

IGF 2017 Reporting Template

- Session Title: The future of Internet governance: submarine cables and global inter-connectivity

- Date: 19/12/2017

- Time: 9h00-10h30

- Session Organizer: Florence Poznanski/Félix Blanc (Internet Sans Frontières ISF)

- Chair/Moderator: Florence Poznanski (ISF)

- Rapporteur/Notetaker: Félix Blanc (ISF)

- List of Speakers and their institutional affiliations:

Roxana Radu – program manager at the Geneva Internet Platform – DiploFoundation

Veridiana Alimonti – lawyer and board member of Intervozes

Peter Micek – political and juridical adviser – Access Now

Félix Blanc – Head of Public Policy Desk – Internet Sans Frontières

- Key Issues raised (1 sentence per issue):

1. Economic and human rights impacts of additional submarine cables on Internet affordability in Latin America and BRICS countries.
2. Transparency over pricing policy of submarine cables governance
3. Internet shutdowns, mass surveillance and submarine cables
4. Inequality of access to international gateways and global connectivity

- If there were presentations during the session, please provide a 1-paragraph summary for each presentation:

Roxana Radu, program manager at the Geneva Internet Platform reminds that Internet is not as decentralized as it is commonly said. Submarine cables, through which 97% of transcontinental communications goes through, belong to a few private companies operating without any identified regulatory agency or international norms. She remarked that, although submarine cables are an old infrastructure (inherited from the telegraphic network built since the nineteenth century), they are now sought after by telecom companies belonging to content driven business sector like Google and Facebook that invest in their own cables to transport data autonomously. Radu stresses nonetheless that cables remain fragile infrastructure suffering from physical aggressions (roughly 300 interferences/year), intentional ones (surveillance, military attack, etc...), or accidental ones (fishermen, sharks, etc...), all of which are not sufficiently prevented from happening by international legislation. She lists the main international vehicles that protect submarine cables and sanction peacetime attacks, before stating that no sanction exist to prevent them from being targeted in war times. She quotes the example of Somalia, where the cut of a cable in July 2017 has disconnected the whole region during three weeks and caused financial losses estimated to 10 millions dollars/day.

Peter Micek, political and juridical adviser at Access Now links this vulnerability to its potential impacts on human rights and on freedom of expression in particular: “they are infrastructure critical for human rights. They are not used only by banks and traders to accelerate international trading, but also for the communication and free expression of citizens”. Unfortunately, governments and private operators does not make transparent the agreements and operating conditions of submarine cables. The revelations initiated by Edward Snowden in 2014 (for example the Tempora program piloted by the Five Eyes alliance) unveiled the scale of

unauthorized and hidden to public surveillance programs and revealed how important submarine infrastructures are to tap data traffic in real-time. Peter Micek regret that this chock wave didn't not have impact on the governance of submarine cables, hence the importance of that round-table, only space to cope with the issue at the IGF. Building new cables avoiding the United-States, as planned by Brazil, for instance, is not a sufficient strategy to circumvent surveillance: "Governments shall be more creative to strengthen governance, activate new landing points, stimulate digital economy and reach the global development goals for a horizon of 2020. In this perspective, Access Now has launched numerous campaigns and tools, as #KeepItOn, which is fighting globally against any form of censorship on Internet access, and a document with all the Principles for Connectivity and Development.

Focusing the debate on the Latin-american continent, **Veridiana Alimonti**, lawyer and board member of Intervozes, comments the world map of submarine cables as a map of extreme concentration of power among a few countries. "It is unimaginable that today Latin America is not able to communicate with Asia without transiting through the U.S or that the latter have to go through Europe to reach Africa." This concentration entails tariff inequalities that impact global south countries. She reminds that connection prices to international bandwidth are 10 times higher for Latin America than for Europe and that the price of connecting Buenos Aires to São Paulo is two times higher than the price of connecting Miami to São Paulo, which benefits from a dense network of cables. Such differences are due to the absence of concurrence among operators and to the centrality of submarine cable routes. More direct connexions could better the quality of communication and reduce latency. According to sources quoted by Alimonti, seven additional cables are expected in the coming years (among which only three will go through the U.S.). They could speed Internet connectivity up to five times. But Alimonti reminds also that connectivity should be considered as a whole, from transcontinental cables to last mile user networks. Universal access shall not rely only on competitive market investments. Private initiative should be combined to regulatory public policies to bolster local initiatives in relation to academic sector and thus reinforce a multi-stakeholder approach guaranteeing good governance. As example of such approach, she refers to the Brazilian Internet Steering Committee that has operated for many years a network of Internet Exchange Points used by commercial and academic operators in 33 cities thanks to peering and sharing agreements with reasonable costs.

