The Global Network Initiative

Corporate Social Responsibility

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Introduction

The introduction of new technology in our modern society has not only revolutionized the way information spreads and changed our daily lifestyles, but it has also given us many reasons to be frightened and wary of the future.

We could only wish that society was not so similar to that of Huxley's *Brave New World* where people could not think but only sought pleasure in life or even a world such as that which Orwell envisioned in *1984* in which society was constantly under watch; however, we are eerily close to both. We're essentially amusing ourselves to death while corporations and governments around the world are taking our information, which we so readily put in the public arena, and they may legally or illegally use our vulnerability to their advantage.

The Need for A Watchdog in ICT

Whenever we think of censorship or surveillance, our attention is instantly drawn to China. Cisco has been found guilty of selling specialized surveillance and monitoring cameras to the Chinese government, Yahoo has come under fire for revealing the name of a Chinese dissident to the Chinese government. Google has also been admonished for complying with Chinese censorship laws. However, China is not the only country that gains from surveillance cameras or internet censorship. Let us not forget the "Ring of Steel" in London (or even the post-9/11 version in lower Manhattan) in which surveillance cameras act as an invasion of privacy, Vodafone shutting down mobile service in Egypt amid a revolution, and even a company such as Facebook that takes their users' personal information and sells it to third parties. Or, even the way Twitter has agreed to censor tweets in compliance with government desires in various countries[1].

[1] To see the variety of ways a government can limit privacy and inhibit freedom of expression, see Appendix A.

There is a fine line between what is acceptable as security and what is a violation of human rights. One organization that has recently been created to monitor for companies using their technology to violate human rights and our sacred freedom of speech, much often taken for granted in the Information & Communication Technology (ICT) industry, the Global Network Initaitive (GNI).

While it's important to monitor whether or not a clothing line is using child labor or if an organic food product is really certified organic, it is also equally important to not passively consume in the digital world. Companies such as Google and Facebook seem harmless, after all, it's just a search engine and merely a social networking site; however, their motives and actions have proven differently. There is a pressing importance for an organization such as the GNI to monitor these companies and to ensure that they do not violate human rights.

There's already been government initiatives such as the U.S.'s Global Online Freedom Act introduced on December 08, 2011, which would "prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes."[2] Additionally, other NGOs such as Amnesty International and Reporters Without Borders have issued public statements about how US tech companies should conduct business overseas, but these are mere words that have carried no significance.

I hope to take a look into the Global Network Initiative (GNI), which is a multi-stakeholder organization that is focused on Corporate Social Responsibility in regards to privacy and free expression in the ICT industry. It is a fairly new organization that has been coming

[2] "H.R. 3605: Global Online Freedom Act of 2011." - *GovTrack.us*. <http://www.govtrack.us/congress/bills/112/hr3605>.

under scrutiny from some human rights foundations for its lack of strong principles on which to monitor organizations, but is still being welcomed with open arms in other regards as well. Here, we will determine the potential of the organization as a defender of freedom of expression in the ICT world.

Overview

Because the Global Network Initiative is only in its beginning stages of operation (it has only been public for a little over three years), this case study will have some limitations. There will not be any specific case studies about the effectiveness of the GNI because the organization has primarily been focused on internal organization structure and have not conducted any monitoring activities yet. But, from the governance statement and internal structure of GNI, we can already anticipate the way the organization will function, which is the purpose of this case study.

History

The Global Network Initiative publicly launched in December 2008 on the 60th anniversary of the Universal Declaration of Human Rights[3] with a mission in mind to protect freedom of speech on the internet, which seemed to be of growing importance following several tech companies' decisions to succumb to the wills of the Chinese government and their quest to censor the web.

In 2006, a team of technology companies, public interest groups, academics, and "socially-conscious" investment funds came together to write an industry code of conduct and worked under the facilitation of the Business for Social Responsibility (BSR)and the Berkman Center for Internet and Society at Harvard. Their goal in the drafting process was "aimed at

[3] Maclay, Colin M. "Protecting Privacy and Expression Online Can the Global Network Initiative Embrace the Character of the Net?" Open Net Initiative. The Open Net Initiative. Web. <http://access.opennet.net/>.

helping companies to evaluate their adherence to the principles and to have a better sense of the global context for censorship and filtration"[4].

