neutrality – Guidelines for Internet Neutrality were considered as a valuable source of reference.
- The importance of the EU legal framework for regulating telecoms services lays down (at the time of EuroDIG) which lays down basic principles, including transparency of access, non-discrimination and combating abuses of competition, and rules.
- Regulation/legislation should be introduced with caution. There was a preference for a multi-stakeholder approach in developing and agreeing on guidelines.

In looking ahead, the following proposals for follow-up were made:

- To establish a European Forum on Network Management in order to bring together ISPs, regulators, users and applications providers and other stakeholders in order to understand trends, implications for the market, network investment and innovation and technology as well as the end-user concerns, to exchange best practices and to commit to guidelines – the Council of Europe, the European Broadcasting Union and the European Commission were considered to be appropriate actors which could facilitate this.

For the Council of Europe to consider the relationship between an Internet which is open (i.e. to end-users' access to Internet content, services and applications) and respects fundamental human rights (i.e. freedom of expression, communication and information) and to prepare guidance where practicable and appropriate to do so.

Workshop 2: Personal and professional privacy

Workshop 2

Workshop focus: privacy protection, control over one's personal data; privacy as both a fundamental human right and an essential facilitator for a global economy; privacy as a business competitive advantage; standards for online privacy, profiling and targeting; collecting information about the activities and interests of users; privacy and human rights in the workplace: the problem of surveillance of employees and work councils; privacy enhancing technologies: minimisation on the collection of one's personal information; towards global data protection standards that are legally enforceable.

Need for a user-centric approach

A user-centric approach to privacy at the European and global level was underlined with general consensus regarding the need for users to be able to control of their privacy. In this connection, there were two situations in which the informed consent of the user is required:

- When the users click but have no idea what happens, who/where personal information is sent to, who is collecting this personal information, and if and how much personal information is being transferred to third parties (e.g. which and how many companies, entities or governments).

- When the users do not read and understand the terms of service (and even if they do understand) – do they have any real choice of services considering viable alternatives? Options should be provided that offer a realistic possibility that does not require an exchange of personal data for the desired service.

Furthermore, we are more and more constructed by world data collectors outside of our influence. We are not only leaving our information behind: our identity is actually being constructed by other players in the online world. The issue should be addressed that the environment is producing information about us, creating our identity without the participa-

tion and awareness of the data subject.

Need for user-centric legal regulation and next steps:

While online advertising plays a critically important role in the Internet and Web 2.0, the majority of users are not well-informed about the potential impact personal data collection will have on their daily lives. The advertising revenue model has not been addressed as yet adequately by policy makers.

Furthermore, increasing vertical consolidation between search engines and online advertising companies gives them unprecedented control over large personal information databases, and the issue between competition and privacy should be addressed.

The principles of privacy, data protection and self-determination should be included in the concept and design of applications and IT projects irrespective of whether

they are private or governmental, national or transnational processes. This also includes fostering open standards and open design.

Priority should be given to privacy of the body in Internet discourse both from a medical viewpoint as well as in the workplace, where RFID or other kinds of locators may be inserted into workplace ID or clothing, as well as medical apparatus.

Employees have a right to privacy at the (online) workplace; and their rights should be enforced. Basic rights such as freedom of speech and freedom of assembly should be strengthened in the information society. Online communications between employee associations (trade unions) and employees should be facilitated and free from monitoring.

A noteworthy best practice for many European countries would be that any introduction of technology that can serve to monitor

workers must be co-determined by workers' representatives.

Access to online services should be possible in an anonymous way.

Data retention should be considered as a threat to privacy and to basic human rights such as freedom of expression, freedom of press and freedom of association.

Countries are encouraged to adopt and enforce data protection laws covering all sectors, both online and offline, based on international privacy standards that are built on the rule of law, supportive of democratic institutions, and safeguard human rights such as Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data and the 108 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

Workshop 3: The Internet – critical to our lives: are we sure it's reliable?

Workshop 3

Workshop focus: The Internet is a critical resource, but what does that mean? Is it managed as such? Are the current arrangements sufficient? And what are the major challenges to the future stability of the network? What are the roles of the different stakeholders? How are operational decisions made and coordinated (and funded)? What is the influence of national requirements? How does national work take into account wider international circumstances (bearing in mind that one country's network can impact another's)? If the Internet is considered as critical information infrastructure, what does that mean for our decisions and co-operation in reaching the decisions?

