

## DEBATES

### **Ulysse GOSSET**

I think this is now the time to open up the discussion to the floor. There must be a lot of questions. The challenges are immense: problems of cybersecurity, cybercriminality, transparency and privacy protection. Please raise your hand and introduce yourself. Yes, ma'am...

### **Rahma RACHDI, journalist with the European News Agency**

I have a question about hackers, who are very active in certain emerging countries and even in some developed countries, where there are quite a few people who manage to crack codes and violate systems. If global governance is to be set up, provided that we do have an international regulatory authority, couldn't we – being in Morocco, a country that I believe has one of the largest numbers of hackers – consider massively recruiting hackers from all over the world to ensure they work with us rather than against us?

### **Ulysse GOSSET**

Another question? Go ahead!

### **Meir SHEETRIT, Former Israeli Finance Minister**

I am Meir Sheerit from Israel. I would like to ask a question which seems to be quite weird now. Can anybody cut the Internet off? Can anybody take on the shelter? I have a second one, which will take just one more minute. I was listening to this very, very interesting subject. I suggest that in my opinion, we should use the next Convention of the free world to deal with this idea much more intensively and with much more range.

It really affects every part of our lives, starting with education and including trade, security, espionage, all that sort of thing. We should deal with it in many more ways, because this is a real problem of world governance and we have to do something about it today. In my opinion, there is no way to govern it in the way it is acting.

### **Ulysse GOSSET**

Last question before opening up the floor. Yes, sir...

### **Thomas GOMART, IFRI**

Thank you. I'm a little surprised at the somewhat anxiety-provoking tone of the discussion at this point. So I wanted to ask the panellists if they could present a more positive view of the Web by showing how the various parties represented here, such as governments and large companies, could basically encourage entrepreneurship online and make sure it's a much more collaborative and cooperative place. I find that your perspective focuses on cybersecurity problems, again a bit anxiety-provoking that, in my opinion, only reflect one aspect of the Web. So it would be great if you could stress the more positive aspects in the second part.

### **Ulysse GOSSET**

We're going to return to the floor but maybe we should first answer the questions. Could we involve hackers to improve Internet security?

**Nathalie KOSCIUSKO-MORIZET**

Concerning the first question about hackers, we've already done so. In other words, countries send their [security] services to Black Hat when they want to identify and hire the best hackers. Do we need to do massive hiring? What's true is that there are relatively few security systems on the Internet. We can improve its resilience and then, if not, it's like any war, we have to consider attack strategy to know how to defend ourselves and understand the methods of attack. We do so by working with hackers.

Regarding the question about whether the Internet can be cut off: that depends a lot on your situation. You have countries that are isolated from the Internet, due to a river for example. That holds true, for example, for most landlocked African countries. If the country that serves them decides to cut them off, yes, they can be cut off from the Internet. The Internet can also be blocked by an attack on your domain name. That's what happened to Estonia. It's called a denial-of-service attack. Then there can be repercussions from worldwide failures. That's what occurred in 2007 with the crash of two or three root servers in the United States, including the one managed by ICANN, so several countries organised to convert their Internet to an Intranet. For example, I believe that China can, if things aren't going well elsewhere, cut itself off and convert to an Intranet.

Regarding the question of a more positive view of the Internet, I strongly share your perspective. I find that when we focus too much on cyberdefence and cybersecurity, in fact, we miss what's most valuable about the Internet and it doesn't match the current reality of the Net. I think the major challenge of Internet governance is to make sure that the Internet can remain the paradigm of innovation that it is – in other words, an extremely open world in which, as I said before, the small with very little capital can compete with the big. To achieve that objective, you hear more talk about economic governance and a little about infrastructure governance and net neutrality, but much more so than about cybersecurity.

**Ulysse GOSSET**

Precisely, net neutrality – how can we ensure it? And then there's another aspect: privacy protection and what you called the right to forget. What can we do to protect net neutrality and the users of this information, which is stored for decades and maybe forever?

