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Internet and Human Rights: In Conversation With Rebecca MacKinnon

Breakout Session Summary
Wednesday, November 3, 2010 | 10:15-11:15 a.m.

Speakers

- » **Rebecca MacKinnon**, Bernard Schwartz Senior Fellow, New America Foundation
- » **Dunstan Allison Hope**, Managing Director, ICT Practice, Advisory Services, BSR (moderator)

Highlights

- » As more products and services integrate internet access, the issues of freedom of expression, data privacy, and censorship will become more material across industries.
- » The internet has become a public civic space and has implications for democracy that companies need to consider when entering new markets and developing new products and services.
- » The internet acts as a layer between government and citizens, so information technology companies have a responsibility to both.

Memorable Quotes

"The internet is a human creation—which means that like humans it is not inherently good or bad. It is simply a reflection of the human values that we bring to it." —Rebecca MacKinnon, New America Foundation

"We are just at the beginning of understanding what the internet means for corporate responsibilities for human rights. As the internet becomes more pervasive, more and more companies will have to engage with these issues." —Dunstan Allison Hope, BSR

Overview

Hope opened the discussion by introducing MacKinnon and asking for her opinion on whether the internet, with all of its implications for both promoting and inhibiting human rights, is good or bad. MacKinnon responded "yes:" The internet is both good and bad because it is a human creation and the reflection of our values. MacKinnon stated that we often take too stark of an approach to thinking about the internet. For example, policymakers often suggest that increasing internet access around the world will improve freedom and democracy. However, the implications of increased access are actually more complex—repressive governments, for example, that increase access can also use the internet for surveillance and to track and control public discourse online. We need to be aware and conscious of who is using the data that flows through the internet and how it is being used.

Given MacKinnon's assertion that we all have agency in the way that the internet is developed and used, Hope asked MacKinnon for her thoughts on the choices that we have made to date in promoting access to the internet as well as in supporting human rights. MacKinnon explained that because the internet was originally designed to be controlled around the edges rather than at a center, a lot of choices were made without thinking about broader impacts of those decisions. Regulators, for instance, might think about their needs to control the movement of information



more closely without considering the impacts of that approach on dissidents in repressed countries. Similarly, businesses make commercial decisions without considering how the internet serves as a global civic space that needs to be maintained.

Next, Hope asked MacKinnon about the relevancy of these issues for companies outside the information technology and communications industry. MacKinnon suggested that as the internet has evolved, it no longer resides just in computers. We now use our phones to access the internet, and someday soon, we may have toasters, bathroom scales, refrigerators, and shoes all connected to the internet. The implication is that companies that don't think of themselves as internet companies will increasingly need to address issues around privacy, data security, and censorship. These companies can learn a lot from information technology companies who have expanded into new markets without considering the political implications of their products and have ended up being implicated in serious human rights abuses. MacKinnon advised that companies need to proactively recognize the impacts they may have on users' core human rights and identify ways to communicate and mitigate these impacts rather than wait until dissidents are going to jail.

MacKinnon then explained how information technology companies and others sit as a layer in between governments and citizens. In many ways, the internet has become a multi-stakeholder forum, and companies are in the delicate position of enabling citizens to voice their perspectives to governments and also of being an arm of governments to shape citizens' perspectives. To maintain users' trust over the long term, companies need to inform users of government requirements and requests for data, so users can make informed decisions about whether or not to use the service. Some companies have been reluctant to take these steps or join collaborations like the [Global Network Initiative](#) because they fear increased public scrutiny. MacKinnon asserted that companies need to demonstrate that they are thinking ahead. Just like using a label showing the environmental or safety attributes of a product, companies that are transparent will be rewarded by consumers.

Audience members then asked MacKinnon questions regarding the role of government in promoting human rights on the internet. MacKinnon suggested that we are at a critical phase of the development of the internet where it will either remain interoperable and open or become balkanized. Due to the extent of cyber crime, there is certainly a role for government regulation of the internet. Similar to the issues of democracy and civil liberties that are debated offline, discussions related to internet regulation will need to become more sophisticated and nuanced to reach a compromise that allows for free and open discourse and security.

Finally, MacKinnon and Hope wrapped up by reminding participants that these issues are discussed more fully in Hope's recent book, *Big Business, Big Responsibilities* (Palgrave Macmillan 2010), and in MacKinnon's forthcoming book, *Consent of the Networked* (Basic Books 2012).

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