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 Emerging Issues - Impact of Social Networks
 Wednesday, 18 November 2009
 IGF Meeting
 Sharm El Sheikh, Egypt


 >>MR. TAREK el SAADANI: Okay, guys.  We'll start in a minute, so please have your seats.
 Okay.  We're going to start the session.  Good afternoon, ladies and gentlemen.
 It's our pleasure to have you here in Sharm El Sheikh and welcome to this last session before closing.
 This session is entitled "Emerging Issues:  Impact of social networks."
 So this -- here cochairing with me -- my name is Tarek el Saadani.  I'm the senior minister.  And here cochairing with me is His Excellency, Mr. Samuel Poghisio, the Minister of Information and Communications, Republic of Kenya.  I have on my right the moderator for this session, Mr. Simon Davies, founder and director of Privacy International.
 We have an esteemed panel here.  The following are the panelists:  Mr. Sunil Abraham, the Director of Policy, Center for Internet and Society, Bangalore; Ms. Rachel O'Connell, Chief Security Officer, BEBO; Ms. Grace Bomu, manager, actor, and policy advocate, Kenya and -- Kenya-Heartstrings Kenya and Fanartics Theater Company, Kenya; Ms. Rebecca MacKinnon, Open Society Institute Fellow, global, Network Initiative founding member, Hong Kong; Mr. SÈrgio Suiama, prosecutor for the state of S„o Paulo, Brazil.  Welcome to the co-chair and the esteemed panelists here and I'm going to pass it first to His Excellency, Mr. Samuel Poghisio, to give an opening speech.
 Towards the end, I'll close down with a couple of minutes closing remarks, and we'll finish then.
 So by the way, our session has been cut so we have to finish this session for the closing remarks by five to 6:00.  Thank you very much.  Mr. Poghisio.
 >>H.E. SAMUEL POGHISIO:  Thank you very much, Dr. Tarek, and I want to thank the panelists and also our moderator.  This is a session that is important to all of us.  It's about social networks, you know, the user-generated content sites, micro-blogging, our collaboration tools, and so on.
 It is fast gaining currency as a way to network with people of similar interests.  In Kenya, we have developed one where our ministry is allowing for exchange of ideas with everybody in the industry.  It's called Kenya ICT Action Network, so KICTANet.  It helps with the meetings of minds and group participations.  This helps us to foster a formal learning.  But with every new development and technology, as you know, we have innate challenges that might require that we look seriously at the way we've done policy and even with legislation.  And I think that your moment to discuss these things and to help us with the way forward with the social networks which are fast gaining currency, almost overtaking our traditional way of doing Internet.
 So with these few remarks, I'd like for us to ask ourselves if it is -- our terms of service of our large platforms are going to be challenged and how developed and their relationship with emerging business models based on behavioral analysis, and here with us, of course, who are people who are going to handle this matter and I leave it then to our moderator to take up this, Mr. Simon Davies, knowing for sure that our time is fast spent and that I'm going to

look at -- very seriously about time, and I think that you can take over from here.  Thank you very much, as we begin.

 >>SIMON DAVIES:  Thank you, minister.  And excellencies, ladies and gentlemen, and Twitter fanatics, I know there's quite a few of you out there.

 Our role today in this panel is to look to the future, and our mentors at the U.N. and at IGF have urged me to motivate, as much as possible, an imagining of the future.

 And while our role, as we can see on the program, is to look at social networks and social spaces such as micro-blogging and Web 2, as we move through to the next -- looking at the next 12 months and next IGF, what are the issues that we're likely to confront.

 So our two goals, if I can suggest a focus, is:  What have we brought out of this last few days that tells us something about the way the future will go?  Particularly in terms of social interaction.

 And second, imagine that future.  And please be brave.  No one is going to laugh at you, because nobody is an expert at the future, and I think this is a time to let our thoughts lion free.

 In the next 12 months, we can synthesize those and manage those and try and get some sort of order out of them.  For now, we have an opportunity.

 As the honorable minister said, we have a distinguished panel.  What I'd like to do first is to take a look at the darker side, if you like, of what is emerging, and some of the threats and some of the consequences of the sort of social interaction that has been happening in the Web 2 space.

 So if I could ask SÈrgio from Brazil to kick off and tell us about a very significant case which has occurred there, and obviously all our speakers are very short on time, so we can have some interaction with you.  SÈrgio.

 >>SERGIO SIUAMA:  Okay.  Hello?  Can you -- can you see the presentation?  Yeah?  I need -- can someone put the slides on the screen, please?  The PowerPoint presentation, please?

 Good afternoon, ladies and gentlemen.  I'd like to thank you, the IGF organization, for the invitation.  It's an honor for me representing here the federal attorney's office, as well the whole -- my country, Brazil.

 I'm going to present a specific case involving a social -- a very popular networking service in Brazil, Google's Orkut.

 Can -- is it okay now?  Yeah.

 Well, more than a network of computers, the Internet is a network of people connected through computers.

 The extraordinary growth of social networking services in the world is the most visible evidence of this truism.  Nowadays, social networks are the fourth most popular online activity, ahead of personal e-mail.

 Almost 70% of the Internet population in the world, and 80% of the Brazilian Internet users, actively interact through social networking sites such as Facebook, MySpace, Twitter, and BEBO.  In Brazil as well in India and Pakistan, the most popular social networking service is Google's Orkut.  More than 30% of Brazilian users access regularly Orkut and about 25% of them are children and teenagers.

 I will now briefly point out some data in order to show the impact of Orkut and other services provided by transnational ISPs in Brazil.  Nowadays, Brazil has 68 million Internet users, and like other developing countries, a great potential to increase its participation in the world demography of Internet.