**Nathalie KOSCIUSKO-MORIZET**

Net neutrality is often carried out by regulating operators. Operators sometimes want to manage more data than they reasonably can and favour certain types of data over others. Or become vertically integrated to give priority to their content – that is, you subscribe to an operator, which at the same time is a content provider and sells you priority access to its content. Operators need to be regulated to some extent. This is an ongoing debate in the United States as it's an ongoing debate in France. I personally think we need a flexible definition of net neutrality and that we should also talk about indexing neutrality – the neutrality of search engines, for example. Because, in fact, the Net can be neutral from the perspective of the pipe. If the search engine decides what you can have access to based on what you're searching for and gives you suggestions based on its own interests because it itself is integrated and has interests in this or that company or it simply has a vision and national preferences – at that point, the Net is no longer neutral. Pressure must be put on search engines and perhaps a little more transparency is required. Their strength and wealth is their algorithm. It's understandable that they don't want to reveal it. But we still need to know a little bit at a certain point about the criterion the algorithm uses to find things. The right to forget and privacy protection: those subjects are somewhat different. I initiated the right-to-forget concept because I believe that protecting personal information is so cultural that it's going to be difficult to move forward. "Personal" means different things to different age groups and countries.

We'll have trouble agreeing on the meaning of personal information at global level. On the other hand, in all of the world's cultures and even in every organised judicial system in the world, there are limitations. In every culture in the world, being able to forget is a necessity. The human mind is made like that. In fact, the memory functions by sorting [information]. I personally believe that we will not be able to come to an agreement on the meaning of personal information, but that we can agree on the possibility of forgetting. Grant a request to forget at a certain point.

**Ulysse GOSSET**

In other words, an Internet user can tell an organisation: "I want all this information to be removed from the Net".

**Nathalie KOSCIUSKO-MORIZET**

Last week in Paris, we signed a charter on the right to forget that Microsoft France also signed. I thanked them for it because they took the lead over other players like Google and Facebook. Firstly, Internet users should be informed about what's going to happen to their personal information and possibly how it will be used commercially. Secondly, they should be notified about any personal information posted about themselves or that they post about others because sometimes others post information about you.

Lastly, it should be easy to request that information be removed based on clear criteria. It's well known that it's easy to ask for photos and things like that to be deleted. Lastly, there should be an agreement between websites and search engines to ensure deindexing. It's not only a matter of haphazardly removing from Facebook the photo you posted as a teenager a night you were plastered. You also should be able to deindex it from search engines and make sure they're not going to keep trotting it out again at an age when you're looking for a job and it comes to the attention of your future employers who, as a result, are no longer your employers.

**Ulysse GOSSET**

Before returning to the floor for questions, just to Craig Mundie very quickly: can the Internet be completely disrupted? Can it be shut down tomorrow morning or is there a zero risk of that? How do you go about trying to prevent it?

**Craig MUNDIE, Chief Research and Strategy Officer, Microsoft Corp**

I think there are different levels within the problem. Nathalie talked about the historical model, which involved jamming your Internet. It was like jamming your radio. That is the denial of service. That is a very localised phenomenon; you can block a single company, you can block a region, perhaps. Certainly, there are regulatory ways in which a country can intervene and force the transport to stop.

However, the real question was, could somebody just turn off the network? In my opinion, today the answer is no. On the current course of speed, unless something changes, we are not that many years away from a point where an attack could be launched on critical elements that would in fact turn off the Internet for all intents and purposes. You do not have to do it by turning off all the computers; you can essentially do it through some kind of concentrated attack on the infrastructure. This is the backbone infrastructure of the network. I think that a lot of work is going to have to be done in order to harden the system to a much greater extent than is today, to prevent that risk from being real.

**Ulysse GOSSET**

Another question from the floor? The gentlemen over there, please.