There was some consensus about the Internet being "always availa-

ble". The reliability of (dependency on) the Internet was considered to be very important. Consequently, this requires better preparation for crises, in particular by conducting national and international exercises.

Notwithstanding the technical and economic requirements for connecting the billions of people who are not yet connected, the importance of education and awareness raising and also the ease of use technologies and user interfaces was underlined in order to make the Internet a true commodity for all.

With the evolution of the Internet, national and international collaboration and co-ordination between actors needs to deve-

lop simultaneously. In this connection, it was suggested that co-regulation should supplement self-regulation measures. The reference to the "reliability" of the Internet was understood by many as including the integrity of, and confidentiality and safety for, users. Attention and focus on this aspect of "reliability" was raised.

Workshop 4: Cybercrime and cyber security: Private-Public Partnerships

Workshop 4

Workshop focus: Responsibilities of providers/operators. Ownership of works/content on social networking sites? Intellectual property, digital rights management. Digital identity. Storage of personal data. Are there user friendly business models? Respect for privacy as a business advantage? Dealing with identity theft, identity fraud, and information leakage. Dignity, security and privacy of children. Controlling one's own data and data retention. Default privacy settings. How to delete profiles? The ethical dimensions of social networks. The use of social networking sites for political mobilisation.

What are the current issues in cyber security and cybercrime? How to build effective public-private partnerships to meet new and emerging threats? How do we increase robustness while, at the same time, limiting the impact of stress on IT infrastructure, services and users? What has to be done on global, what on regional and national level? How can we assure that privacy and freedom of expression are respected while security is enhanced at the same time?

There was reference to the prevention of crime with regard to child protection which, for example in the UK, is carried out by the blocking of child abuse (and other illegal content) sites and by protecting "innocent sites". In the UK, the effectiveness of blocking schemes varies and blocking is performed by the industry against a list notification and is open to judicial challenge. There was general consensus that child abuse should be blocked. There was much less consensus on the blocking of other content which could require a different approach.

Audience participation highlighted an array of other issues which they believed to be priorities for action and/or intervention which included phishing, hotlines, malware, botnets and criminal money on the Internet.

The moderator commented on the "Internet Community" being quick to identify issues of crime and nuisance behaviour on the Internet (bullying, libel, interference with freedom of speech, identity theft, fraud and issues that undermine public confidence) in order to seek consensus on appropriate and proportionate responses. At the same time, he added, it is somewhat understandable that parliamentarians and governments feel pressured to legislate in response to public concern.

Online activities which are illegal offline might require a different response (even though that which is illegal offline is generally illegal online). The principle of proportionality in responding was raised. It was mentioned that laws rarely prevent what they forbid and, as a result, the private sector and users prefer to "design out crime".

There was general agreement that strategies to fight cybercrime were needed and that they should be consistent with democratic principles, respect for the right to life and the rule of law.

The issue of data protection vs. authentication used to enhance security was addressed with particular reference to the threats to privacy and personal data and the threats to democracy and fundamental rights. At the same time, cybercrime was considered to be a major threat, and the anonymity of criminals and the lack of traceability of cyber attacks were highlighted as key problems. Authentication policies were considered to be inevitable. In response, in order to avoid such policies from undermining privacy and the protection of personal data it was proposed:

- Measures to fight cybercrime should be taken on the basis of existing treaties, in particular the Conventions on Cybercrime and on the Protection of

Children against sexual exploitation and sexual abuse.

- Global trusted privacy and data protection policies and systems should be established, for example on the basis of the 108 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.
- Trusted authentication systems should be put in place with privacy guarantees.

The theme of "new technology – new threats?" was discussed with reference to the potential impact of new technologies such as cloud computing, IPv6, DNS SEC, Web 3.0 on issues of cybercrime and cyber security including their capacity to provide potential solutions.

In the concluding session, there was reflection on the lessons learned regarding legislation and crime prevention in the offline world, in particular it was suggested:

- There was a need to be creative in framing appropriate and proportionate responses,
- The best approaches often started by involving users and those who understand the environment and/or the technology relevant to the problem, and
- The need to start by understanding the problem and sharing perspectives with all stakeholders.