 In addition, similarly to other developing countries, the most accessed Internet services in Brazil are provided by companies which are physically located in the United States, but tailor their services -- I'm sorry -- but tailor their services with local content and in local language in order to facilitate the development of their business in local terms.

 In 2005, Google set up a branch in S„o Paulo, Brazil, but the small structure

provided by the company wasn't able to cope with predictable problems that occur in a space cohabited by 30 million people.

In fact, since 2004, Brazilian authorities have been receiving reports of distribution of child abuse images, exposure to racist material, drug dealing, cyber bullying, defamation, and encouragement of violence or self-harm behavior in Orkut's space.

This slide shows the number of reports of human rights violations on Orkut compared to other services. As you can see, the largest problem that we've been facing in Brazil is related to social networking services, and not to other Internet services.

Average of 6,000 unique reports per month have been received by the Brazilian hot line safer net. This other line shows -- this red line shows the average of removals of harmful or illegal content made by Google after the agreement.

In August, 2006, the federal attorney's office for the state of S„o Paulo started a collective lawsuit against Google Brazil because the company initially refused to comply with Brazilian judicial orders in cases of violations of users' rights on Orkut. Sorry.

After two years litigating, in July 2008, the parties settle a collective agreement according to which the company agreed, among other obligations, to comply with the Brazilian legislation, to store traffic data for at least six months, to take down child abuse images, to develop a proactive system of child abuse images detection, removal and report to law enforcement, and to establish a customer service able to quickly respond to all users' complaints.

Some of these obligations were adopted as standards for the whole Latin America in a document memorandum of Montevideo. I think our colleague will distribute this memorandum to all the audience.

As a result of the agreement, the number of reports of child abuse images increased significantly as one can see in this graphic. The first -- as you can see, it's an average of almost 2,000 new cases every month we are receiving these days, only related to Google's Orkut. It's a massive amount of reports that is barely hard to cope with.

The first criminal launch response after the settlement of the agreement was Operation Turko (phonetic) coordinated and executed by the Brazilian several police. There are several colleagues from the federal police office here -- the Brazilian federal police office here in the audience. These are the results of the -- you have the -- the display, in the display, the results of the operation, but we are aware that criminal responses are not sufficient to cope with the huge number of problems that has been in social networking sites. That's why we are in Brazil strongly investing in prevention projects developed in a multistakeholder environment. Last February, we developed -- we sponsored the Safer Internet Day Brazil, which comprehended some lots -- lots of very important activities addressed to teachers and to the general public of the Internet.

To conclude, I wish to point out some of the main governance issues that have been raised from this case.

First, which criteria should be used to define the ability of a particular country to legislate over and sanction conducts committed on the Internet? That's why -- that's the first question we coped -- we have to deal with in this -- in the lawsuit against Google's local branch.

Second, is it legitimate to enforce the company's local office regarding a service that has been operated from the United States.

The problem for us is that it's -- as you can -- as one can admit, it's very, very hard to -- the international cooperation instruments are very weak in order to cope with thousands of reports made by users, so we cannot rely on international cooperation instruments to cope with all these reports that we've -- we have been receiving.

Third, what are the basic standards that should be adopted by Internet --
Internet Service Providers in order to cope with human rights violations on the
Internet?  What are the minimum obligations that we can -- one can expect from
these Internet Service Providers?

Fourth, are national law enforcements prepared to deal with the massive number
of crimes committed on social networking sites, and what -- if we cannot handle
it -- because I'm talking about 2,000 new cases, confirmed cases of child
pornography and child abuse image distribution on the Internet, on social
networking services.

Is there anyone -- is there any law enforcement that is prepared to cope with
this massive number of cases?

And last -- and lastly, wouldn't be necessary to ensure minimum levels of
transparency and social accountability of service networking services?

We have the data of Google, as Orkut, because we are receiving these reports
from Google, but what about Facebook, MySpace, BEBO, and other social networking
sites?  How many cases of child abuse images and other human rights violations
do they have and how many reports do they send to -- have been -- have they been
sending to the National Center of Missing and Exploited Children in the United
States?  That's it.  Thank you very much.

[Applause]

>>SIMON DAVIES:  Thank you, SÈrgio.  If I could just ask one very quick
question.  If you could answer very briefly, what do you imagine are the
international repercussions of the Brazilian case?  Have you anything to tell us
about the interest of law enforcement agencies in other countries taking similar
action?  If you could be very brief.

>>SERGIO SIUAMA:  Yes.  I think this is the first -- the first agreement
according to which a company based in the United States agreed to comply with
the national legislation, and we are concerned to avoid any kind of criticism
regarding authoritarian measures and so on.  That's why we try to ground our
position based on international levels, such as international treaties of
protection of children, discriminate -- the international treaty against
discrimination on racism and so on.  And I think this set us apart from other
attempts to impose national legislations in order to cope with national
problems.  And that's why I think this is a very interesting, at least, standard
that could be discussed and maybe applied for other countries, because most of
these services, as I said, are -- are coming from the United States, but they
are accessed worldwide.

>>SIMON DAVIES:  Great.  Thank you for that.  I'm sure that Rachel from BEBO
may have an observation to make on what you've said, but could I turn to Sunil
Abraham first to say a few words?

>>SUNIL ABRAHAM:  Ladies and gentlemen, I'm going to raise nine emerging issues
about social media and I categorize them into four categories:  Intellectual
property rights, morality laundering, the hegemony of the connected and the
hegemony of text.

Issue one, under intellectual property rights, exceptions and limitations to
copyright law that have traditionally protected consumers during the age of
offline software are completely irrelevant today in the age of online software.