Later in the year, the team joined with the University of California-Berkeley's Graduate School of Journalism and initiated the creation of a code of conducts written by academics. Eventually the two came together in Oxford in June 2006 to create a Code.[5] It took a full two years to create a good-enough code so that the organization could formally begin. The first three corporations to sign on to the organization as members were Google, Yahoo, and Microsoft; all three of whom have faced criticism because of their lack of social responsibility in regards to free speech and China.

Though the organization was up-and-running in 2008, it took another two years for the organization to fire an executive director, Susan Morgan in 2010, and another year to appoint an independent chairman, former PriceWaterhouse Coopers Chairman Jermyn Brooks in January 2011. The purpose of the organization is to conduct assessments of companies in the ICT industry and make sure that they adhere to protecting human rights and privacy; in other words, the Principles of GNI.

Governance and Personnel

Board of Directors

The Board of the Global Network Initiative consists of eight representatives from different companies, four from non-governmental organizations, two from the academic community, two from the investor community, and an independent chair[6]. Board members can

[4] "Berkman Center for Internet & Society." Global Network Initiative. <http://cyber.law.harvard.edu/research/principles>.
[5] Maclay 2
[6] "Global Network Initiative - Board of Directors." Global Network Initiative. Web. <http://www.globalnetworkinitiative.org/board/index.php>.

serve two consecutive terms and can reapply for a third term after a one-year gap. In essence, company members would fill half of the seats in the Board.

It is not unusual to see such a diverse group of representatives on the GNI Board; in fact, it is a good sign to have a variety of interests represented to ensure that the ICT industry is well-understood and that, together, they can create appropriate guidelines for company assessments. However, it is questionable to see that corporations can also be on the board if they are the very reasons why the GNI was created in the first place: to curb the power and socially irresponsible practices of companies. Most obviously, there are representatives from Microsoft, Yahoo, and Google; however, there are five seats open for other companies to join in the future (there are no such allocations for academics, NGOs, or investors).

Microsoft, Yahoo!, and Google are tech giants and seemed to have joined the GNI at its inception in a haste for good public relations. Judging from the governance charter, the Board has great power when it comes to deciding how to interpret an assessor's reports and whether or not a company has successfully acted in accordance with the Principles. So, it seems difficult for these companies (and five future ones at that) to objectively judge whether or not their own corporations have indeed acted in compliance with the Principles.

The Board's Independent Chair is Jermyn Brooks, who had a longtime career with Pricewaterhouse Coopers, leading to become chairman of the firm in 1997. He had been a proponent of corporate social responsibility issues in the company and is now Chair of Transparency International's Business Advisory Board.

NGO Board Members include representatives from Human Rights Watch, one of the first members of the GNI, Center for Democracy and Technology, Committee to Protect Journalists, and Human Rights First. Academic Board Members have representatives from the Berkman

Center for Internet and Society at Harvard University and one independent academic. While it makes sense that the Berkman Center would be represented on the board since they helped draft the GNI's code, it almost seems lacking. There should be more academic organizations participating as active Board members to improve upon the organization's collective action to improve standards in the ITC industry.

One of the alternate board members Ernest Wilson, Dean of USC's Annenberg School of Communication, is there in personal capacity. Though he has a proven record of interest in information technology and its monitoring, it is also interesting to note that USC Annenberg has recently acquired an Innovation Lab whose corporate partner includes Microsoft[7], among other corporations. This may prove to be a concerning conflict of interest considering how closely aligned he is with Microsoft; special relationships (or, maybe "strategic alliances") may be created in the Board to overcome voting vetoes.

The Board of Directors seems to be lacking. Certainly, the Berkman Center for Internet and Society and the four human rights groups on the board give the organization a boost in credibility because of the good reputation of these members and the principles on which these organizations have been created. However, the amount of corporations the organization wants to be on the board is concerning because the Board makes most of the decisions in the implementation guidelines.

Participants

The Global Network Initiative is open to any corporation, NGO, investor, or academic institution that wishes to participate. What is needed is merely a signed statement of interest and declaring a commitment to (on varying levels depending upon what type of participant it is):

[7] "USC Annenberg Debuts New Space for Innovation Lab." *USC Annenberg*. Web. <http://annenberg.usc.edu/News%20and%20Events/News/110824AIL.aspx>.