**Mohamed ZAYANI, Moroccan journalist, Eco Plus**

Thank you, Internet. We're aware of the ACTA treaty; an almost finalised version of it has just been signed by Morocco and in the European Union, part of it [has been signed] with the United States. I believe that this treaty poses a basic problem of governance. You haven't even mentioned it. Are you also required to keep quiet about this treaty, which has been presented as secret?

**Ulysse GOSSET**

Nathalie.

**Nathalie KOSCIUSKO-MORIZET**



There is indeed a governance problem and it's related to the fact that this treaty is controversial with people responsible for its commercial aspects. In Europe, it's very much an EU affair. For example, typically, it's true that I don't negotiate this treaty within my government or Europe. It's very much an EU matter and it's frequently handled by the commission. This is related to the fact that the treaty focuses on aspects that usually come under the EU framework because it deals with counterfeiting and that sort of thing. That's a good example of the problem of Internet governance – there are very few countries that have centralised Internet issues. In fact, there aren't any.

We, we have a junior minister who deals with this issue and who tries to centralise things a bit, but things are happening just about everywhere. In the majority of countries and in the global system, it's completely spread out. It's completely scattered. It's completely decentralised. I was just saying that it's not a problem for it to be decentralised but at some point, there needs to be some unity. This type of negotiation is one example. For example, the ACTA treaty isn't discussed at all by the people who attend the Internet Governance Forum because they are people who deal with economic issues, who are concerned with the ACTA, and the people who come to the Internet Governance Forum are either Internet experts in particular or people who approach things from a more societal perspective.

**Ulysse GOSSET**

You know that there's an organisation called ICANN based in California that's responsible for assigning domain names. It's one of the few organisations that really exist on a permanent basis, with the Internet Forum.

**Nathalie KOSCIUSKO-MORIZET**

That has nothing to do with it.

**Ulysse GOSSET**

It has nothing to do with it. But it's true that there are few organisations today that play this role. You were just talking about the possibility of creating an organisation like the World Health Organisation, but that would be responsible for the Internet. I'm not saying this to provoke anxiety like before. Before talking about global governance, isn't there a need to regionalise Internet oversight, especially in the area of domain names – for example, all Romance-language regions, all Hispanic regions, all regions with Chinese, Korean, Japanese, names, etc. Isn't there first going to be a move toward regionalising the Internet before there's a global Internet organisation? What is your opinion?

**Nathalie KOSCIUSKO-MORIZET**

There is some of that at the Internet Governance Forum – in other words, there are regional groups so that people can talk. But the value of the Internet is global. Most of the subjects we discussed there can only be handled at the global level; if not, it doesn't make any sense.

Regional discussions largely target digital divide problems because they have received little attention. But global Internet governance also addresses the digital divide issue. [We need] to make sure this is not a new handicap affecting southern countries, or not all southern countries, but certain countries. Let me return to the issue of digital isolation that we were just talking about and the risk some countries face of being cut off from the Internet.

Some countries are less well-served than others for infrastructure reasons. Regional bodies address that issue to some extent. But subjects like privacy protection and tax competition must be discussed at national level. The European Union is different, however, because it has an integrated economic area and would benefit from adopting common positions on these subjects – on the issue of tax competition, for example, if the EU really wants to convey a strong message at global level.

**Ulysse GOSSET**

Regarding Europe, should Europe speak with one voice about the Internet? How long might that take?

**Nathalie KOSCIUSKO-MORIZET**



Europe should adopt a more coordinated message about the Internet and I believe that new European commissioner Viviane Reding is very determined on that score. She's in the process of doing so. Until now, Europe operated the same way States have domestically when it came to the Internet. That is, [the States] had public policies governing both infrastructures and, roughly speaking, the bandwidth that you received at home, but they didn't care what you did with it. This is paradoxical, however. For example, [the policies] didn't even care whether the digital services you were using created jobs and wealth in your country. In fact, the public policies mainly focused on access. It was similar at European level. The European Commission worked hard to increase access and regulate competition among operators. This [effort] is insufficient and we're beginning to realise it.