It was stressed that interventions and legislation do not always follow these suggestions and that there is a need to develop a new model of "co-operative regulation" (stakeholder regulation). Further, it was stated that there should not be an assumption that an approach that worked in one context (e.g. blocking of child abuse sites) would work in another context. Consequently, proper analysis and research was underlined in order to show whether interventions had suc-

cessfully dealt with the problems they were intended to address. Agreed principles (e.g. those ema-

nating from Council of Europe Conventions) were encouraged wherever possible rather than

developing new or narrower legislative approaches.

Workshop 5: Effective media literacy for the end-user

Workshop 5

Workshop focus: Citizenship; competences; consumerism; media coaching; user aggregation; serious games; identity construction; human rights respect and implementation; online resources; open educational resources; cross-cultural education and communication; cultural diversity; towards a European media literacy model; governance of media education; mapping of media education policies; dynamic coalition on media governance.

There was considerable focus on identifying media education initiatives in Europe and considering whether they are efficient and how they are evaluated. There was also reflection on what can be done next to render these and future initiatives more effective.

Discussions revealed gaps in media education, namely gaps in participation, transparency, socialisation and ethics.

The need for new information e-skills was underlined, in particular the importance of play (for problem solving e.g. serious games), of performance as a way of constructing identity, of simulation, of multi-tasking, of transmedia navigation, of (social) networking, and of negotiation. These should be added to the more comprehensive competences around the Six C's: Comprehension, Critical thinking, Creativity, Consumption, Citizenship and Cross-Cultural Communication.

In this connection, three main questions were raised:

- Are schools the most effective environments to teach and learn media education or are they obsolete?

The *tour de table*, which showed many examples of good practices, demonstrated that the early training of teachers is key. Such training still remains behind in many countries, especially as teachers continue being trained in traditional disciplines whereas media education competences tend to be transversal.

- What informal ways forward for media education, and are they effective?

Informal ways to promote media education were also supported by many examples, in the private sector, in the public media sector, etc. They tend to focus on lifelong training of professionals and to be carried on in a variety of ways, including long distance training and e-learning strategies.

- Can standards for media education help and therefore what is media education for Europe?

The issue of standards that would work across Europe was also very fruitful as the participants all acknowledged the idea that media education could be a way to build citizenship across Europe. The participants gave examples of policy frameworks that could be adapted to national situations as well as examples of tools like the Council of Europe Internet handbook that have transnational and transborder empowering validity.

Among the suggestions that participants were ready to take home with them, the most salient for efficiency were:

- more focus on teacher training at all levels of the curriculum; more efforts to provide alternatives to silo disciplinary

studies, and to mirror the training of teachers with the expected outcomes of students;

- more synergies between informal sector and formal sector to change scales and to facilitate access to highly developed tools; the divide between the two sectors should be bridged via multi-partner initiatives;
- move toward a European literacy model that would promote human rights for an open and public education ready to meet the challenges of the "Information Society". Ensure that the e-competences develop cross-cultural communication and European Citizenship;

During the final *tour de table*, the participants summarised their feelings about media education using keywords that all emphasise a facet of the issues, namely:

- Life long learning
- Digital competence
- Flexibility
- Engagement
- Confidence
- Involvement
- in partnerships
- Multistakeholderism
- Empowerment
- Equality of opportunities
- Networking the literacies / transmedia / transliteracy
- Social networks, social media
- European literacy model
- Open source
- Media cultures
- Professional standards
- Standard settings

Workshop 6: The Internet of 2020: Future services – future challenges

Workshop 6

Workshop focus: Services in 2020; challenges to existing non-telecom regulation such as copyright, cross-border issues and other kind of non-harmonisation of regulation and legislation, including data protection, privacy and other public policy aspects; RFID – Internet of things, cloud computing.

The future is uncertain. Many ideas have been and can be discussed, but actually we do not know how the Internet looks like even in 2010. However, it is certain that it will change and many aspects of it are going to be different with new views on services including public services, access, copyright, and on the spread of future IT policies.

The discussions crystallised around the following topics:

- From a technological point of view, we see an increase in “things communicating with things” (not only “humans with services”) and, therefore, communications networks will become more dense. There is also a confusion that the “Internet of Things” is the same as RFID enabled technologies. The “Internet of Things” is much more than RFID.
- From a business perspective, emphasis was put on how can innovation can be promoted (with new regulatory incentives, new copyright regimes, new competition law provisions) and, in addition, the desire to work out better guidelines for future policy makers.
- The European Commission is aware of the forthcoming challenges and has issued several documents: ICT Policy Agenda 2015, Green Knowledge Society (14 September 2009), Communication (Action Plan) on the Internet of Things (June 18, 2009), and Recommendation on RFID (May 12, 2009). It was stressed that

these documents merit attention notwithstanding any doubts about their ability to address all the needs of the incoming information society including the Internet in 2020.