- Implement and advance the Principles and other core GNI documents as relevant to the participating organization's activities
- Promote accountability with respect to the implementation of the Principles
- Contribute to shared learning and collective action on GNI-related issues among participants[8]

Company participants pay annual dues and any other participant pays annual nominal dues. The founding companies committed to $100,000 a year for the first two years of GNI to help the organization with its start-up costs. Companies' membership fees are dependent upon their yearly revenue and non-company members are expected to contribute between $100 to $1,000.

Companies should adopt the principles of the GNI and are required to implement a system of processes and procedures described in the Implementation Guidelines, be assessed by an independent assessor in accordance to the guidelines adopted by the Board within two years of joining the organization and, finally, submit annual reports to GNI.

The GNI offers no benefits, per se, for its participants/members. The most alluring incentive to join the initiative is the great publicity. Companies such as Yahoo, Microsoft, and Google, who have marred their reputations by acting in accordance with oppressive governments can spare the money to appear to have a changed (or, perhaps, more "enlightened"?) attitude toward protecting freedom of speech and the right to privacy by being a part of the organization.

Aside from company participants, there is also representation from academic organizations, investor firms, and a number of human rights organizations, which is important to signal the organization's dedication to protecting human rights in the digital age. Though it is impressive to have a few big-name human rights organizations as participants, such as Human Rights Watch,

[8] "Global Network Initiative - Charter." Global Network Initiative. Web. <http://www.globalnetworkinitiative.org/charter>.

Amnesty International refused to join the organization, let alone offer any support, citing "weaknesses" in the organization's structure and code and that "several critical issues could not be resolved"[9].

Amnesty International has long been known as a global leader in human rights advocacy. While Human Rights Watch has often been criticized for posting fake headlines about their work to impress their large network of donors, Amnesty has usually been more prudent and adamant about their work. They are internationally recognized as the strongest defender of human rights and have not let any government, event, or circumstance inhibit their crusade. The fact that such a prominent organization has refused to join GNI makes the organization seem less credible and leaves the audience to question whether or not it actually *can* make a difference in the fight for human rights in the digital world, or if it's merely an organization for publicity.

It seems that the organization is high on the cooperation and consultation among its members, as would be defined as an important feature of monitoring NGOs.[10] Accordingly, one of the principles for GNI details that members must work together to create better strategies to implement the organization's core principles and code. Ever since the inception of the organization, it seems that there is an agreement among the members to develop and build upon the organization's capacity, which is very beneficial for the continued growth and learning process for the organization. Hopefully, as the organization strengthens, the collaboration can encourage change in industry standards and influence public policy.

A list of participants can be found in Appendix C.

[9] Johnson, Bobbie. "Amnesty Criticises Global Network Initiative for Online Freedom of Speech." *The Guardian*. Guardian News and Media, 30 Oct. 2008. Web. <http://www.guardian.co.uk/technology/2008/oct/30/amnesty-global-network-initiative>.
[10] Nelson, Jane. 2007. "The Operation of Non-Governmental Organizations (NGOs) in a World of Corporate and Other Codes of Conduct." Corporate Social Responsibility Initiative, Working Paper No. 34.

Accountability and Assessment Process

Assessment Process and Assessors

In the early stages of the Global Network Initiative, part of the duties of the founding members was to create an assessment process in order to properly monitor companies. There were three stages of the learning process to create accountability for the organization included. Phase One: Capacity Building, Phase Two: Independent Process Review, and Phase Three: Independent Process and Case Review.[11] Each phase details the evolution of the structure of the organization's review and monitoring system.

Assessments are conducted by independent, third-party assessors who is chosen by the company and approved by GNI's Board of Directors, which seems questionable because companies are represented on the Board and the GNI wish to have companies make up half of the Board. Decisions about choosing assessors are made with a simple majority vote, which is merely 50% plus one vote (something that could be easily obtained).

Each assessor has the agency to define the scope in which s/he wants to assess how well the GNI's principles have been implemented and followed in the company being evaluated. Essentially, s/he decides, in accordance with a GNI assessment template, what particular facets of the company are important in order to create an assessment. The assessors don't have a checklist of what to check for; they can judge for themselves what is important for evaluation. Further, according to GNI's website, the company has a say in the development of the assessment scope and, perhaps, work together to make the assessment easy for the corporation.