To take some examples, the right of the consumer to review, the right of the
consumer to privacy, the right of the entrepreneur or enthusiast to make
interoperable, complementary, or competing products.

All these rights used to be protected under the right to reverse-engineer.

Issue 2 under IPR:  On some corporate mediated social media platforms,
copyright takedown notices from one political party are acted on much more
swiftly when compared to similar takedown notices from an opposing party.

Issue 3, under IPR:  Some rights holders, and in particular news organizations,
use copyright takedown notices selectively to percentage social media Web sites

of content that oppose their editorial viewpoint.

 Issue 4 under intellectual property rights:  The increased use of automated enforcement of copyright by rights holders is seriously undermining freedom of expression on the Internet, as in the case of the baby dancing to Prince's "Let's Go Crazy."

 Issue 5 under morality laundering:  Morality laundering, like policy laundering is trying to impose a globally homogenized morality regime.  Breast-feeding pictures on a social network were deleted because they were considered obscene by the social media Web site.

 Breast-feeding, if I may refind you, is still a public activity in many southern countries.

 Issue 6 under morality laundering:  Trending -- a trending topic from a micro-blogging site was considered a racial slur in a northern country and was then deleted by the owners of the Web site.  Even though this was not considered a racial slur in the southern country where the Twitter community was using it.

 Issue 7 under morality laundering:  Photographs of public life on a beach in a country where nudism is the norm becomes child pornography in another country.

 Issue 8 under the hegemony of the connected:  The multiplicity of religious traditions are reduced to monoculture on community-managed social media platforms that depend on editors to determine the truth.  That is because upper crust and upper class populations have greater access to the Internet.

 Issue 9 on the hegemony of text:  How literate communities will try and maintain their hegemony on the Internet.  Community managed social -- social media platforms that depend on textual citation often ignored the knowledge of oral communities from the south.  Thank you.

 [Applause]

 >>SIMON DAVIES:  Sunil, just offering you a question as well, the automation of enforcement, do you think that this is a process that should be outlawed?

 >>SUNIL ABRAHAM:  Definitely not.  I don't think it is possible for us to completely take out the machine involvement in moderating content online, whether it is from a freedom of speech perspective or a hate speech perspective or from an intellectual property rights perspective, but I think the process has to become more transparent, so that the public will know what happened and why it happened, et cetera, and that there is due process and also the possibility of appeal.

 >>SIMON DAVIES:  Thank you.  If I could call on Rachel O'Connell.

 And Rachel, given what SÈrgio has outlined, and given also that revenue Canada, as some of you may know, launched a successful case in the Supreme Court of Canada against eBay for seizure of all of its information on supersellers, would you be able in your presentation to maybe reflect on both of those angles, if you can do it within the time.  Thank you.

 >>RACHEL O'CONNELL: I'd be happy to.  I think if I can preface my response by giving an outline of how industry can actually be socially responsible actors and talk about a piece of work that we've been engaged in.  I chaired the E.U. Safer Social Networking Cross-Industry Task Force, and that's 18 social networking companies that have come together and working with the European Commission, and also a number of civil libertarian, child welfare, law enforcement, and parenting groups, to kind of have a discussion around how best -- what principles should we operate -- on what principles should we operate our services upon, and what recommendations should we make in terms of -- for social networking companies in terms of delivering those services.

 We came up with seven principles that relate to education and ensuring that we have prominent and easily accessible safety messages and also addressing the issues which are pertinent here, about reporting abuse and also providing people with the technologies and the capabilities so that they can use the Internet safely.

And one of the critical things that we really wanted to address is that we realized as industry we are actually doing a lot.  We're doing a lot of filtering at the back end.  We have moderation teams in place.  We have very strong links with law enforcement.  We look at the legal issues in each of the countries and the markets within which we operate and see how that ties up with being a U.S.-based company.  And we're also aware of treaties like the multinational legal assistance treaty, in terms of working with law enforcement and investigators.

 So it was a kind of a recognition that we, as industry, have not perhaps been very good at being transparent about how we implement these sorts of measures, and I would suggest for those of you who are interested, if you Google E.U. safer social networking principles you'll come to the E.U. page that contains the principles document and also critically we decided that each signatory, each company that includes, actually, Facebook and Google, and BEBO, that signs up to this -- and there were 18 altogether that signed up in February of last year; it's now increased to 23 and that's part of my role is to encourage companies to become signatories -- and becoming a signatory means that you need to self-declare how you've implemented those principles and each of the substantive recommendations.

 In addition, not only are we self-declaring, that's -- those self-declarations are currently being reviewed by some expert independent researchers, and their report will be released to coincide with safer Internet, European Safer Internet Day, which is actually become almost a global Internet day, Safer Internet Day, and that's going to happen in next February.

 So very shortly, we'll have a review of the social networking sites and how they've implemented.

 Similarly in the U.S., the attorney generals took it upon themselves to -- they had some concerns about how social networking sites were operating, and you will know that Facebook has an internal auditor to ensure that they are meeting the requirements outlined by the attorney general, and similarly MySpace has an agreement with the attorney generals.  So there is an incredible amount of work going on and ensuring that due diligence is conducted and that there's transparency and accountability.

 That said, there is still a lot of work to do, as there always will be.

 And then to speak to the points that were raised in relation to child pornography, for example, AOL has been working very closely with the National Center for Missing and Exploited Children.  And I should stipulate AOL bought BEBO, the company that hired me originally.  So we work with the National Center for Missing and Exploited Children and are diligent of working with law enforcement in other countries to ensure that we can facilitate the investigative process within the requirements in law, and also we have a filtering mechanism that we run at the back end, the IDPF, that basically -- it's a database of hash signatures of child pornography images that is run so that any of that content is removed from our services and we operate very closely with police to those points.