- Trust and awareness in the Internet of 2020 was underlined, in particular with regard to copyright regimes and privacy/data protection. As regards copyright, it was mentioned that the younger generation does not believe in the regulatory regime anymore. Further, it was questionable whether a regime could survive if it is not accepted in society (social consciousness). In contrast, it was stressed that some copyright protection is unavoidable, and that the system of collective licensing may well prove to be the most suitable. It was stressed that there is a need to continue discussing the issue of copyright taking into account open access requirements.
- As regards privacy and data protection, there were a range of questions posed such as who owns my online profile and who may collect this data? It was noted that developments regarding the Internet of Things are likely to raise further concerns about data security, data integrity and data control. The European Union approach refers to privately established frameworks which have to be submitted for review in accordance with Article 29 of the EU Data Protection Directive. Apart from this regional approach, it was considered desirable to have an international framework which improves the data protection regime.
- As regards RFIDs, it was recommended that privacy and data protection impact assessments (PIAs) should be developed by operators following

an RFID PIA framework drafted by industry in collaboration with stakeholders that is ultimately endorsed by Article 29.

- Public service media were considered to be a special concern. Some considered it likely that public service media will lose market share in distribution and, consequently, will need to adapt their activities to make content available. The demand, wherever it may be requested, for national and regional content was considered likely to increase and might therefore require changes in the traditional management methods of public services, including the licensing of rights to distribution mentioned above. Furthermore, social networks are likely to increase the potential participation in/of public service media leading to more blurring of radio and television.

Social networks will likely gain in importance. Facebook-style networks may develop towards virtual “facerooms” where “friends meet and spend time together” thereby adding pressure on legislation and rules to become more technology-neutral and modern. Twitter-like services could become more prominent. Peer-filtering and peer-reviewing could become more important. A stable legal framework which addresses human rights, such as the right to privacy, should be implemented especially in order to avoid or reduce the risk of civil society losing confidence in new technological possibilities. Overall, major efforts are necessary to address the Internet issues in 2020 which are not only IT Policy changes. That said, IT policies need to be redefined and only a multi-stakeholder approach which encompasses the ideas of all concerned parties would lead to adequate results which optimises the Internet 2020 environment.

Plenary 1: Access to content online: regulation, business models, quality and freedom of expression

Plenary 1

Plenary focus: The questions can be grouped into 4 clusters:

How does user generated content influence the diversity and quality of information and content?

How will future business models for quality information/content look like?

What role for public service information/content/media in the online environment?

How should media and online content regulation develop in order to serve users' demands?

From a user perspective, what online information/content will have to be paid for in the future and what will be free?

A basic principle that was agreed on was that users should be able to access, use and distribute the content, services and applications of their choice, with the various 'gatekeepers' in the ICT value chain respectful of their responsibilities in this regard (and taking into account technical and legal constraints). This was desirable from both a socio-economic perspective but also crucially in line with (Article 10 of) the European Convention on Human Rights, in particular the freedom to access and impart information and knowledge, the freedom of expression and communication. The question of how to ensure that quality content continues to be made available both on- and offline, with the removal of barriers

to its diffusion, was raised. This included discussions on the rapidly evolving nature and benefits of user created content, the role of public service media and public funding, and the importance of fostering legal business models for the wide diffusion of content also from the perspective of offering an alternative to online piracy.

It was concluded that specific follow-up action was needed, namely:

Under the auspices of the Council of Europe, a multi-stakeholder, co-operative working group should be initiated to work towards preparing guidance on protecting and fostering unrestricted user access to online content, applications and services, taking into consideration:

- applicability of fundamental rights to the open Internet,
- public value,
- reliability and accountability of the information and of the sources,
- meaningful transparency and consumer choice,
- competition,
- due process,
- innovation imperatives,
- illegal content,
- technical realities such as traffic congestion,
- socio-economic benefits.

