

Brussels Conference May 14th 2012

Global Online Freedom & Corporate Responsibility



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Introduction

This transatlantic conference on Global Online Freedom and Corporate Responsibility is organized by the University of Groningen (the Netherlands) and George Washington University. The first part of the conference takes place in Washington D.C. (May 10th 2012), the second part in Brussels (May 14th 2012).

The Internet, with over two billion connections, has become the most important medium for worldwide communication and trade. However, the Internet also offers unprecedented possibilities for censorship, monitoring and surveillance by authoritarian regimes. Western companies that supply information technology to such regimes facilitate this censorship. As a consequence these corporations are confronted with the complex dilemma of balancing their economic interests and social responsibilities. So far, none of the stakeholders in this problem has come up with an effective solution. This conference aims to engage these stakeholders, i.e. politicians, corporations, journalists, scholars and citizens from both sides of the Atlantic in this debate, in order to find common ground for a solution. Considering the global and decentralized nature of the Internet, monodisciplinary solutions will not be effective. This explains, inter alia, the failure of International Law to solve this problem. A multidisciplinary approach comprises a common perspective on the fundamental values, which can be used in combination with the right incentives (legal, economic) and technologies (standards) to bring a solution to this problem within reach. The common perspective will be addressed and sought by the key note speakers, who represent the different stakeholders. The incentives and technology needed will be addressed in workshops organized by honors students of both universities.

To put the problem of Online Freedom and Corporate Responsibility in a wider perspective: The major consequence of the Internet induced globalization of communication and trade, is a growing need for a common legal framework, which exceeds territorial (regional) limitations. This need is most urgent in the field of universal (c.q. global) rights, like the right to freedom of expression, to privacy and to an adequate standard of living, but also extends to other fields of law, like the universal regulation of working conditions, intellectual property, taxation and cybercrime. In none of these fields an adequate legal framework has been realized. This confronts governments, corporations and citizens with a multitude of dilemmas like the one that is the subject of this conference.



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Fortunately the same technology that intensifies this problem will also be helpful in solving it, because it connects people worldwide and thus contributes to the evolution of a global culture of which our legal culture is just a part. In spite of this natural tendency towards (legal) cultural convergence and although politicians, scholars, corporations and NGOs are engaged in this debate in a multitude of political, academic and economic fora there are no clear signs of the emergence of a common legal framework for the Internet. The obvious reason for this discrepancy is the fact that in international fora, economic interest is still the determinant factor and territoriality is still the dominant perspective. This one-sidedness of the debate also translates into one-sided academic attention to economic aspects of Internet Law (e.g. Intellectual Property Law, E-commerce). To stimulate the natural development of a global culture the debate should switch to subjects in the field of Global Online Freedom. Next to corporate responsibility, freedom of access to the Internet is a subject that should get more attention.

To enhance the debate and to stimulate the convergence of different legal cultures in the field of Internet Law the Center for Law&IT of the University of Groningen, the Netherlands has started a program aimed at organizing *a series of international conferences* in which politicians, corporations, NGOs and scholars and especially a new generation of talented students with a multidisciplinary background (legal, economic, technical) confer about new multidisciplinary solutions to this problem. The format of the conferences is that they are organized by honors students of at least two universities on different continents, and also take place on both continents. The sequel of such an international conference should be an intensification of the communication and cooperation between scholars and students of both continents and a network of scholars and students that expands with each successive conference.

The first of these conferences is this conference on *Global Online Freedom and Corporate Responsibility*. We are currently investigating the possibility of cooperation with a South African University (being one of the leading African nations) for the next conference and thus to expand the network. The subject of this second conference could be “*Access to the Internet, a fundamental right?*”.

Dr. Kees (C.N.J.) de Vey Mestdagh, University of Groningen, the Netherlands



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Programme

- 10:00-10:30 Introduction by **prof. Kees de Vey Mestdagh**, University of Groningen, the Netherlands. Universal, legal, economic and technical layers of freedom revisited on the basis of the Washington D.C. part of the conference.
- 10:30-11:00 Key note by **Marietje Schaake**, Member of European Parliament. The position of the European Commission and Parliament regarding Online Freedom and Corporate Responsibility,
- 11:00-11:30 Key note by **Ben Roome**, Head of media relations Nokia Siemens Networks. The corporate aspects of Global Online Freedom.
- 11:30-12:00 Break
- 12:00-12:30 Key note by **Tala Dowlatshahi**, Senior Advisor Reporters Without Borders. The problems of censorship and surveillance caused by technological and the ensuing societal developments.
- 12:30-14:00 Lunch
- Multidisciplinary Workshops on Global Online Freedom and Corporate Responsibility organized by honors students of the University of Groningen and George Washington University (all workshops depart from a position paper rewritten by the students on the basis of their experiences in the Washington D.C. part of the conference)
- 14:00-14:45 First Workshop – Universal Values
- 14:45-15:30 Second Workshop – Legal perspective
- 15:30-16:00 Break
- 16:00-16:45 Third Workshop – Economic perspective
- 16:45-17:30 Fourth Workshop – Technological perspective



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Kees de Vey Mestdagh

Prof. dr. Kees de Vey Mestdagh is founder and manager of the Center for Law & ICT, and member of the executive board of the department of Legal Theory at the University of Groningen, the Netherlands. He holds a PhD in Artificial Intelligence and Law, a master's degree of Law and a bachelor's degree in Psychology. He is supervisor of several research programmes, inter alia in the fields of Internet Governance, of Privacy & Intelligent Agents (both funded by the Netherlands Organisation for Fundamental Scientific Research) and of Legal Knowledge Based Systems. He is a honorary member of the Dutch foundation for legal knowledge based systems. He initiated and implemented the bachelors and masters programmes of Law and IT at the University of Groningen and participates in the Honorsprogramme of the University of Groningen (module Space, Time and Identity Dimensions of the Legal System). He teaches and lectures in the fields of Internet Law, Internet Governance, Legal Information Science and Normative Decision Making. His recent research focuses, amongst others, on the Global Convergence of IT-Law, esp. Freedom of Speech, Freedom of Access to Information, Privacy rights, Intellectual Property rights and Cybercrime. He published several books and (international) papers on all of these subjects. His multidisciplinary background and interests recently led to the co-publication of the book *Information and Computation. Essays on the Scientific and Philosophical Understanding of the Foundations of Information and Computation*, with a number of prominent scientists from all disciplines. It is also from this multidisciplinary background that he became convinced that the traditional political-legal approach to solve the problem of Internet Governance will not be effective without adding explicit instrumental knowledge from other disciplines (economics, social sciences, technical sciences) to the equation.



Marietje Schaake

Marietje Schaake is a Dutch politician for the social liberal party D66. In June 2009 she was elected for the European Parliament. Ms. Schaake studied Liberal Arts at Wittenberg University in Ohio and Sociology, American Studies and New Media at the University of Amsterdam. After graduation and an internship with the International Criminal Tribunal for the former Yugoslavia, she was granted the Lantos Fellowship of the United States House of Representatives, where she focused on international relations and human rights issues. Currently she is a member of the European Parliament as well as member of several committees. She is a member of the parliament's Committee on Foreign Affairs; the Committee of International Trade; the Committee on Culture, Media and Education; and for the Alliance of Liberals and Democrats for Europe she speaks on human rights and coordinates the monthly human rights resolutions. Her main policy areas are human rights, internet freedom and the digital agenda. She also has her own website: marietjeschaake.eu. Marietje Schaake will talk about her position and the position of the European Commission and Parliament regarding Online Freedom and Corporate Responsibility.



Ben Roome

Ben Roome has been with Nokia Siemens Networks since April 2008, joining the company from Nortel, where he was the communications director for Europe, Middle East and Africa. He is the company's corporate spokesperson and responsible for the reputation and awareness globally. In 2009, Roome was part of a working group at the company that worked to improve its policies with respect to the human rights implications of its technology. This work resulted in Nokia Siemens Networks being the only telecoms vendor to implement a human rights policy and due diligence process covering privacy and freedom of expression. The company was also instrumental in forming a the Telecoms Industry Dialogue on privacy and freedom of expression, which as of January 2012 incorporated Alcatel-Lucent, AT&T, BT, Deutsche Telekom, France Telecom/Orange, Millicom, Nokia Siemens Networks, Tele2, Telefonica, Telenor, TeliaSonera and Vodafone Group.



Tala Dowlatshahi

Tala Dowlatshahi is the Senior Advisor at Reporters Without Borders, but she is also producer, reporter and filmmaker. She is the recipient of multiple awards for her documentaries and films on social issues. Ms. Dowlatshahi is also creator of the web tv program Reporters Uncensored. As a reporter, she has interviewed people like Prime Minister Tony Blair, UN Secretary General Ban Ki-Moon and Secretary of State Hilary Clinton. Ms. Dowlatshahi often discussed challenges to a free and open press in her work as a representative of Reporters Without Borders. She holds a master's degree in international development with a focus on the Middle East from New York University and a bachelor's degree from the University of California at Berkeley in mass communications. Tala Dowlatshahi is a native of Iran.



Workshops

Universal Values

In this workshop, Global Online Freedom and Corporate Responsibility will be covered from a philosophical and scientific perspective. Questions that can be asked are: Is there a (universal/natural) tendency or urge towards (Global Online)



Freedom? Do universal values exist? Do people have a natural tendency towards (limiting) freedom (biologically, psychologically and sociologically). What is the role of global culture and globalization of our communication in the issue of Global Online Freedom? Does the concept of freedom differ between cultures and what does this mean in relation to Global Online Freedom? What is the position of companies (being social organizations) in furthering or restricting freedom?

Legal Perspective

In this workshop, Global Online Freedom and Corporate Responsibility will be covered from a legal perspective. Questions that can be asked are: What would be the best regulatory framework to further Global Online Freedom? Do companies (already) have responsibilities for Global Online Freedom? What is the (international) political and legal context wherein Global Online Freedom and Corporate Responsibility can be regulated? Is law the best instrument to address the issue of Global Online Freedom and companies' involvement?



Workshops

Economic Perspective

In this workshop, Global Online Freedom and Corporate Responsibility will be covered from an economic perspective. Questions that can be asked are: What are the economic factors that play a role in the issue of Global Online Freedom and Corporate Responsibility ? What economic arrangements and instruments can be used to address the issue? What kind of economic and financial incentives do different solutions give to corporations? How can we solve the problem of unfair competition when we cannot hold all companies around the world accountable?



Technological Perspective

In this workshop, Global Online Freedom and Corporate Responsibility will be covered from a technological perspective. Questions that can be asked are: What is the role of technology in furthering or restricting freedom? What kind of technological solutions can be used by companies to prevent misuse of their systems by certain governments? What general technological solutions can be created to further Global Online Freedom? How can standards be created to protect Global Online Freedom?



Colophon

Conference Chairs

Dr. Kees (C.N.J.) de Vey Mestdagh, University of Groningen, The Netherlands

Dr. Dawn (D.) Nunziato, George Washington University, USA

Organizing Committee

Dr. Kees (C.N.J.) de Vey Mestdagh, Center for Law&IT, University of Groningen,
The Netherlands

Arjan (A.) de Jong, Center for Law&IT, University of Groningen, The Netherlands

Program Committee

The program committee comprises both scholars (see chairs) and a multidisciplinary group of 25 honors students of the University of Groningen. The honors students attend the conference and organize the conference workshops as part of a Washington-Brussels summer school.

Documentary

Rutger Brood

Jitze de Vries

For more information please visit:

www.globalonlinefreedom.org

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Washington D.C. Conference May 10th 2012

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Dr. Kees (C.N.J.) de Vey Mestdagh, University of Groningen, the Netherlands



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Programme

- 10:00-10:30 Opening by **prof. Dawn Nunziato**, George Washington University. The current academic discussion in the US about Global Online Freedom.
- 10:30-11:00 Introduction by **prof. Kees de Vey Mestdagh**, University of Groningen, the Netherlands. Universal, legal, economic and technical layers of freedom.
- 11:00-11:30 Key note by **Shelly Han**, US Government Helsinki Commission. The Global Online Freedom Act (GOFA). On behalf of US House Representative Chris Smith, sponsor of the GOFA.
- 11:30-12:00 Break
- 12:00-12:30 Keynote by **Bob Boorstin**, Director of Corporate and Policy Communications for Google. The corporate aspects of Global Online Freedom.
- 12:30-13:00 Key note by **Delphine Halgand**, Washington D.C. Director of Reporters Without Borders. The real life problems that western companies create when they aid authoritarian regimes with censorship and surveillance.
- 13:00-14:00 Lunch
- 14:00-14:45 First Workshop – Universal Values
- 14:45-15:30 Second Workshop – Legal perspective
- 15:30-16:00 Break
- 16:00-16:45 Third Workshop – Economic perspective
- 16:45-17:30 Fourth Workshop – Technological perspective



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Dawn Nunziato

Prof. Dawn Nunziato is an internationally recognized expert in the area of free speech and the Internet. Her primary interests are in the areas of Internet law, free speech, and digital copyright. She recently published her book 'Virtual Freedom: Net Neutrality and Free Speech in the Internet Age' (Stanford University Press), and has lectured and written extensively on issues involving free speech and the Internet. Professor Nunziato has taught Internet law courses and lectured on Internet free speech issues around the world, including at Oxford University; the Munich Intellectual Property Law Center; Tsinghua University in Beijing; The Center for Studies on Freedom of Expression and Access to Information of the University of Palermo Law School, in Buenos Aires, Argentina; the Instituto Tecnológico Autónomo de México in Mexico City; and in Doha, Qatar. She has been an invited presenter and speaker at Oxford, Yale, University of Pennsylvania, Georgetown, Vanderbilt, and University of Virginia Law Schools, among other institutions.



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Kees de Vey Mestdagh

Prof. dr. Kees de Vey Mestdagh is founder and manager of the Center for Law & ICT, and member of the executive board of the department of Legal Theory at the University of Groningen, the Netherlands. He holds a PhD in Artificial Intelligence and Law, a master's degree of Law and a bachelor's degree in Psychology. He is supervisor of several research programmes, inter alia in the fields of Internet Governance, of Privacy & Intelligent Agents (both funded by the Netherlands Organisation for Fundamental Scientific Research) and of Legal Knowledge Based Systems. He is a honorary member of the Dutch foundation for legal knowledge based systems. He initiated and implemented the bachelors and masters programmes of Law and IT at the University of Groningen and participates in the Honorsprogramme of the University of Groningen (module Space, Time and Identity Dimensions of the Legal System). He teaches and lectures in the fields of Internet Law, Internet Governance, Legal Information Science and Normative Decision Making. His recent research focuses, amongst others, on the Global Convergence of IT-Law, esp. Freedom of Speech, Freedom of Access to Information, Privacy rights, Intellectual Property rights and Cybercrime. He published several books and (international) papers on all of these subjects. His multidisciplinary background and interests recently led to the co-publication of the book *Information and Computation. Essays on the Scientific and Philosophical Understanding of the Foundations of Information and Computation*, with a number of prominent scientists from all disciplines. It is also from this multidisciplinary background that he became convinced that the traditional political-legal approach to solve the problem of Internet Governance will not be effective without adding explicit instrumental knowledge from other disciplines (economics, social sciences, technical sciences) to the equation.



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Shelly Han

Shelly Han is since 2006 a member of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission, chaired by U.S. congressman Christopher H. Smith) as policy advisor in the fields of economics, environment, technology and trade. She has worked at the department of Homeland Security and the Department of Commerce on international security, where she advised about policies related to the export of sensitive goods and technology. Shelly Han has a lot of experience, and now is fluent in Mandarin, with the Asia Pacific region as she has worked over 15 years in trade policy and promotion, with a focus on this region. She has a master's degree in International Commerce and Policy from George Mason University and a bachelor's degree in Political Science and Oriental Studies from the University of Arizona.



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Bob Boorstin

Bob Boorstin is the director of Corporate and Policy Communications for Google. He has a long career in national security, political communications and journalism, as he was a reporter for the New York Times. He has aided the Clinton administration with communications on national security. Furthermore he was foreign policy adviser to the Treasury and State department. Mr. Boorstin has worked on more than a dozen national and international political campaigns and advised Fortune 500 CEOs and some of the nation's leading advocacy groups. Prior to coming to Google, he helped, found and served as Senior Vice President for National Security at the Center for American Progress. A graduate of Harvard University (1981), he received a master's degree in international relations from King's College, Cambridge University (1983).



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Delphine Halgand

Delphine Halgand is the Washington DC Director of Reporters Without Borders (Reporters sans frontières). After graduating from Sciences PO Paris with a master's degree in Journalism, she has been working as an economic journalist for various French media. Her main focus has been on international politics and macroeconomic issues. Delphine also worked as Press Attaché for the French Embassy in the United States. Currently she is running the US activities for Reporters Without Borders and advocates for journalists, bloggers and media rights worldwide. She will talk about the real life problems that western companies create when they aid authoritarian regimes with censorship and surveillance.

Reporters Without Borders is an organization which was founded in 1985 in France. They, among other things, defend imprisoned or persecuted journalists and fight against censorship and laws that undermine press freedom. In 2005, the organization won the European Parliament's Sakharov Prize for Freedom of Thought.



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Workshops

Universal Values

In this workshop, Global Online Freedom and Corporate Responsibility will be covered from a philosophical and scientific perspective. Questions that can be asked are: Is there a (universal/natural) tendency or urge towards (Global Online) Freedom? Do universal values exist? Do people have a natural tendency towards (limiting) freedom (biologically, psychologically and sociologically). What is the role of global culture and globalization of our communication in the issue of Global Online Freedom? Does the concept of freedom differ between cultures and what does this mean in relation to Global Online Freedom? What is the position of companies (being social organizations) in furthering or restricting freedom?



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Colophon

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Dr. Dawn (D.) Nunziato, George Washington University, USA

Organizing Committee

Dr. Kees (C.N.J.) de Vey Mestdagh, Center for Law&IT, University of Groningen,
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Documentary

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