So much autonomy for an assessor almost makes his/her role less credible, especially considering the fact that the company chooses who they want to assess them. Even though GNI has recently, or is currently creating a pool of assessors from which companies will choose, the

[11] See Appendix B

fact of the matter is that there is choice and no company would merely randomly select who they want to assess their performance. Ideally, the assessment would include a review of the company's internal processes, activities, and case studies implicating its proper implementation of principles. But, as of right now, because there is no set standard for evaluations, we're left to believe that the company has a big say in swaying the assessor and a lot of bargaining power.

After the assessment is completed, the assessor's report is given to the GNI Board and based on the review, the Board will decide whether or not the company has complied with the organization's code of conduct, principles, and principle implementation guidelines. Should the company have compliance issues or a series of problems, the Board will develop a corrective action plan for the company. The company, in turn, should implement the plan and report periodically to the Executive Director in accordance to the plan's designated timeline. However, if the company continues to not comply, or if it had a heinous failure in compliance (which is completely subjective), the company is put under a special review of 120 days to achieve compliance. If they don't follow-through, though, the review time can be extended, which essentially leaves one to wonder why a special review is necessary.

Assessor Selection Process

In Phase One of GNI, the Board discussed and created set criteria for choosing assessors. The criteria will be used for all future assessor selections and include criteria and subject matter expertise, experience in assessment and evaluation, independence from the company (including a disclosure of any possible affiliation s/he may have with the company), and ability to handle confidential information.

In Phase Two, because the Board has not yet compiled a pool of assessors, companies can choose their own assessors for conducting evaluations of the company's internal system's effectiveness in implementing GNI Principles, given that the chosen assessor has met the Board's criteria. After meeting Board approval, the assessor will conduct an internal system written evaluation for the Board.

In Phase Three (2012 and beyond), Board will have created a pool of assessors from which companies will choose from in the future. According to the governance charter, the company will work with the Board to choose an assessor from the pool to ensure independence. However, it's interesting to note that the Board has ultimate say in assessor independence through only a simple majority vote (that is, 50%+1). Whereas in Phase Two assessors were reviewing the company's internal system, Phase Three and beyond requires assessors to "understand and evaluate in practice each company's actual experiences in responding to specific demands that implicate freedom of expression and privacy and to evaluate the effectiveness of the company's specific responses in implementing the Principles."[12]

Each assessor must have been certified by the Board and sign a contract, subject to termination if the Board collectively agrees that there is a violation of independence. Certification of assessors is a good start to signal independence, but it is interesting to note that the companies being evaluated are the ones who must pay their assessors through an escrow account. There seems to be a conflict of interest in this case because if the evaluators are not being paid by the Global Network Initiative, then there is potential for corruption in the payment process between companies and assessors. Though these assessors may begin as independent, this is a possibility for a lapse in judgment. Hopefully, once GNI has better-established their

[12] "Global Network Initiative – Governance Framework." Global Network Initiative. Web. <http://www.globalnetworkinitiative.org/governanceframework/index.php#35>.

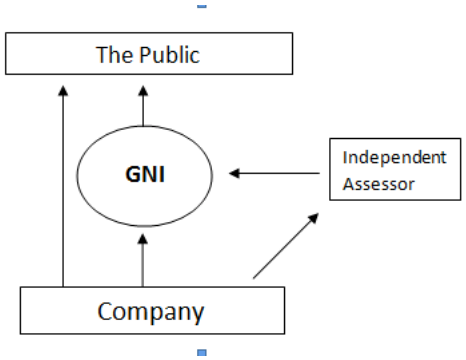
organizational structure and created a steady source of revenue from future donors and philanthropic funds, assessors will be paid by the organization, therefore limiting chance of corruption.

Public Participation, Reporting, and Accountability

In the chain of accountability, the Global Network Initiative is essentially an agent of the public and is accountable to them. Their chosen independent assessors are accountable to the organization for assurance of complete, unbiased evaluations. The companies part of GNI are accountable not only to the independent assessor because they must provide accurate information, but also GNI because they must create reports detailing to the organization how the company has progressed, and the company is accountable to the public to show them the company's stance of human rights and/or potential for change.

Essentially, GNI must create an annual report for the public that details the way the organization and participating companies have progressed in implementing the core principles, teach the public about threats of freedom of expression and privacy across international borders, and give the official compliant or non-compliant assessment of participating companies. Member companies must also provide annual reports to the public about their participation in GNI and their related activities about how they've progressed as a member.