 In terms of eBay, what was the question again, and seizure --

 >>SIMON DAVIES:  It was just the jurisdictional question that you have eBay in Canada prosecuted and having to retrieve data from eBay U.S., but under Canadian jurisdiction.  I'm wondering how that would affect BEBO and other social networking sites, that sort of decision.

 >>RACHEL O'CONNELL: Okay.  We -- I think I may have actually answered that already.  We work very closely with -- for example, in the U.K., when U.K. law enforcement come to us, they serve us with a RIPA request.  That's under the Regulatory Investigative Powers Act in the U.K.  We divulge their traffic data that they request for us, that they require for their investigations, and that is a understanding with the -- and that model is replicated in other countries.

With respect to content, we -- we require law enforcement to use the MLAT treaty, for -- for giving out information.  Okay?
 >>SIMON DAVIES:  Thanks.  Thank you very much, Rachel.  Thank you.
 [Applause]
 >>SIMON DAVIES:  If I could turn now to Grace Bomu from Kenya.  Grace, could you say a few words for us?
 >>GRACE BOMU:  Thank you.  My presentation is bit different.  I come from Kenya, and I'm here to talk about the impact of social networking tools in marketing plays in Kenya.
 As some of you may know, Kenya is a newly -- a relatively new independent state, where we've only been writing for about a hundred years, and most of our oral tradition is contained in -- most of our tradition is contained in oral literature.  I work for two theater companies.  We target school graduates and urban people, although most of the actors in our company come from the slums and the ghetto.
 Basically, what we do is that we research, we develop a concept, we make a play out of it, and we sell it to people, to theater lovers.
 Everything we do, we do it manually, and one of the things that has really changed our lives is the emergence of these special networking tools, because although we do everything manually -- for example, we don't even have a system for selling these plays, now we do things like research and concept development using social networking tools.
 From our Facebook page, we're able to tell which issues are facing the -- which issues the youth in Kenya are facing, and from those issues, we are able to develop a concept and sell our plays.
 Since 2007, we've been so successful, in fact, that we no longer fit in their traditional theater venues that we used to be in.  Sorry.  Excuse me.
 Apart from that, our system is not the traditional theater system where somebody writes a script, but it's actors who write the script, and nowadays even our friends help us in writing the script.
 On our Facebook book, people propose lines, other people propose that they be actors, and this has really changed the way we do business.
 Also marketing.  Before, the company used to do marketing for itself.  Now we are doing marketing through our friends, and at this point maybe I'd like to mention that one of our most ardent friends is the PS of our minister and he also discovered us through the Facebook page.
 Another thing that has really changed or helped us is using the mobile money payment systems.  Our Facebook page and all our -- even our management uses a mobile phone to update the page, to take the comments, and so on.  And we also use the -- the friends came up with this idea that they could also pay for their plays using mobile money payment systems on their Facebook page because they were always missing the plays by coming physically to our venue.
 One of the things that has happened through this is that now -- as I said, Kenya is an oral literature kind of state where it's the older people who hold traditions, but now even younger people are able to say proverbs and things that were previously reserved for the older generation.
 This is just an example.  Somebody started by saying a no-nonsense person full of nonsense, is that weird?  This was on the page.  And the replies that came out just go to show how much culture and tradition is no longer held by a particular group of people, by the older generation, by the wise old men.  And these are some of the responses that came out.
 I'm sure the Kenyans can sort of understand but for the rest of the people, maybe come to Kenya and we will explain.
 The challenges that we're really facing is fan control because people are using anonymous names to give negative criticism, and competitors are also doing this.
 We are also having a problem of politicians using a very successful page to

advance their own goals.  We have also had a problem of balancing what some people call abusive language and what others think is within artistic expression.

 Another thing is sometimes there is too much activity, and through that activity, because the managers are using a mobile phone to regulate the activity or to check with a is going on.  Some other people use that to advertise themselves.

 And one other really big problem we have been facing is that as it is, it's a bit sensitive to talk about some political issues in Kenya because these social networking tools were used to generate or to propagate balance.  In 2007 when we had post-election balance.  So sometimes we have to balance between some of these sensitive topics.

 We also have dispute resolution, because as much as Kenya is trying in these areas, we don't have enough laws to regulate some of the issues that are ripe.  So dispute resolution where there are no laws is really a hard thing.  For instance, if somebody insists that they were defamed or when somebody says they were maliciously represented on our page, well, the other person claims that was, you know, artistic expression, or, well, the manager who manages the page was in a place with no network coverage so it took two hours to take down such kind of content.

 Then one issue or one challenge we really faced from everybody in the countries, that we are using Facebook and Twitter, which are based in the States which are hosted in the United States, instead of generating local content, which is one of the things that Kenya really needs as a country in order to appreciate the benefits of the Internet.

 In conclusion, we'd say that these tools have really helped news opening up culture, in growth of urban language, and also contribution of topical issues.

 I would say that we are helping generate content.  Whether it's local or not is another issue. And there are tools also helping us to expand freedom of expression rather than caging it.

 So what we have done as a company is that we are coming up with -- slowly, we are coming up with a code within us that we shall fall in balancing the competing interests.

 Thank you.

 >>SIMON DAVIES:   Thank you, grace.

 I was going to ask you, are you optimistic, generally, about the future.  But I will ask you something a bit more specific.

 If you had a magic wand, and I am conscious your minister is sitting very close to you.  But if you had a magic wand, what would be the one thing that you would like to happen to make that future better in terms of social networking?

