**APrIGF Seoul 2013**

**Workshop Summary Reports**

**Date:** 4 September 2013

**Time:** 2:30–4:00pm

**Track:** Openess

**Workshop Title:** Internet governance for human rights and democracy

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**Moderators:** Jeremy Malcolm

**Panelists:** Keith Davidson, International Director, Internet NZ

 Byoungil Oh, an activist of Korean Progressive Network Jinbonet

 Shahzad Ahmad, Country Coordinator, Bytes for All, Pakistan

 YJ Park, Professor, SUNY Korea

 Jeremy Malcolm, Senior Policy Officer, Consumers International

 Asif Kabani, Ministry of Finance, Government of Pakistan

**A brief summary of presentations (If any)**

Jeremy Malcolm spoke about how quickly the Internet communities have gone from rallying behind the banner of Internet freedom last year at WCIT, to the position where it has been said "the Internet as we know it is dead". This reflects, he said, a new awareness of how overconfident many of us were in the ability of the existing Internet governance regime, at national or global levels, to channel public interest concerns expressed by Internet user communities into policy processes. Unfortunately the international human rights framework does not have the machinery to prevent the infringement of rights ex ante. The only way to do that is to have civil society human rights defenders participating in the development of policies that will affect Internet users worldwide. To this end, a civil society coalition has developed recommendations for the CSTD Working Group on Enhanced Cooperation which can be found at http://bestbits.net/ec.

Keith Davidson spoke next, noting that although there are rights that the Internet places at risk, the Internet also enables us to exercise rights that we wouldn't be able to otherwise, such as the right to freely express and communicate ideas, which would otherwise be more difficult and costly. Moreover the rights that are infringed over the Internet aren't uniquely challenged by the Internet, but would also be challenged using older technologies such as telephony also. Keith also pointed out that if a Web company is infringing your rights (for example your privacy), you can easily avoid it by choosing a different company. On the other hand he acknowledged that national laws are being influenced by lobbyists (for example in the area of copyright), so he suggested consumers of the Internet will need to become lobbyists ourselves. Trying to do so at the global level will be difficult – we already have some global treaties, but it's clear that those commitments are not always upheld. Therefore usually our efforts will be focussed at home. It is difficult to think of any new global mechanisms that would be effective, as this would require them to be enforceable and have broad international commitment.

Byoungil began with the issue of interception of personal conversations by government agencies, which occurs not only in the United States but in Korea. Interception of foreigners' communications is especially loosely regulated. Stronger regulation of interception is needed to protect the rights of individuals, and failure to control this will push each country to strengthen its own ability to intercept communications, in a race to the bottom. In doing this, there is a need to expand participation of civil society according to the Tunis Agenda. Despite the enhanced cooperation mandate, new treaties and laws are still being developed behind closed doors. There is a difficulty in dealing with human rights issues in an Internet governance context is that many of these issues are dealt with in a trade context, or as IP issues which are reserved to WIPO. We have to define the most important issues and the right places to discuss those issues, and to ensure that this takes place in a human rights framework. In Korea, public awareness of multi-stakeholderism is very weak, and it is also challenged around the world. Although the basic principles were declared at WSIS, many countries opposed the idea. Most governments don't clearly understand this and don't have an agency to handle it. Consensus needs to be established to apply this concept to their public policies.

Shahzad Ahmad gave some other examples of the infringement of human rights in Internet laws from around the region. He noted that blasphemy laws are often misused to control Internet usage in Pakistan. Another example in the new ICT Act in Bangladesh, which arose in the context of a blogger accused of false reporting on a political issue, who can now be imprisoned for between 7 and 14 years. Similarly in Malaysia, there were accusations of interference by ISPs or by the regulator with political expression, during the recent national election. The overall problems is that such issues at the national level don't feed into and are not informed by the global policy debates. For Muslim countries in particular, the OIC (Organisation of Islamic Countries) is not engaging at all with the IGF. In conclusion whilst the Internet is not dead, it will be a huge effort to keep the Internet as free as it was before. But these are real issues affecting people on the ground, and these larger issues must be discussed in appropriate venues such as the ITU, IGF and ICANN.

YJ Park spoke about the need to ensure the participation of government people at the IGF. The organising committee of the current APrIGF have paid particular attention to this, with about five representatives from the government sector present in the workshop room, including Malaysia, the United States and Hungary. But overall, government participation remains low. Extending Shahzad's examples, there have been human rights infringements in Korea also, with allegations of the Korean equivalent ot the CIA (NIA) manipulating the last election. There has been government regulation of Korea's version of Google, called Naver, which could influence public opinion on political issues. Attempts to regulate the private sector have sown distrust amongst stakeholders. Such distrust is not only an issue for Korea, though. There is certainly a gap between what happens at the national level, and the best practices discussed at the global level. In Prof Park's view, multi-stakeholderism is only implemented well at ICANN, but has yet to be well reflected in other global Internet governance institutions such as the ITU, despite steps towards this at the CSTD. Can we guarantee that this approach will be taken in other platforms?

Asif Kabani was unable to present due to technical problems, but his presentation slides were made available, and included a reference to the Pakistan government's blockingof YouTube, and its recent decision to reverse this ban.

**A substantive summary and the main issues that were raised:**

During question time, the first intervention was from Keith Davidson who reacted to YJ Park's last assertion that ICANN is the only global example of multi-stakeholderism. He stated that the IETF is another good example, and that ICANN, in contrast, has a very narrow mandate. Milton Mueller, followed by Jeremy Malcolm, reacted in turn to that, stating that the IETF does not have a stakeholder model but a personal representation model, and has acknowledged that is has real problems with inclusiveness. Prof Mueller criticised ISOC's usage of the term “the” multi-stakeholder model, as if there were only one such model represented by the processes of the Internet technical community, and which is in contra-distinction to the government model. Keith rebutted again, stating that although the IETF does welcome individuals, many IETF participants do advocate for organisational opinions there.

Afida, a government representative from Malaysia, responded to a point in Shahzad's presentation, stating that Malaysia monitored the election to ensure free communication, without overstepping the boundaries of acceptable discourse. In this case, the people didn't cross the boundaries. But users in Malaysia are not ready for completely free speech online, due to sensitivities that may cause a national issue. As an example, Internet users of a particular race posted a photograph during Ramadan that was offensive to Muslims, and which led to violence. However in response to a question from Jeremy Malcolm, she agreed that Malaysia can increase its transparency about how content and communications are regulated online. Shahzad responded by denying that blocking would promote peace and harmony, and stating that it would inevitably be a political act.

Byoungil said that we Korea is managing ICANN issues well enough, but on other issues there is not enough consultation and policy makers mainly refer to practices in another countries. EU and UN recommendations at the regional and global level also have influence in Korea. Sometimes, however, the policies and practices that are adopted from one country into another were not developed in a multi-stakeholder process to begin with, and therefore are deficient in their observance of human rights. An example is the “real name system” in Korea, which requires Internet users to give their real identities to use local online portals or games – this is a poor practice that has since migrated from Korea to China. As a way of ensuring that such bad practices do not become entrenched, there should be a Korean IGF.

**Conclusion & Further Comments:**

One of the main themes of the session that emerged was that there is a need to make sure that there is a two-way exchange between national policy development processes and global multi-stakeholder fora, as well as replicating multi-stakeholder structures at the national level. There was also a broad consensus that one of the ways to link the national to the global level would be to encourage and facilitate the participation of local representatives at the global and regional IGFs, as well as to seed the development of national IGFs in countries that do not have them.