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Application: CROPP for RightsCON
1 message

Collin Kurre <kurre@internetjurisdiction.net>   Wed, Feb 8, 2017 at 10:07 AM
To: farzaneh badii <farzaneh.badii@gmail.com>
Cc: maryam.bakoshi@icann.org

Dear Farzaneh and Maryam,

I am writing to express my interest in attending the NCUC panel on content regulation at RightsCon as a member of the constituency. I have relevant experience from my work with the Center for Freedom of Expression and Access to Information (CELE) in Buenos Aires, Argentina and my current work with Internet & Jurisdiction. In addition, I have a keen personal interest in private ordering and the way technologies are challenging governance mechanisms. (For the past couple months my early mornings and weekends have been dedicated to developing a matrix for the evaluation of multistakeholder governance initiatives as a part of my master's thesis.)

At present, my expertise and day-to-day work revolves around issues of jurisdiction and cross-border requests for content takedowns. I'll reflect on the two questions that I find most relevant to my work and experience in order to demonstrate the kind of contributions you can expect from me at the NCUC panel:

- What is private ordering and how do we see it manifest on the Internet as a new vehicle for content regulation?

In the absence of clearly-defined procedures for content regulation (especially across borders), a variety of tactics are springing up: direct requests to platforms, blocking by ISPs, or internet throttling/shutdowns, to name a few. In the past couple months we've also seen a new trend where governmental agencies request court orders in order to force platforms to remove content as opposed to logging their request directly. Targeting the DNS and manipulating the technical architecture of the internet because of underlying content is particularly undesirable based on its extraterritorial effects. Because ICANN and technical operators often operate across jurisdictions, it is neither feasible nor desirable to subject them to national legal frameworks, particularly the thorny and nebulous issue of speech regulation.

- What are the key trends and risks digital rights protectors must be aware of and defend against?

First, we have to accurately gauge the magnitude of this challenge. Governments, IGOs, platforms and others are quick to make statements and initiatives against trending objectionable content. Here I'm thinking of the European Commission's hate speech code of conduct, platforms' new tools to counter fake news, and national legislation to combat terrorist propaganda or incitation to violence. Each of these issues are important and absolutely warrant interventions, but they're all symptoms of a larger disease. If stakeholders jump to instrumental problem solving on an issue-by-issue basis without understanding the scope and holistic nature of content regulation, the results could easily undermine human rights and set an especially bad precedent for freedom of expression.
Here again, the transnational nature of content regulation can't be understated. Debates on privacy and the protection of personal data are far more advanced than content regulation. Even so, Donald Trump's recent executive order explicitly stating that US privacy protections do not extend to non-citizens and the resulting confusion about the state of the EU-US Privacy Shield data sharing agreement highlights the fact that the protection of human rights becomes significantly more difficult when it must be negotiated across borders. There's a lot of potential for private ordering—indeed it may be the only path toward the mythic "race to the top," but any advancements on that front must come hand-in-hand with efforts to improve our existing world order in terms of increasing legal interoperability and due process across borders.

Thank you for your consideration; looking forward to your response.

See you around!
Collin

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On Feb 8, 2017, at 13:21, farzaneh badii <farzaneh.badii@gmail.com> wrote:

The call for CROPP can be brief:

NCUC EC has decided to allocate the "CROPP travel" to RightsCON. Rightscon will be held at the end of March. We will have a workshop there, the detail is below. Please apply by 6 PM UTC, Thursday 9th Feb 2017. Note that since the event will be in Europe, applications from Europe will qualify for this. Please indicate your contribution to the below workshop and a plan for outreach in general at RightsCon (who you will approach, what activities will you initiate etc). The EC will have to decide on a candidate on Friday 10th Feb at 9 AM UTC.

Please send your application (just a letter why you want to go there) to me and cc Maryam: Maryam Bakoshi <maryam.bakoshi@icann.org>

I apologize for the very short notice.

Best regards,

Farzaneh

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Title/Position: Member

Have you, or any co-organizers, organized a RightsCon session before?: No

Session Title: Content regulation and private ordering at Internet governance institutions

Session Format: Panel

What theme does this session fall under?: Freedom of Expression

Please describe what you want to do in your session: issue relevant to the Internet due to the existence of myriad of players deploying, running and managing ICT networks and services and inability of the governments to control complex decentralised Internet and address all the existing trheats with the traditional top-down approaches. Private ordering is common in the field of ICT, cybersecurity and cybercrime. In particular, it is used in Internet governance institutions such as the Internet Corperation for Assigned Names and Numbers (ICANN), which mainly creates and implements policies through a bottom-up, multistakeholder process and via contractual agreements. Due to different concerns related to human rights, private enforcement and narrow technical remit of ICANN, it is widely agreed among different stakeholders that ICANN's contracts and policies must not lead ICANN to become a content regulator on the Internet. This session will primarily address the following issues:

•   What is private ordering and how do we see it manifest on the Internet as a new vehicle for content regulation?
•   What are the key trends and risks digital rights protectors must be aware of and defend against
•   The example of ICANN - how do ICANN's policies affect the content on the Internet?

•   What are the dangers for Internet governance institutions, platforms and the broader Internet Governance ecosystem if they step into the

domain of enforcing / facilitating enforcement of content regulation?

•   It will also put forward some solutions as to how the multistakeholder community can prevent Internet governance organizations from becoming a content regulator.

These solutions might be even used in other Internet governance institutions that online platforms that are prone to become content regulators or are already regulating or being forced/expected to regulate content.

Who will be joining you in this session? Have you confirmed their participation? Who will be moderating this session?: The list of panellists is no finalized yet. In finalizing the list we consider gender, stakeholder groups and regional diversity.

We have interested members of Noncommercial Users Constitutency at ICANN who are willing to speak and lead the session. They have a strong academic and activism background and have a wide range of experience in Internet governance institutions, cybersecurity, cybercrime and knowledge of multistakeholder governance, freedom of expression and many more. As to inviting other speakers from the industry and government, we would be grateful for suggestions but we also have a network of members of the private sector who work with private ordering on their day to day job and government representative who are against private ordering.

What outcomes would you like to achieve with your session, and how will you transition these activities into post-conference action?: Our session will lead to an outcome document on the definition of content regulation, what is ICANN doing with regards to content regulation and in which areas it has become a content regulator. It will also make suggestions as to how ICANN could be prevented from regulating content by policymaking and multistakeholder participation

Anything else we should know?: We need RP and would be grateful if we could recruit speakers from the industry and governments.

How long would you like this session to last?: 75 minutes

Please list any keywords for your proposed session: Content regulation, ICANN,Censorship, Freedom of Expression

Farzaneh

Ncuc-discuss mailing list
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http://lists.ncuc.org/cgi-bin/mailman/listinfo/ncuc-discuss