**Ulysse GOSSET**

Before taking one last question from the floor, because we're coming to the end of the session, I have one question about the United States and the White House. You're a member of Barack Obama's Council of Advisors. What is the American approach to global Internet governance?

**Craig MUNDIE**

I do not think that the US has a comprehensive position on this. As Nathalie said, all Governments, including the US Government, have a distributed set of responsibilities in this space. The Department of Homeland security, which Mr Chertoff used to be responsible for in the previous administration, has a particular responsibility. This relates to the operation of this within the boundaries of the country. The Department of Defence has a set of issues that they look at from a military and intelligence point of view. The Department of Commerce looks at it relative to trade and international operations.

International Corporation for the Assignment of Names and Numbers (ICANN) was mentioned several times. This is actually operated under the auspices of the US Department of Commerce. The ICANN structure was in fact an attempt to create something. Even the name stands for International Corporation for the Assignment of Names and Numbers on the Internet. The people who wanted to deal with this, including the Department of Commerce, recognised that this was something that ultimately needed to be more international in nature. It attempted to create the mechanism to do that.

The country is coming to grips with the fact that the cyberspace environment writ large is a materially important issue for the world. However, I think that it is just in the earliest stages of thinking about how it is going to address this question of global governance.

**Ulysse GOSSET**

Is there a dialogue with China on the issue of Internet governance? Is there a dialogue with Beijing, between Washington and Beijing on the subject? And on the Internet in general because I know that you went to China several times and met with government officials.

**Craig MUNDIE**

There is ongoing discussion between the US and China, but I would not say that it is distinguished in any way from the discussion the US is having with many, many people. There is certainly discussion in all of the European and other countries in Asia, including Japan. There is a lot of discussion going on right now.

**Ulysse GOSSET**

Before turning over the session to Steven Erlanger, who's going to summarise the discussion, are there any last questions from the floor? Yes, Mr Ambassador.

**Pierre MOREL, French Ambassador**



I would just like to suggest a very simple, very brief comparison. It took 20 years to conclude the Convention on the Law of the Sea after an enormous amount of work. I don't want to push the comparison too far, but we're facing an electronic "sea", a cybernetic "sea" – in other words, the same type of free access with traditionally poor uses. We established the breadth of the territorial sea and then the economic aspects, etc. I don't want to push the comparison too far.

But we know that global degasification has been a disaster. We're now discovering sea piracy at the mouth of the Persian Gulf, the Indian Ocean, etc. I don't want to exaggerate, but if it ultimately takes 20 years for a convention on international waters, with their new boundaries managed by an agreement entered into by all nations – it took time. But, again, the electronic sea also deserves a convention. Thank you.

### **Ulysse GOSSET**

Good, thank you. A last question?

### **Thérèse Delpech**

I believe we won't have a convention as long we don't make very specific distinctions, which have actually been made by some of the speakers [while talking about] topics that strictly speaking, in my opinion, are irrelevant. There's a problem concerning the way, for example, a number of countries such as China and Iran use the Internet to exert social control over their population. It's a problem, but that obviously had nothing to do with a problem like the one mentioned in reference to Estonia. I regret to say that I'm clearly one of those people who would be described as anxiety-provoking because I believe that as soon as it can be shown that a country can be completely immobilised for several days after an attack whose cause can never be proven with any certainty – the specific origin, in other words – we have every reason to be a little bit worried.

I believe that it's completely normal for Defence ministers to be concerned about this issue. And by the way, the countries that are the most vulnerable in this area are naturally the most dependent on the Internet. So [they are], to some extent, the most industrialised countries. And that means, for example, that if a country that greatly depends on the Internet is ever itself the victim of an attack, it could be the United States, it could be France. France has been the victim of many attacks. It's not discussed very much, but it did happen. What does this country do if the cause is suspected of being a country which, itself, doesn't depend very much on the Internet?

