

**Human Rights, Accountability, and Internet Governance
Seminar 2, GWU IIEP and the Internet Society-DC
Discussion Summary
November 17, 2014**

Speakers: **Manu Bharwaj**, State Department; **Ambassador David Gross**, Wiley Rein; **Andrea Glorioso**, EU Delegation to the US; **Robert Guerra**, Founder & Executive Director, Privaterra; Member, ICANN Security and Stability Advisory Committee (SSAC) and **Danielle Kehl**, Open Technology Institute

Organizers: Dr. Susan Aaronson, GWU and David Vyorst, ISOC-DC



Q: What is the future of Internet Governance?

1. Manu Bhardwaj:
 - a. Looking forward to December 2015 meeting at UN we will see how Internet Governance evolves next year.
 - b. Brazil good NETmundial meeting: roadmap, positive outcomes.
 - c. Future: WSIS (creation of the IGF) we need to assess what our goals with WSIS are as a community
2. Andrea Glorioso:
 - a. Dynamics that we should pay attention to:
 - i. We cannot have centralized Internet governance;
 - ii. Need much stronger dialogue between technical community and policy community. Technical community: not just governance people, but businesses esp. start ups
3. Ambassador David A. Gross:
 - a. 'Internet Governance' is not still a useful term. The Internet if not ubiquitous, is close to being ubiquitous. Internet governance now is the governance of everything: trade, etc.
 - b. Trade issues on privacy discussed bilaterally and OECD. Hard to find area where rights and responsibilities are not touched by Internet Governance. We will need to address many issues at once.
4. Robert Guerra:

- a. IANA transition, US and other stakeholders are trying to move will be especially important in the future of Internet Governance. We need to look at the political reality and international view of the IANA transition.
 - b. WSIS +10 : capacity building: looking to see if this is still taking place.
 - c. Look at financing gaps in furthering the Internet and how the current economic environment is affecting these finances.
 - d. Look at the international community views what happen in Busan.
5. Daniella Kehl:
- a. Breaks down into two things
 - i. Institutional issues (where will these things be taking place) NETmundial and a group of other organizations are looking for more platforms to discuss Internet Governance issues.
 - ii. Substantive issues (what issues will be addressed) What stakeholders will be allowed to participate? What issues belong where? Issues such as: surveillance, privacy right, net neutrality

Q: How can you reconcile US privileged role in Internet Governance and the stress of Internet governance being transparent?

- 1. Manu Bhardwaj:
 - a. The US has focused on expanding Internet institutions. IGF, ICANN (IANA transition). Furthering these institutions has allowed for increased cross border data flows, increasing much faster than any other sort of international exchange
- 2. Andrea Glorioso:
 - a. Does the US have a privilege? US companies were first movers and invested correctly. That being said, the US has a special relationship with Internet Governance because of its role in fostering institutions such as ICANN. US did a very good thing in IANA transition.
 - b. Speaking on Transparency: not everyone has resources to participate in these discussions on Internet Gov.

Q: Internet governed by Multi-stakeholders: are governments privileged stakeholders. Discussion is moving towards governments (WTO)

- 1. Ambassador David A. Gross:
 - a. ITU decided to be an only government forum, will accept inputs from others. This means that not everyone is able to participate in the same capacity. WSIS will take inputs from all, but the process will be only inter-governmental. As Internet grows in importance the power of governments and the central role of governments in the future of governance also grows.
- 2. Robert Guerra:

- a. We will have to see if governments actually follow through the idea of the Internet being a multi-stakeholder (Ex: Brazil, they have generally been geared towards a multi-stakeholder approach, will this stay the same?)
 - b. Challenges in national security especially in developing countries, for example Africa. We need to see where governments are taking the Internet.
3. Daniella Kehl:
- a. There are many institutions (ex: ITU) that allow only governments. Although many countries were pushing for multi-stakeholder approach it is hard to see if this will actually materialize.
4. Andrea Glorioso:
- a. What does Multi-stakeholder mean? He suggested that there may be too many definitions.
 - b. We need to be careful if we are asking for equal footing for all stakeholders. If businesses have the same rights and voice as governments: they should have human rights responsibilities. But firms do not have direct human rights responsibilities under international human rights law.
 - c. The Internet should be used to further participatory democracy, and Internet Government should look at participatory democracy as it grows for how to achieve goals.

Q: How can we account for the small number of people making decisions for 7 billion?

1. Andrea Glorioso:
- a. ICANN has to make further steps; it has been criticized in the past by being too closely associated with the US. This is a subject we continue to work on.

Q: Brian Barrie: Do you think the debate around Internet Governance will change in Congress now that Republicans hold a majority?

1. Robert Guerra: it will be a test to multi-stakeholder community.
- a. We will need to wait and see. We will need to protect the discussion. He is hopeful as both Republicans and Democrats have funded Internet Freedom (25 million).
2. Manu Bhardwaj:
- a. There is bi-partisan support of issues. The US brought a bi-partisan delegation to the ITU.
3. Daniella Kehl: dotcom act. Also, Congress has the potential to slow things down

Q: Ms. Tompson: Should corporations be held to International Human Rights Law if they want to be stakeholders?

1. Andrea Glorioso:
 - a. The earlier comment on this was not a normative wish. We believe corporations should have human rights responsibilities when they provide Internet services and products.

Q: Chris Walker: Certain governments have become better at shaping Internet policy, what is stopping Russia, China, and Saudi Arabia from implementing their policies?

1. Ambassador David A. Gross:
 - a. There are a good number of governments that do not agree with the way the US and Europe governs the Internet. To stand strong on this we will need to stand together as governments to protect Internet rights.
 - b. Since the Clinton administration the US government has looked at the Internet as different than most other issued (that the Internet should remain free)- this may be breaking down.
 - c. The Internet is similar to telephony and other ICTs.
2. Robert Guerra:
 - a. We should look at the demographic transformation and who is coming online. The next couple billion of new Internet users are coming from nations that do not view the Internet the same way the US/ Europe does.
3. Andrea Glorioso:
 - a. The less democratic nations in the world will not always take the moral high ground. There are many nations that have not decided whether or not they want an open Internet. We cannot tell these countries that they HAVE to do anything.
 - b. If you are country that has a hard time enforcing laws currently, it hard to say that anyone else can force you to have an open Internet, because it would expose you to more risk that you are unable to protect yourself against.
 - c. Russia, China, and Saudi Arabia have been approaching these undecided (in terms of open/closed Internet) countries

Q: How can Internet Governance help spread Internet access to parts of Africa that do not have access currently?

1. Manu Bhardwaj:
 - a. This is a shared interest of not just governments, but also of civil society, industry, etc. US AID provides funds to create broadband access. Again, we need to see the shared responsibility.

Q: What happened to surveillance? Why don't we hear more about it?

1. Daniella Kehl:
 - a. It has not gone away, we simply talked about it too much last year. It is an important issue but not the ONLY important issue. There is a lot going on around the world right now in terms of surveillance. It was brought up in ITU, but not in final language (decided it shouldn't be there). It is clear that there is no short-term fix for this. In terms of multi-stakeholder approach we need to take into consideration surveillance.
2. Ambassador David A. Gross:
 - a. WSIS +10 will talk about it, US did a good job in Busan to mitigate.

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