 >>GRACE BOMU:   Wow!

 I think in my country, in my context, I think there needs to be a bit more regulation in sort of appreciating the digital context.

 Because, for example, one problem we have really faced is people insisted they were defamed, but defamation -- publication in Kenyan law is only publication on paper, or publication on radio or TV.  They haven't yet recognized some of this digital realities.

 So that is one thing that would really help us.

 Thank you.

 >>SIMON DAVIES:   Thank you for that, grace.

 Finally, I'd like to -- and certainly by no means least, I would like to bring up Rebecca MacKinnon.  She is very outspoken, I think a woman with tremendous ideas and looking forward to hearing what she has to say.

 Rebecca.

 >>REBECCA MacKINNON:   Thanks very much, Simon.

 I have been asked very explicitly not to name any member -- U.N. member

countries as I talk about some of the issues I am going to raise.  So I will
speak generally.
 But one of the things that people have been saying throughout this IGF, both in
plenary sessions and in workshops, people have been speaking to the power of
social networks as spaces where individual citizens can speak truth to power.
Spaces that help to make government and other institutions more accountable to
individuals.
 And this is happening all over the world, across a range of political systems.
And that governments all over the world are also responding positively and using
social networks to have better dialogue with their citizens.
 But there are a few trends that are counteracting the potential of social
networks to be a force that can truly help citizens participate in public life.
And that may, perhaps, be contributing to social networks acting as more opaque
extensions of incumbent power in some situations, rather than as transparent
conduits between citizens and institutions.
 And I don't want to take up too much time because I know would he want to have
some discussion, but I'll raise four basic points.
 One has to do with the liability that is placed by governments on social
networking services for the content that users are putting on the sites.
 Now, in some jurisdictions, international social networking sites end up being
blocked because the sovereign government is not happy with some of the content
being posted on the sites.  And in some of those jurisdictions, what then ends
up happening is that a robust set of domestic social networking sites evolve.
 And the social networking sites that are hosted domestically are held liable
for all the content that their users are posting on the site.  And so in order
to comply with government requirements and the particular government's
definition of what constitutes legal speech, these social networking sites end
up having to develop large departments of people whose job it is to police
content.
 And so in addition to child pornography and things that are universally
considered bad in some jurisdictions, certain political speech is also is
considered to be against the law, and companies are expected to censor that
speech.
 And so then what happens is that international social networking sites that
want to act -- want to operate in certain jurisdictions have to make a choice,
either to be blocked to users in that country because users may post things that
the local government objects to, or agree to develop a locally hosted site in
the local language which would then be subject to greater local jurisdiction and
agree to police it.  And there have been some cases where certain -- and I have
again been asked not to name and shame, but where certain companies have chosen
to host locally and comply with government requests for political censorship in
that regard.
 And so this is one challenge that social networking companies around the world
are facing, is how to deal with this.
 Another has to do with the question of anonymity and different regulations in
different countries about whether users of social networking sites and Web
platforms are allowed to be anonymous.  And there's at least one country where
now anybody who uses a social networking site or Web service over a certain size
has to register with their national ID number and number of human rights groups
have expressed concerns about some users who have been traced for political
speech.
 And as a result, at least one international social networking service decided
to disable the local uploading of videos and comments onto their service, so
that people in that country have to use the international version of the service
rather than the local service in order to -- so that this particular social
networking site would not be in the position of handing people over for speech

that they -- that might arguably be political.
 So this kind of broad range of how crime is defined ends up putting companies
in a difficult position.
 And finally, we also see a situation which was alluded to by Sunil where
administrators of social networking sites, global social networking sites, will
perceive something as being against the terms of service when it's intended to
be quite different from what they think.
 So politically, sometimes this ends up having implications.
 There are some -- There are political activists from a range of countries who
found their Facebook accounts frozen because their activity -- their pattern of
activity resembled spamming.  And this had an impact on their ability to conduct
political activities.
 And there have also been situations where, on video hosting sites and photo
hosting sites where political activists in various countries were posting images
of abuse by authorities against citizens, and these were quite graphic and
deemed to be against terms of service.  And the people concerned felt that, you
know, if even these sites do not enable me to speak truth to power, then where
can I go?  So that's another sort of human rights issue.
 And to conclude, I am part of a new multistakeholder initiative called the
Global Network Initiative which is basically around some core principles, set up
around some core principles on free expression and privacy for the ICT sector.
And the idea is that in a lot of these cases, there have been a couple of cases
who have proposed legislating behavior by companies based in their
jurisdictions.  And you will not censor in certain countries and so on.
 And our approach is more that a lot of these issues are very difficult to
legislate for because they involve very nuanced contextual situations that
differ greatly from service to service and context to context.
 And yet companies do feel that there is a need to have some kind of assistance
in doing the right thing.  How can social networks really fulfill their
potential and serve their users and be trustworthy to their users so that their
users feel that they can use these services without becoming victims of
oppression in various ways, or at least be able to make informed choices about
what is possible on these services and what is not.  And so the Global Network
Initiative is -- combines both companies who have signed on as well as human
rights groups, socially responsible investment funds, and some academics to
really help companies proactively figure out how do you assess in advance and
anticipate in advance what might some of the free expression issues be in order
to avoid problems that might be avoidable if you could plan for them in the
future and also to make some difficult choices about how to structure
businesses.  What markets you can go into or perhaps what markets one might not
go into with certain services.
 The point being it's really a global issue, and I will stop after making this
point, that there is really no jurisdiction on the planet except for
jurisdictions where there is no Internet that companies do not come under some
kind of pressure from governments in some way to do things that arguably may
infringe on the civil liberties of users.  And so that this is really a global
initiative, trying to come up with global solutions that need to be flexible and
tailored to individual situations.
 >>SIMON DAVIES:   Thank you, Rebecca.
 [ Applause ]
 >>SIMON DAVIES:   One very quick question before we go to the rest of the
world.  I am going to ask you a difficult question.  I think it's on the lips of
quite a few people.
 Yes or no, what is it best to do for an unnamed company to go into, let's say,
an unnamed country with more restrictive conditions on the use of its service,
perhaps higher levels of censorship and control.  Is it better for that company

to go into that country and help develop the infrastructure or should it stay out?

