

by Cyrus Farivar

"Brazil has 100 percent inconvenience, 0 percent security, and 0 percent privacy."

UNITED NATIONS—It's not every day that the Peace of Westphalia, which ended the Thirty Years War in mid-seventeenth century Europe, is invoked when it comes to Internet policy.

But Estonian President Toomas Hendrik Ilves did just that in a Monday keynote address at a side event as part of the United Nations General Assembly, which is currently underway this week in New York. President Ilves said that while the Peace of Westphalia—which dictated that countries (mostly) respect each others' sovereign boundaries—may have historically applied in physical space, this concept no longer applies when it comes to the online world.

"Cyberspace has no borders. Countries face the import of potentially disruptive liberal ideas of open societies," he said. "The means of expression, transparency, and accountability empowered by a Google search, a YouTube video, or a tweet, and these are direct threats to a restrictive political system; the World Wide Web turns them into domestic threats to the regime.

"We must choose between two paths—either we can change the nature of the Internet by acceding to a Westphalian regulatory structure of Internet governance, or we can change the world."

Ilves spoke before a group of around 60 people and participated in a panel discussion on the theme of "A Secure and Free Internet," which was hosted by the Permanent Estonian Mission to the United Nations. (Full disclosure: I participated on this panel discussion, and my flight to New York was paid for by the Estonian government. President Ilves has also had nice things to say about my 2011 book, *The Internet of Elsewhere*.)

Estonia, a post-Soviet country that regained its independence in 1991, has become a tech powerhouse in recent years. It is the home of Skype, its citizens have digital ID cards (which power its online voting system), it has a burgeoning startup scene, and it is the home of the NATO Cooperative Cyber Defence Centre of Excellence. Ilves used his own country as a repeated example of positive Internet policy, where security and privacy do not inherently conflict with one another.

The Estonian president closed his 10 minute address by noting that the UN could "play a role in promoting dialogue among Member States on Internet freedom and security and in defending Internet Freedom as part of its Human Rights agenda."

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However, as I pointed out during the course of the panel discussion, despite Estonia's and the UN's best efforts, it may be too late. After all, Russia, China, Iran, and many other nations have imposed strong Internet filtering and surveillance systems. To make matters worse, in recent months, the United States and the United Kingdom have been revealed to have used their spy services to spy on not only supposed enemies, but also ostensibly friendly nations as well.

Further, while the UN General Assembly and other international bodies, like the International Telecommunications Union, theoretically have some influence on global Internet policy, the reality is that countries are already blocking whatever they want and spying on whomever they want, with hardly any consequences.

William Pope, the senior advisor for Europe as part of the United States Mission to the United Nations, pointed out that anti-democratic countries like Russia and China want to use their influence in the UN and elsewhere to get other countries on board with their Westphalian Internet policies.

"They want legitimacy," Pope told the panel.

Other government officials from Latvia, the Netherlands, Egypt, and many others were also in attendance, including Carl Bildt, the foreign minister of Sweden.

But, I pointed out that while anti-democratic countries may want legitimacy, their policies are already well in place. Surveillance capabilities are already being used, with or without the UN's approval or disapproval, by democratic and anti-democratic governments. That point was driven home by Guilherme Patriota, the deputy permanent representative at the Permanent Mission of Brazil to the United Nations, who was in attendance at the panel discussion.

"There's simply no end to it."

Patriota referred to the fact that President Barack Obama had recently defended the global American spying effort: "I think it's important to recognize you can't have 100 percent security, and also 100 percent privacy, and also zero inconvenience. We're going to have to make some choices as a society."

Still, "Brazil has 100 percent inconvenience, 0 percent security, and 0 percent privacy," Patriota told the assembled crowd of around 60 people and the panel.

"There's no accountability. The US can do it [against foreigners] without a warrant, without a judicial order. This creates a clear discrimination. In both cases it ends up violating privacy. In Brazil nobody was asked that question [of whether the surveillance is justified]."

In fact, in recent days Brazilian officials have loudly raised objections over the fact that the Brazilian president herself, as well as the Brazilian oil giant Petrobras, had been spied upon by the National Security Agency (NSA).

"Tampering in such a manner in the affairs of other countries is a breach of international law and is an affront of the principles that must guide the relations among them, especially among friendly nations," Brazilian President Dilma Rousseff told the United Nations General Assembly

on Tuesday. "A sovereign nation can never establish itself to the detriment of another sovereign nation. The right to safety of citizens of one country can never be guaranteed by violating the fundamental human rights of citizens of another country."

After the panel, Patriota elaborated to me one-on-one. He was feeling exasperated that Brazil, as an ally of the United States, was essentially powerless to stop its spying. Still, Brazil has proposed imposing new requirements on American companies doing business there—for example by compelling servers to be in Brazil and therefore under tighter Brazilian control. The country might even lay new international telecom cables directly to Europe and elsewhere, bypassing the United States.

"We have no [similar technological surveillance] capabilities in Brazil," Patriota told Ars.

"We hold values that are not shared by what they call the 'authoritarian countries.' We are a hyper democracy to the point of being slightly dysfunctional. The [Brazilian] press is very anti-government. Nevertheless, we sustain this multi-stakeholder approach in which we apply our communications policy."

"I think the Snowden revelations have proven me right," he said. "Google and others are automatically collaborators of the US government and internationally—this happens by US law; it's a law that's made for US application. We are [part of the group of] Western countries friendly with the US, and nevertheless the e-mails of our president are being read by the NSA. There's simply no end to it."

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