2. The barriers to user access should be considered across all layers of the ICT value chain, from infrastructure to applications layers. This process should start and seek to establish an understanding among relevant stakeholders (ISPs, applications and content providers, users/civil society, legislators, regulators and governments) as a matter of urgency. Work feeding into this process should include Norway's Guidelines on Network Neutrality: <http://www.npt.no/iKnowBase/Content/109604/Guidelines%20for%20network%20neutrality.pdf>) and the Internet Rights and Principles Coalition: <http://www.internetrightsandprinciples.org>.

3. The EBU and related stakeholders should continue to work around quality content: what it means; how to produce it; the role and potential of user created content; how to diffuse (quality) content as widely as possible, in particular by removing barriers which could include re-examining licensing and copyright obstacles.

4. The digital divide and disability dimension of the issues should also be recognised in the discussion, and relevant links with related IGF work be made, such as the APC-produced Global Information Society report on Access to Content.

Plenary 2: Online social media – governance issues from a user perspective

The discussions focused on identifying who (i.e. a typical Internet user) is being governed and in understanding why and how users behave in online social media/networks, noting that there are approximately 41.7 million users registered in online social networks. Moreover, there question was asked who, if anyone,

should be concerned with their governance? The interactive and creative opportunities for users on these platforms was underlined, as was the need to better understand users' needs, desires and responsibilities.

Concern was raised regarding what is public and what is private on social networks. For many,

there is the perception of the Internet as a public space. This uncertainty led one participant to share her experience, in particular her problems, in trying to remove herself (delete her profile) from a well-known social networking site.

It was acknowledged that there are, generally speaking, certain

Plenary 2

Plenary focus: Freedom of expression with regard to the user's image, identity and intimacy, as well as their right to reply and other means of redress. Privacy issues: the implications of "profiling". Right to anonymity for users on social networks? What do users expect from providers and from governments? What rules for online social media? How will they develop their own internal rules? How do we manage diverse nationally applicable laws?

(privacy) issues which require attention and necessitate the user to be careful. It was stressed that these networks are a choice and offer both public and private spaces.

The social phenomena of these spaces was discussed. The management of users' intimacy and the feeling of community and of safety in these spaces was stressed. For some, the addictiveness of being in a virtual circle of friends is often too great for young people who, as a result, willingly cede their rights (to privacy) in exchange for expression and inclusion.

Media literacy was underlined as an important – but not the only – response in addressing the concerns about online social media/networks, with particular reference:

- the consequences of communicating and sharing in (semi-) public spaces for other users (e.g. when 'tagging' friends), in particular with regard to privacy and data protection
- the business models driving these (free) services which encourages freedom of expression with, arguably, inadequate

regard to the user's rights and freedoms

- 'learning by doing' literacy is not enough, there is a need for more concerted efforts to improve formal and non-formal education (e.g. making young people aware of and evaluate their skills), their civic engagement (citizenship) and participation in public life
- understanding the terms and conditions of services (e.g. deleting profiles, ownership of uploaded content, data retention) and, in this connection, the legal issues concerning their use
- learning how to deal with and mediate the use of Internet in the home and at school
- understanding the gap between what users, in particular young people, do and what they understand.

The responsibilities of Internet actors in their provision of services and technologies was discussed, in particular with regard to the relationship between the provider and user. The business models behind these free services were highlighted, in particular with regard to the varying levels of self-regulatory privacy policies that these companies offer. The importance of quality content and services, and in building trust between providers and users was also stressed.

There was considerable focus on the terms and conditions offered by social network providers, in particular:

- it was suggested that services offered for free often spurred companies into drafting 'catch all' terms and conditions of service in order to maximise

their control and flexibility to make profit

- many complaints about these services occurred because the terms and conditions of service were unclear thereby necessitating greater efforts to make them more clear, simple and transparent
- the option for users to remove and delete all traces of their profile i.e. the right for the Internet to forget
- the need to examine the enforceability of legal rights and responsibilities of providers and users with particular regard to European and international standards (e.g. data protection)
- the proportionality of sanctions (e.g. cutting access to some or all services) from a human rights perspective, in particular the right to freedom of expression according to Article 10 of the European Convention on Human Rights, was pointed out with reference to the uncertainty and foreseeability of terms and conditions and the dominant position that certain social network providers have.

In addressing many of the above-mentioned issues, there was discussion on internal governance frameworks by/for online social media/networks as a means of promoting their transparency. Moreover, better and more systematic feedback services for users were proposed. The need for dominant social networking sites to engage in Internet governance discussions was also considered to be an important step in engaging with their users, their peers and other stakeholders.