 >>REBECCA MacKINNON:   Well, the thing is, it's not a black-and-white answer.  That there are nuanced choices you can make about when you go into a particular country, how do you structure your business.  Where are you hosting your data?  How are you structuring your business processes?  And so there are some companies that have made different decisions about going into difficult markets, but managing their data in a certain way that it makes users less vulnerable.  Or being very clear with users how -- where their data is being hosted and with whom it will be shared so that they can make informed choices.

 So it's not a yes and no.

 But the point is also that, again, just to disengage is also not the answer, either.  It's -- I think it's more about intelligent, thoughtful engagement rather than, oh, let's just going to stay out of all difficult markets, because pretty much all markets are difficult in one way or another and, really, you just have to restrict yourself to the moon if you really want to avoid all difficult situations regarding civil liberties of your users.

 >>SIMON DAVIES:   Right.  Thank you for that.  Thank you for that.

 We will go to discussion.

 I would like to call just very briefly, if I could, from the floor, Ute Krall (phonetic) from UNESCO.  Could you just reflect on some of the things you have heard for a minute or two, if you can step up to the mic or one of the mics.

 >> Thank you.  Thank you, Simon for giving me the floor.  I was invited to contribute to this session on behalf of UNESCO as a digital literacy expert.  And first of all, I would like to emphasize the benefit of social media.  And I would refer not only to social networking sites but to social media in general, provide for the users.

 They have somehow lowered the threshold for all users to produce their own content with regard to their content, their language and their tradition.  And I think what grace has shown us is a good example for this lowering of the threshold to produce their own content.

 And producing content, it is not only uploading text, video, photos.  It's also when tagging or labeling or rating content that is already produced by other users.

 And this puts high responsibility on the users.  And I think it's important to focus on this issue of the responsibility of the users, the users and the community of the users at large.

 So what I see is that the users are not well equipped to take on this responsibility.  And as I'm an expert of digital literacy, I think it's necessary to encourage that all users have equal opportunities to gain (inaudible) to literacy, to make responsible use of the social media and the benefits and opportunities their they offer to the users.

 Thank you.

 >>SIMON DAVIES:   Thank you.

 There will be the formation of another dynamic coalition.  I wanted to ask Bertrand De La Chapelle if he could outline this.  I don't know if you are in the room at the moment, but....

 Pavan, perhaps you could -- Could you outline the dynamic coalition idea because this will help to carry us forward as well on this theme.

 >>PAVAN DUGGAL:  Thank you.  This is Pavan Duggal.  I am the president of Cyber Law Asia.

 This morning we had a workshop on social media and legal issues and challenges.

 And one of the most concrete things that came out of the workshop was the need for forming a dynamic coalition on social media and legal issues.  And consequently, the said dynamic coalition has been formed.

 The dynamic coalition has been formed primarily because of a variety of issues

that were discussed this morning.  Well, everybody is aware of the various legal issues that are surrounding social media.  These issues not just only relate to data protection, they relate to privacy.  They also relate to the issue of jurisdiction.  And more importantly, the issues pertaining to ownership, storage, retention, and transmission of user-generated content.

 And more importantly, some of the rights were discussed this morning and there were no concrete answers.  For example, the rights that were discussed included the right -- do we have a right to be anonymous?  Do we have a right to oblivion?  Can there be a right to delete in the context of social media?  Is there a right of purging of children-generated content?

 And finally, can there be a right to forget and to forgive in the context of information?

 Now, we also discussed how the deadly cocktail mix of social media and cloud computing is venturing us into a wild, wild west as far as jurisprudential rules and principles are concerned.  Because which country, what data, which server, which law would apply, which would be the effective remedy, which would be the relevant court and how would the ultimate adjudication be done?

 Those are questions which still have not been answered.  Today's session was critical for raising some of these questions.  There was almost unanimity on this point that yes, we need to talk more.  This is one area that eight out of ten users of social media don't normally think of.  People who use social media normally perceive as a matter of trust that whatever they are putting in on any social media platform is theirs and will remain for them, with them for posterity.

 Now, those are premises that are going to be challenged as things go across.
 But what was also discussed was what could be the potential liability and responsibility of service providers in the context of social media.

 Now, we noted that there was no international consensus or agreement yet on what could be the international response to these various legal challenges.

 We also noted that different national legislations have not yet addressed the issues pertaining to social media and how they have to be addressed.

 We also noted that while Internet has made geography history, the fact still remains that national governments would try to legislate this area to make far more way for clarity as far as confusion pertaining to these legal issues are concerned.

 And finally, it was also noted that it's time that development respective stakeholders must come together.  It's not just the players, the users, it is also the industry, it is the government, it is the lawmakers, it's law enforcement.

 And finally, I think what was also agreed was that there was a complete lack of awareness on these issues.  So consequently, the said dynamic coalition on social media and legal issues has been formed.  We came up with certain draft objectives.  The primary objectives are to disseminate more information and knowledge as to where things are because right now we believe we are at the tip of the iceberg.  We just began scratching the tip.  And frankly as we go around discussing it there will be far more complicated legal issues and challenges in this regard.

 It was also felt that a possible online list could be created.  The relevant stakeholders could be invited.

 We need to make it as broad-based as we can.  Certain online activities are proposed.  But what was ultimately also perceived, discussed and thought was that we could possibly identify certain critical areas vis-a-vis legal issues and social media which could tomorrow form a part of the overall thought process and evolution of Internet Governance Forum.

 Well, when Internet Governance Forum began, the social media was just on the fringes.  Today, it's center stage.  And by the time we come to the next IGF, it

will be very well entrenched center stage.  Having said that, this social media and legal issues dynamic coalition hopes to contribute in this small manner by contributing more awareness, by disseminating knowledge, and also by providing the relevant platform for relevant stakeholders to come, discuss, deliberate, analyze and thereafter encourage national governments.

We also noted that there was no international platform of any kind whatsoever which was debating on these kinds of issues.  There was a question asked, is Internet Governance Forum the relevant, ideal platform for discussion of this.  But the participants noted that, yes, this is one of the many ideal platforms that we have.

Of course, participants also noted that ultimately, we have to address lawmakers and national governments because those are the relevant stakeholders, which, along with relevant inputs from industry and users and the overall competence of the social media ecosystem can contribute in that direction.

Thank you.

>>SIMON DAVIES:    Can I just cut in for a moment to ask two very quick questions.  We are running out of time.

You say that this is social media and legal issues.

Are you -- Very quickly, are you defining this strictly as legal issues; therefore, within the discipline of the law?  Or are you prepared to make this somewhat broader in its ambit?

And second, how do people contact you?

>>PAVAN DUGGAL:    Number one, it's not just a legal dynamic coalition.  When you are using of social media and legal issues, we want to make it as broad based as we can.  The reason for this is this is not a lawyers group.  The target audience is not lawyers.  The target audience is users, the industry, lawmakers, the legislators, and the law enforcement.

So we would like to keep it as broad based as we can.  We would also go ahead and do some outreach in terms of reaching out to the relevant stakeholders to join up in the online list.

As far as contacting us is concerned, I am currently coordinating this dynamic coalition.  I am available on my e-mail address which is Pavan@PavanDuggal.com and that is also available on the IGF Web site.  We will be happy to contribute and receive any further inputs.

We ultimately want to contribute in the development of jurisprudence.  In this regard, I distinctly believe, Simon, in about ten years from now when we write this book on social media legal issues, in a book of ten chapters, we are today, in 2009, only in the first chapter and on the second page.

>>SIMON DAVIES:    Thank you.  That's an excellent way forward and it fills the gap of many people have asked how we move forward on this issue to 12 months time.  And this looks like the path or one of the main paths.

(saying name) Rodriguez, can I ask you to come up and give me a hand on the moderating?  It will look like a very weird Oscars.  And technology.  Do we have a wireless microphone, by any chance?

The man here in the center, if you would like to -- Oh, he is over here.

>>ALEJANDRO PISANTY:    Alejandro Pisanty, ISOC Mexico, National University of Mexico.

A very brief overhanging comment for all that has been discussed, and I have attended several of the workshops including the one Pavan mentioned.

Let us just remember social media don't kill, rape, or traffic with images of children abuse.  People do.

>>SIMON DAVIES:    There's a man to the right, to the right here.

>> Thank you, chairman.  My name is Jens Ragae (phonetic), a member of parliament from Kenya.  I just wanted to contribute one or two issues about the new media network tools.

About two weeks ago, I chaired a session in Washington, D.C. on e-parliament

where we discussed the tools.  And we found out that, in general, especially members of parliament would use the tools for communicating with their constituents back at home.  It's a lot easier way of communication, because it improves democracy, transparency -- Democracy, transparency, and even graft.  It will attempt to eradicate graft within the government system.

 I have seen practical examples of our city council that has just started blogging, and there's so much effect on how they do business.

 Thank you.

 >>SIMON DAVIES:   Thank you.

 The man to the right here, to the back.

 >>MAX SENGES:  Hello.  My name is Max Senges.  I am chair of the Internet Rights and Principles Coalition, and I work for Google.  I co-organized the workshop with Bertrand De La Chapelle from the French government.

 We entitled the workshop governance of social media which also raised one of the first points.  It was an issue mapping exercise where we tried to get some of the vocabulary right.  Is it social media and Internet governance or governance of social media.

 We also experimented with a little bit new format where we spread the discussants across the room and had really short introductory statements to open up the discussion, and then tried to really interact with participants, which I think was a good format.  A quite lively and interactive format.

 Now, for the substance, I think we discussed similarly to the others.  What are the roles of the social media platform providers, the users, the governments should have, what responsibilities they should have.

 And to answer the question that you asked my previous speaker, we're thinking about ethical principles or good manners that we have online, how to prevent harmful conduct as well as how to protect and punish harmful conduct.

 So to what degree and how must user generated content be governed by users directly.  So I think one interesting example here is Wikipedia that has come up with quite an intense debating and governance structure.  Should we have something similar for the social networks, et cetera.

 And one example that was quite lively discussed also during the workshop was we all know what the.

 And one example that was quite lively discussed also during the workshop was we all know the data that is produced when somebody tags somebody else on a photo on a social network, but the privacy experts that we have been talking to didn't agree on the right terminology.  So I think that is a good example for something where we all agree what it is we're talking about but we still don't even know how to call it, and that indicates that, in conclusion, maybe human rights, the traditional definitions of human rights are still valid, but we need to think about how to use them in this new context and these new challenges and how to develop meaningful human readable warnings that are easily understood by the users.

 We realize is that the terms of services and the user interface -- a/k/a the architectures of control -- really define the social media environment and what can be done and how conduct is happening, and in that sense I think we're really happy about the agreement to start working together as a dynamic coalition and we also invite everybody to participate.  Thank you.

 >>SIMON DAVIES:  Thank you, max.  Sorry if I can't recognize anybody.  I can't see a horse from 10 feet.  In the back to the right there, please.

 >>STEPHEN LAU: Stephen Lau from Hong Kong.  I just wanted to add briefly about I'm really happy that it dynamic coalition on social media is formed, and -- but I just want to mention that if it's called "legal issues," it might create the wrong impression or limited scope.  Here we are actually talking about responsibilities, whether it is government responsibilities, whether it's corporate responsibilities, whether it's individual responsibilities, upon which

we could actually bring social media into a positive and really -- a positive context.

So my own suggestion -- obviously it's just food for thought -- if you're going to have this dynamic coalition, I'd like the word "responsibilities" in there. We're talking about, for example, it could be corporate and individual responsibilities.  Legal issues, as you know the legal legislation has always sort of -- takes a long time, but you could start with talking about what are the -- what are the issues.  Not legal.  What are the issues, what are the scenarios upon which individual rights and copyright and all that are being infringed upon or could be affected.  So you start at by looking at warning through education or otherwise the general public, the people who are using the social media of the kind of pitfalls, the kind of issues they can get into.

And for the corporate, you know, the ones who manage the social media in terms of corporate social responsibility.  And you can have those two to kick off, then you can lead to the legal issues.  Thank you.

>>SIMON DAVIES:  Thank you.  Can I -- before handing to the chair for some final words, could I put a -- be completely inappropriate here and put an impromptu question to Mr. Poghisio?

You've been here and observed these proceedings.  We're now considering how to move forward for the next 12 months.  Could you perhaps give just briefly an insight into how you would imagine we should move forward, in terms of imagining the future and imagining how we engage some of the issues that we've been discussing here today.  Just as a personal reflection.

Do you have any ideas on that?

>>H.E. SAMUEL POGHISIO:  Well, I want to thank you for this opportunity to say that with the IGF and continuously reviewing our forum and engaging each other in this kind of fora we are able to meet the challenges of this emerging ICTs, this emerging communication of social networks.  We should be able to deal with by sharing these experiences.  I'm very impressed that examples given are very practical and in governments especially we need to be listening and -- listening to what these contributions mean for legislation and also for the way that we handle situations.  And I think that it moderates the way governments are -- will respond to some of these things when people complain about the effects of social networks.

We should encourage it, we should build more usages of them, but be ready then to deal with the legislation and regulations and policies, so that we do not harm more than we can -- we can help meet the challenges of this century.

So we -- I believe that we are moving in the right direction, and that more communication, more of the IGF, and more of this kind of fora will help us to deal with the situation.

I don't think will be too hard for all of us, putting our heads together.

>>SIMON DAVIES:  Thank you.  Thank you for that, minister.  I'm sorry to put you on the spot.

Thank you.

Can I hand to Tarek to wrap up for us and can I personally thank you for the hosting.  It's been absolutely magnificent, so thank you.

>>MR. TAREK el SAADANI: Thanks very much, Simon.  Appreciated.  So thanks again.  I want to start by thanking all the panelists here.  I want to thank my co-chair, His Excellency, minister Poghisio and I want to thank you, Simon for great moderation on the panel.  So let me quickly wrap up in a few words and summarize what happened here in the session for people who came late, and I mean, in general to be concrete about what happened.

So we started by SÈrgio applying a very specific case in S„o Paulo, Brazil and, you know, he talked about the case against Google and we all heard it.  I think, Simon, this was a great idea to start with a specific case from the ground so that people can talk about, so thanks for that.

Then Sunil raised nine issues, very specific issues.  I liked those because they were very specific and I think they hit all the core issues for social networks and gives us a good platform to go ahead and cover for the future.
 Rachel, from both worlds, from being in the E.U. and also from working with BEBO, as the chief security offer she was able to give a prescription, a very good prescription on how industry can really go ahead and help manage this.  So thanks very much, Rachel on that.
 Grace talked about -- talked briefly, actually, since her minister was here, she talked about her experience in Kenya about using social networks.  She gave good examples about using them in business, marketing, and in politics specifically.
 One of the things she, I think -- and I -- I mean, she's sending you this request, Your Excellency, is that they wanted the people in Kenya to look for regulation about approval of digital content.  Rebecca, on the other hand, talked about trends in some countries.  She didn't mention any names and she didn't want to do that, but she talked about trends that hinders the progress and the potential of social networks, and she thinks that the only way, you know, for a company or something like that to go inside is for an intelligent and thoughtful engagement.
 I'm sorry I didn't get the name of the lady from the UNESCO, but she had very good interaction with us, and she talked about the benefits of the social media to users and how this can improve -- help the local and different countries help improve the content and culture.
 Pavan, I think -- I very well want to thank you for this.  I think it was a great thing.  You know, he talked about the formation of the dynamic coalition for social media and he talked about the rights of the different players in the social networks scheme, and the roles of the different stakeholders.  So thanks for that.
 I think this can be a good idea where we can -- what I like is I think we should be able -- you know, we now have the issue, we know about the issues.  Let's start to see how we can fix those, now what are the problems and how can -- in the next months to be able to fix that.
 So with that, I think again, thanks very much.  I know that this subject is a very long subject, but I think thanks very much, guys, for everyone, you know, sticking to the time, and we did, like I think -- like we owe them like a couple of minutes early, so that's very good.  Thank you very much.
 [Applause]