Last speaker, **Félix Blanc**, research fellow at the Center For Technology and Society, Getulio Vargas Foundation (Brazil), and Head of Public Policy at Internet Sans Frontière, presents the outcome of his research on the ELLALINK cable, that will link Portugal to Brazil in 2019. Supported by the European Commission, this cable will deploy a total capacity of 72 Tbps/second shared by a consortium of telecommunication operators – traditional investors – and non-commercial scientific actors (the European and Latin American academic networks GÉANT and RedCLARA) that should benefit from an indefeasible rights of use during the whole lifetime of the cable. This agreement is meant to facilitate communications among academic networks, but also with non profit actors. This initiative was launched at the Toledo Conference in 2002 in prevision of the future Chilean astronomic observatory of Cerri Paranal, where from 70% of world astronomic data shall be produced. This new model brings non-commercial actors into the governance and spectrum exploitation of submarine cables and create the possibility to have a dual network meant to guarantee that scientific communities, universities and non-profit actors can have a share of the spectrum. This Ellalink model is still embryonic and should be widely debated in Europe and Europe, in order to foster the implementation of commercial and non-commercial regulatory framework for Internet infrastructure of public interest.

See more on : <https://internetwithoutborders.org/fr/submarinecablesigf2017/>

- Please describe the Discussions that took place during the workshop session (3 paragraphs):

The first issue discussed at the Session deals with the expected outcome of private/public investments in terms of public debate. It has been argued that mobilisation of civil society is more likely to influence the decision making when public money is at stake.

The second issue has to do with upstream surveillance programs and circumvention of Internet shutdown. If many leaders (such as Dilma Rousseff) claim that additional submarine cables are conceived to offer alternative

ways of communication to Internet users, it is very difficult to assert that such infrastructures may prevent the U.S. agencies, and their allies, to implement their programs at every possible nodes. One need to take into account every layers of the Internet to build scalable surveillance circumvention.

Last, many voices agree to consider submarine cables as a crucial issue on the agenda of Internet governance. The lack of transparency among Internet backbone providers is very high and make very difficult to NGOs to have access to information critical for human rights defenders.

- Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways (3 paragraphs):

All the participants agreed to organize another meeting at the 2018 IGF and a preliminary workshop at the Rightscon in Toronto. Efforts shall be focused on including governmental and corporate members. As Brett Solomon (Access Now) stated during the discussion: "Submarine internet cables are critical human rights infrastructure" <https://twitter.com/solomonbrett/status/943049046587043840> Submarine cables are critical for human rights in terms of surveillance, shutdowns, filtering, neutrality. At the core of Snowden's revelations in 2013, they have not been taken seriously by human rights defenders. Hence the importance of this IGF session for the future of Internet governance and human rights infrastructure.

As for the findings of Internet Sans Frontières regarding the ELLALINK cable, participants agreed to increase the mobilisation of civil society not only in Brazil and Latin America, but also in Europe. Because Telebras is a public company, Brazilian human rights defenders have a unique opportunity to influence the decision-making process and manage to participate to the first multi-stakeholder governance of a major submarine cable (72 terabits/second). Dual use (commercial/non-commercial) of critical infrastructure may be a viable solution to prevent the Internet from over-privatization and fragmentation.

Last, because of the lack of transparency among international backbone providers, research and international cooperation must be conducted at global level to provide a map of these critical infrastructures, including not only technical and financial datas, but also governance indicators (privacy, transparency, neutrality, etc...). This online and open source mapping shall be useful to human rights defenders and other stake holders in their support of future global campaigns related to submarine cables and international gateways.

Gender Reporting

- Estimate the overall number of the participants present at the session: 40

- Estimate the overall number of women present at the session: 15

- To what extent did the session discuss gender equality and/or women's empowerment? To no extent.

- If the session addressed issues related to gender equality and/or women's empowerment, please provide a brief summary of the discussion: