

**United States Department of Commerce
National Telecommunications and Information Administration (NTIA)**

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Title: International Internet Policy Priorities

Link: <https://www.ntia.doc.gov/files/ntia/publications/fr-rfc-international-internet-policy-priorities-06052018.pdf>

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Submit comments to: iipp2018@ntia.doc.gov

Deadline to submit:

2 July 2018
On or before 5:00 p.m. Eastern Time

Instructions for Commenters

The NTIA invites comments on the full range of questions presented by this Notice, including issues that are not specifically raised. Commenters are encouraged to address any or all of the following questions. Comments that contain references to specific court cases, studies, and/or research should include copies of the referenced materials with the submitted comments. Commenters should include the name of the person or organization filing the comment, as well as a page number on each page of their submissions. All comments received are a part of the public record and will generally be posted on the NTIA website, <http://www.ntia.doc.gov/>, without change.

All personal identifying information (for example, name or address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Note: For any response, commenters may wish to consider describing specific goals and actions that NTIA, the Department, or the U.S. Government in general, might take (on its own or in conjunction with the private sector) to achieve those goals; the benefits and costs associated with the action; whether the proposal is agency-specific or interagency; the rationale and evidence to support it; and the roles of other stakeholders.

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I. THE FREE FLOW OF INFORMATION AND JURISDICTION

A. What are the challenges to the free flow of information online?

- Multiple challenges exist, but the ones that strike me as the most pertinent include the threats posed by illiberal and authoritarian states, as well as the massive consolidation and centralization of Internet platforms and services. Furthermore, the monopolies and duopolies that exist within the telecommunications sector will also hurt consumers, their ability to participate online, and especially hurt minority groups.

B. Which foreign laws and policies restrict the free flow of information online? What is the impact on U.S. companies and users in general?

- I do not know of particular ones, however, one set of laws to be mindful of are those pertaining to the so-called “Right to be Forgotten,” specifically how such laws are evolving as they are adopted around the world. See the report titled *Information Not Found: The “Right to Be Forgotten” as an Emerging Threat to Media Freedom in the Digital Age* I wrote, which was published by the Center for International Media Assistance (CIMA), for more information.¹

C. Have courts in other countries issued Internet-related judgments that apply national laws to the global Internet? What have been the practical effects on U.S. companies of such judgments? What have the effects been on users?

- Obviously, the one that comes to mind is the European Union’s General Data Protection Regulation (GDPR). I think that, although GDPR is wide-reaching, it does what many governments have failed to do, especially the U.S. Government: put greater protections in place for consumers, while seeking to reign in the out-of-control business practices of major technology companies.

D. What are the challenges to freedom of expression online?

¹ <https://www.cima.ned.org/publication/right-to-be-forgotten-threat-press-freedom-digital-age/>.

- In addition to my answers from question I.A. above, only around half of all people in the world are connected to the Internet. Access, digital inclusion, and policies such as network neutrality all impact freedom of expression online, especially as our lives are increasingly digitized. Ensuring individuals, particularly in the U.S., have good bandwidth (not the case in Eastern Kentucky, for instance), the skills to participate online (e.g., digital media literacy), and platforms do more to ensure safety and inclusion for women, the LGBTQ+ community, the elderly, and people with disabilities – just to name a few – are all key.

E. What should be the role of all stakeholders globally — governments, companies, technical experts, civil society, and end users — in ensuring free expression online?

- All stakeholders have an important role to play, specifically within their own domains, as outlined in the 2005 Tunis Agenda for the Information Society.² Regardless of the role, however, collaboration and cooperation within a multi-stakeholder framework is key.

F. What role can NTIA play in helping to reduce restrictions on the free flow of information over the Internet and ensuring free expression online?

- Promoting pro-consumer policies, acting as a check/balance to the FCC, and funding programs that focus on digital literacy education, etc.

G. In which international organizations or venues might NTIA most effectively advocate for the free flow of information and freedom of expression? What specific actions should NTIA and the U.S. Government take?

- It is absolutely imperative that all governments participate in Internet governance processes. At the same time, however, funding and staff capability is limited, and not all “rooms” (i.e., processes) are the same in terms of importance and relevance. The ones that I suggest the NTIA prioritize include:
 - Internet Engineering Task Force (IETF) meetings
 - Internet Governance Forum (IGF)
 - RightsCon Summit Series
 - Internet Corporation for Assigned Names and Numbers (ICANN) meetings
 - International Telecommunication Union (ITU) meetings, such as the upcoming Plenipotentiary meeting in Dubai in October-November
 - The other multilateral processes to which only governments are allowed to participate

² <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>.

- It is important that, especially in this time when the U.S. is retreating from its active involvement in promoting human rights around the world, that the Internet remain an accessible, open, and secure resource.

H. How might NTIA better assist with jurisdictional challenges on the Internet?

- One suggestion is to get more involved with the Internet & Jurisdiction Project,³ while also challenging cases of encroachment to rights online in international courts and lobbying governments as well as imposing penalties should rights be curtailed.
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II. MULTISTAKEHOLDER APPROACH TO INTERNET GOVERNANCE

A. Does the multistakeholder approach continue to support an environment for the Internet to grow and thrive? If so, why? If not, why not?

- Not only does it indeed continue to support such an environment, but it is one of the only approaches that ensures participation by all interested stakeholders, especially those outside of government and the private sector. The multi-stakeholder model is not perfect, and it is constantly changing in line with how the Internet evolves. Yet, it is undoubtedly the best model to address the myriad positions and interests of the myriad actors and stakeholders involved with Internet governance.⁴

B. Are there public policy areas in which the multistakeholder approach works best? If yes, what are those areas and why? Are there areas in which the multistakeholder approach does not work effectively? If there are, what are those areas and why?

- Yes, there are areas. Some of the best examples include Domain Name System (DNS) policy, cybersecurity, and the process of connecting the next billion Internet users. These areas in particular work well because, even though they are contentious, they must involve multiple actors in the decision-making since so many of the stakeholders contribute to the different components of the related policy. For instance, DNS policy works well within the multi-stakeholder framework since no one group of stakeholders alone could reasonably manage the DNS ecosystem.

³ <https://www.internetjurisdiction.net/>.

⁴ For more information, see: <https://www.internetsociety.org/resources/doc/2016/internet-governance-why-the-multistakeholder-approach-works/>, <https://www.cigionline.org/publications/who-runs-internet-global-multi-stakeholder-model-internet-governance>, and <http://unesdoc.unesco.org/images/0025/002597/259717e.pdf>.

C. Are the existing accountability structures within multistakeholder Internet governance sufficient? If not, why not? What improvements can be made?

- It depends on the specific process. Even though such processes are meant to be open, inclusive, and promote equality among stakeholders, the fact is that some actors have more power over others – both within and between stakeholder groups. I think it is very important for those actors invested in multi-stakeholder Internet governance to help give voice to actors with less power, and also stand up to bad actors.

D. Should the IANA Stewardship Transition be unwound? If yes, why and how? If not, why not?

- **Absolutely not.** Doing so is not just imprudent and practically (if not) impossible now, but it would significantly damage the reputation of the NTIA and the U.S. government. Furthermore, it would undo thousands upon thousands of hours of dedicated work from the multi-stakeholder community to ensure that the IANA stewardship is in fact *more* accountable, more transparent, and less easily influenced by politics.

E. What should be NTIA's priorities within ICANN and the GAC?

- Promoting a fair and reasonable approach to advising the ICANN Board in line with the existing frameworks and policies as well as established precedence.

F. Are there any other DNS related activities NTIA should pursue? If yes, please describe.

- Helping to promote Domain Name System Security Extensions (DNSSEC).

G. Are there barriers to engagement at the IGF? If so, how can we lower these barriers?

- Yes, but I think it is less to do with where it is held or how expensive it is to get there, and instead has to do more with the accountability and transparency of the Multistakeholder Advisory Group (MAG), which sets the program and direction of the IGF. While hosting the IGF in European countries poses an additional challenge to individuals from the Global South who want to attend, the lack of MAG transparency is one of the biggest problems with the IGF.

H. Are there improvements that can be made to the IGF's structure, organization, planning processes, or intercessional work programs? If so, what are they?

- Yes. To start with, make the MAG selection process more open, transparent, and accountable. We do not know how UN DESA selects members of the MAG, for instance. Another is encouraging innovation, such as with session formats and the

kind of information being shared. Lastly, encouraging more collaborative outcomes. Ultimately, more needs to be done to spur involvement and interest in the IGF, especially among governments, as support for the IGF and its relevance as a processes continue to weaken each year.

I. What, if any, action can NTIA take to help raise awareness about the IGF and foster stakeholder engagement?

- Work with other government agencies to encourage participation among governments, make sure the NTIA is properly represented at within IGF processes, and work hard to avoid the politicization of the NTIA (which I understand is practically impossible).

J. What role should multilateral organizations play in Internet governance?

- Multilateral organizations definitely have a role to play (as the ITU's initiatives on e-waste and promoting digital skills demonstrate). Some decisions will ultimately be multilateral, however, one way such organizations can do more is to encourage a level playing field for all stakeholders within Internet governance processes.

III. PRIVACY AND SECURITY

A. In what ways are cybersecurity threats harming international commerce? In what ways are the responses to those threats harming international commerce?

- A few ways. One is that it is hurting trust (e.g., undermining trust in secure payment systems or in giving a company personal information). Second, such threats are damaging commercial systems and cost companies millions (if not more) each year.

B. Which international venues are the most appropriate to address questions of digital privacy? What privacy issues should NTIA prioritize in those international venues?

- Since privacy is inextricably linked to how platforms utilize user data, it is so important to engage with them at events like RightsCon, the World Economic Forum, and the Munich Security Conference. Regarding issues, the NTIA should push for greater algorithmic transparency/accountability, advocate against mass surveillance, and encourage the use of privacy-protecting services such as Tor and virtual private networks (VPNs).

IV. EMERGING TECHNOLOGIES AND TRENDS

A. What emerging technologies and trends should be the focus of international policy discussions? Please provide specific examples.

- The development of artificial intelligence is crucial, for it may have significant impacts on the future of humanity. Developments in big data, the Internet of things (IoT) (including driverless cars), blockchain technologies, and virtual/augmented reality are all key areas where policy will be critical to balancing innovation with consumer protection.

B. In which international venues should conversations about emerging technology and trends take place? Which international venues are the most effective? Which are the least effective?

- Honestly, I am not sure. But I do know that involving the major platforms and technology companies in such discussions will be key.

C. What are the current best practices for promoting innovation and investment for emerging technologies? Are these best practices universal, or are they dependent upon a country's level of economic development? How should NTIA promote these best practices?

- I am not sure what the best practices are, but I think government oversight is important.

For more information, clarification, or follow-up, please email me at: michael.oghia@gmail.com.
Thank you for your time and interest.