Plenary 3: The post-JPA phase: towards a future Internet governance model

The key aim identified in the EuroDIG discussions was that the model of Internet governance should enhance the stability, reliability,

resilience and security of the functioning of the Internet. There was consensus that any future Internet Governance model

should build on the existing framework as set up in and around ICANN. It was noted by many participants that the ICANN

Plenary 3

Plenary focus: NTIA-RFC. European recommendation to US DoC about future of ICANN and IANA. What is meant by multistakeholder governance of the Internet? What are the respective roles of the different stakeholders? Is the business sector able to take fully responsibility of the well-functioning of the Internet? What would be an appropriate form of regulation for the management of the critical Internet resources? On what fundamental values and principles should this be based? Is there a "European common view" on this?

Note: this discussion was before the announcement of the Affirmation of Commitment, which addresses many of the issues identified by EuroDIG.

model had broadly proved to be a successful bottom-up experiment in multi-stakeholder governance with private sector leadership.

There was also broad consensus that transparency and accountability were fundamental to any Internet governance structure. It was noted that ICANN had made significant progress in terms of transparency in its policy development and consultation processes and in the provision of ready access to information through its website. It was also noted by several participants that ICANN was at least equally, if not more, transparent than many international and intergovernmental organisations. However, participants warned that providing large quantities of information and documentation did not necessarily enhance transparency. Rather in certain circumstances, it might well lead to the overburdening of stakeholders who had limited resources to be able to identify information relevant to their interests.

With regard to accountability, it was noted by many participants that ICANN's corporate and legal accountability was well developed compared to other international organisations. In the fields of public sphere and participating community accountability, some participants noted the achievements have been less convincing. It was also noted that, given its function of managing a resource of a global public interest, ICANN should be accountable to the global Internet community, not just to special interest groups. Many participants were of the view that civil society participation in ICANN was not yet sufficient. The discussions in EuroDIG concluded that structures for civil society participation should be further developed and that there should be more support for more diverse and better organised civil society representation within ICANN. ICANN's current proposals to improve institutional confidence, including creation of a review mechanism for decisions taken by the ICANN Board, were broadly welcomed.

With regard to the question of whether there should be some oversight of the functioning of ICANN, there was consensus that this should not be a role for a single government or a small group of countries. Rather it was agreed that any future oversight structure should be internationally representative of the global Internet community. Some advocated that the Internet Governance Forum (the IGF) as a multistakeholder platform at the global level could have a role in a future oversight mechanism. However, questions were raised in the EuroDIG discussions as to how such a link to the IGF would work in practice.

Furthermore, there was consensus that ICANN's Governmental Advisory Committee (the GAC) should be strengthened and that the role and competence of governments within the ICANN model needed to be more clearly defined. Participants agreed that the key roles for governments were to defend the public interest, to protect fundamental human rights (which applied equally on the Internet) and to ensure that international law was respected. Whether the advisory function, within ICANN, for governments was sufficient in order to exercise this role was questioned by some participant. It was further proposed that ICANN could consider the setting-up of an external advisory body for human rights and international law.

Participants also agreed that public policy with regard to country code top level domains (ccTLDs) should remain within the sovereign rights of states and be established locally rather than by ICANN, unless it could be shown that a policy issue had a global impact and needed to be resolved within an international framework.

With the expiry of ICANN's Joint Project Agreement with the US Department of Commerce (the JPA) on 30 September 2009, there was consensus that this should not be considered as the end of the development of the Internet governance model but rather as the beginning of a new period and a new process for widening the framework of accountability within which ICANN would carry out its role. A key question for the participants was how this process and the future discussions should be structured.

Plenary 4: Arrangements for a European IGF and future EuroDIG events

There was full support for the creation of a pan-European platform to discuss Internet governance.

The European movement for such regional dialogue, including the engagement of European enti-

ties, organisations and delegates, had significantly grown and evolved since 2008.

Plenary 4

Plenary focus: Is there a need/desire for a European IGF? What should be its mandate and objectives? If so, how should such a regional forum work? How should it link to national, global and other regional Internet governance initiatives? How could it help to improved e-participation in Internet governance?

Information and experiences were shared about existing national IGF and IGF-like structures, namely France, Italy, Portugal, Spain and United Kingdom, and about others that were being planned (i.e. Denmark, Finland, Sweden, Switzerland) including those from Central and South Eastern European countries (i.e. Bulgaria, Georgia, Romania, Serbia, Ukraine). Certain participants from outside Europe stressed the importance of the establishment of a European IGF as a way to enhance European presence and credibility at the global level through the IGF. Better European cooperation with other regions of the world was also called for.

The objectives of a European dialogue platform should not only be for information exchange but also for the sharing of best practice, experience creation and expansion of knowledge, helping European stakeholders to be better informed in their decision making,

developing and facilitating multi-stakeholder action, tracking national, regional and global progress in the use of ICTs, and enabling Europe to have a stronger voice at the global level through the IGF. There was consensus that a European IGF should help to influence the UN processes of deciding on the renewal of the IGF mandate in 2010 taking into account the influence of ICANN and its post JPA phase.

It was stated that the objective should not be for Europe to have only one voice but to identify common ground which is shared by all and spread through several voices which convey the same messages. This was pointed out to be one of the main strengths of Europe within this global process.

Discussion on the *modus operandi* of future EuroDIG – European IGF events highlighted:

- EuroDIG – the European IGF should operate as a platform network for national IGFs which allows for balanced multi-stakeholder participation (ensuring industry/private sector, youth and parliamentary participation) supported by a light organisational structure with a flat organisational hierarchy and a small permanent centralised secretariat. The participants welcomed both

the Council of Europe's offer to provide secretariat support and the offer of assistance from OFCOM Switzerland to EuroDIG. The support of other European countries and institutions/organisations, such as the European Parliament, was also underlined, in particular as a follow-up to and outcome of the EuroDIG. The incoming Spanish Presidency of the European Union offered the possibility to take advantage of their semester to boost and to support the launch and the first EuroDIG – European IGF, allowing for a proper preparation of the 5th UN IGF that will take place in autumn 2010.

EuroDIG – the European IGF could usefully follow the rhythm of the IGF and its devolved structures and consultations such as the dynamic coalitions and IGF consultation meetings. For 2010, bearing in mind the planning of the 2010 IGF in Lithuania, the ICANN meetings on 7-12 March in Nairobi and on 20-25 June in Brussels, and the ITU Plenipotentiary Conference on 4-22 October in Veracruz (Mexico), it was deemed most appropriate for the EuroDIG-European IGF to be convened in late May or early/mid-June 2010.

Audience takeaways, conclusions and next steps

Participation and inclusiveness

Participants were very satisfied that participants from all over geographical Europe attended the event, although some thought that it would be good to further increase the number of participants from Eastern Europe in the future.

The participants noted that representatives from all major stakeholder groups, i.e. civil society, governments, youth, academia, industry, media, parliamentari-

ans, intergovernmental and international organisations, were present at the event. There was a consensus in the room, that the participation of all stakeholders, especially from the business sector, should be further enhanced in the future.

In particular the participation of youth representatives and of parliamentarians was considered to be positive and it was noted that more youth and more members of national parliaments and of the European Parliament should be included in the future.

Lively social reporting and remote discussions via online tools (particularly twitter and social networks) expressed the capacity and the need for the enhanced and officially organised remote participation approach and tools in future.

Overall, it was considered important to increase the variety of profiles of participants (for example those representatives of persons with disabilities), further develop professional capacities of stakeholders and to continue ensure multi-lingualism.

Organisation and format

Participants welcomed the positive spirit of openness and interactivity of the discussions at EuroDIG, involving the whole audience in the discussions.

Participants underlined the high quality of contributions and discussions and underlined the need to continue EuroDIG – European IGF meetings that would allow Europe to identify European common ground and European best practices and better feed in the

European experience in the global Internet governance meetings.

Future EuroDIG – European IGF meetings should continue to be inclusive and open to all interested European stakeholders. They should build on the modalities and networks created through EuroDIG and should continue to be organised relying on an open-ended and light organisational structure with a flat hierarchy.

In order to provide for sustainability of the dialogue, participants

were in favour of having a small permanent secretariat. To this end, the participants welcome the Council of Europe proposal to provide this secretariat and the assistance offered by others.

Future EuroDIG – European IGF events should remain inclusive, open-ended, representative and transparent. The development of national IGF and IGF-like structures and their linking to the regional and global level should also be supported.



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