What area should we target as a response? What I mean by that, if you will, is that on the one hand, there are problems like cybercriminality, which are huge problems because an operation like Sinoval, for example, allowed tens of billions to be siphoned off accounts online for years, and for now, there still hasn't been any specific action taken against the guilty parties who, moreover, haven't been specifically identified.

On the other hand, there have been cases of attacks against States, which is a whole other matter. But since it was mentioned, I believe we need to discuss the topic of sabotage software again – I believe Mrs. Kosciusko-Morizet referred to it. [Such software] is able to reprogram command and control systems, which control both nuclear power plants and dams in [hydroelectric] facilities. For example, the Three Gorges plant in China is, in fact, controlled by a Siemens command and control system that was targeted by the worm in question.

I think that when we're dealing with systems with such capacities for harm, the first thing we need to do is truly become aware of how important this issue is – and I believe that Western countries still have much intellectual work to do in this area. Secondly, [they need] to clearly understand that they're not going to be able to manage all of these problems in the same way. To my mind, we should still be able to succeed and perhaps I'll join with Pierre Morel in encouraging them to first recognise that there are a certain number of behaviours that are not acceptable because they're too dangerous.

### **Ulysse GOSSET**

Thank you. It's now time to conclude, with perhaps a brief response from each speaker followed by Steven Erlanger's conclusion. Madame Minister.

**Nathalie KOSCIUSKO-MORIZET**

I personally think we're mature. And in a way, our discussion proves that we're mature enough to have a good discussion at the G20. The issues are there, but they must be screened and sorted a bit. They probably can't all be handled at the same levels. But it's time for a political boost that will allow the necessary negotiations to take shape and get things moving.

**Craig MUNDIE**

With regard to the last lady's comments, as I said before, I think we need to pick a certain set of activities and decide what mechanism we want to use to address those. The general space is too large. However, some of the threats are more substantial than others, so I do agree with you that we need to compartmentalise this discussion to some extent and focus narrowly on those.

As to the question, attribution is going to be critically important. It does not matter whether it is your bank trying to figure out whether it is really you, or your defence department trying to figure out whether it is a nation state or a terrorist. The very first thing that is going to be determined is going to be the identity mechanisms. They are not just identities for people. You have to identify people, programmes and machines. All three will have to be robustly identifiable in order to have any assurances. This is one of the first things that the world is going to have to agree to. The world is going to have to come together and say, 'We have to have a basis of protection.'

Once you do that, there is this interesting question, which is; what are the military rules of engagement? Where is diplomacy? Mike Chertoff mentioned that in the Cold-War era, when it was nuclear weapons, you understood the actors and there were rules of engagement. You knew what the response would be against a particular action. We can see the basis of these kinds of actions today on cyberspace systems and yet we do not have any agreement as to what the rules of engagement are. Do you move from an act of defence to an actually-active attack? That is going to have to be something that the Governments do have to come together on and do it quickly.

**Ulysse GOSSET**

Thank you. François Barrault, a very brief conclusion.

**François BARRAULT**

To use the word "anxiety-provoking" again, it's true that we have somewhat triggered all of our negative and anxiety-provoking fantasies about security and resilience. We sometimes forget that this powerful platform provides access to knowledge for young people without an education. I think we need to find a balance. I'll say two things. There are three communities that are important to watch: the business world, the States and the consumer. I think there are two very important points: one is resilience, meaning the ability to provide service and security. A business that depends on CyberWorld – a bank, for example; if it stops working, the business shuts down.

What's important to a State is protection. In fact, the big problem now is balancing protection against the system's leanness and functionality – and that's why there are a lot of hackers. It's like your house: you insure it, you install a great alarm system or an atomic bomb shelter underground, but how do you weigh the risk? I think I need to focus my major efforts on consumption, and that's why I'm very happy with the initiative that you announced because it will allow us to update all those State initiatives that are coalescing around the G20. I'm very happy about that.