Figure below shows an accountability chart.



According to David Brown, Mark Moore, and James Honan at the Hauser Center for Nonprofit Organizations, to build an effective accountability system, an organization must assess accountabilities, negotiate expectations with stakeholders, creating performance management systems, and enabling sanctions for performance.[13] So far, it seems that GNI is developing the first three points, but is lacking in sanctions. Should a company do poorly in an assessment, there should be more that the organization can do than put them on probation. As terrible as it sounds, drawing public attention to the corporation at fault should be a punishment.

Though GNI hopes to be verifiers of socially responsible ICT companies on a global level, they must appeal to their audience in order to be taken seriously. Their audience would seem to include the wary communication technology users (those who do not merely passively consume media) and, freedom-loving, democracy-championing millennial generation; for that matter, any activist whose actions may be potentially censored. But, at this point, merely being a verifier, keeping in mind the number of companies represented on the board and the fact that their financial lifeline depends upon companies' membership fees, makes GNI accountable to the company rather than the public.

Call for Vigilantes

GNI's choice to be a verifier rather than a vigilante for ICT is admirable because it then signals its willingness to help other companies to become a more socially responsible entity. However, it may not be a bad idea to change to vigilante-type actions only because younger people are generally more engaged in ICT and if a company is not performing to its standards, there is nothing more harmful to an ICT company than its users protesting its services and goods.

[13] Nelson, Jane. Pg 23

An excellent example of vigilante work is seen in early 2012 with the U.S. Congress's attempt to pass anti-piracy laws, Stop Online Piracy Act and Protect IP Act, which, in its worst case, would be abused and lead to censorship rather than protect intellectual property.[14] Companies that supported such a potentially destructive bill, such as GoDaddy.com, faced huge backlash as other large websites publicly threatened to remove themselves from the GoDaddy servers and regular users followed suit. Eventually the company suffered enough to withdraw its support for the bill. Essentially, to really get a ICT company that is violating human rights is to garner public support and awareness from the consumers and users upon whom they depend to push for change.

At this point, GNI has only issued statements about their stance on ICT hot topics such as the above-mentioned anti-piracy laws in the U.S. and the Middle Eastern democracy protests. These statements do not carry much significance or weight because the organization is still in its beginning stages and is not recognized as anything—much less an enforcer of human rights in ICT—among the uninformed. Had the organization begun as a vigilante, perhaps they could better garner attention and respect. In order to achieve this, the only way GNI could act is by publicly announcing non-compliant companies and alerting the public about their violations of human rights in order to persuade and entice the company's consumers and customers to not support their products anymore, such as with the GoDaddy.com example above.

It is, however, excellent that GNI is committed to helping a company become more socially responsible through corrective action plans. But, it is questionable upon what grounds the Board may find a company guilty because of potential conflicts of interest. The first three companies to have joined the organization, Google, Microsoft, and Yahoo! have recently

[14] Harvey, Jason. "A Technical Examination of SOPA and PROTECT IP." *Reddit.com* Web. 24 Mar. 2012. <http://blog.reddit.com/2012/01/technical-examination-of-sopa-and.html>.

undergone its first independent assessments, but its details will not be available for the public until Spring 2012, where it will be part of the organization's 2nd Annual Report.[15] While this is surely a sign that the organization is progressing forward and signals its credibility (after all, now three ICT giants have been assessed), the fact that the assessment's findings are not yet available for the public to see yet is disappointing and questions must be raised: did the founding companies choose their own assessors in Phase Two to conduct the most recent assessment? If so, there is inherent inclination to choose biased assessors because of the way the Board is constructed. Furthermore, these assessments are not complete because they may have only been evaluating the companies' internal systems rather than their holistic performance.

In recent months, Google has come under fire in the public policy arena and among internet users. Whether or not the Global Network Initiative addresses their incongruencies will ultimately give us an idea of how we can expect the initiative to work in the future: is the organization going to be the agent of the corporations or the agent of the public and, in effect, the "greater good"?

It is clear that they need the confidence and support of the public in order to be a legitimate entity. Unfortunately, for now, they have no official method for "fire alarms" made by the public. According to the organization, until they have developed their own system on how to address the public's complaints, any person's complaint will merely be directed to the corporation of which there is a complaint and should be resolved between those two parties. This hardly gives the organization any points in accountability if it cannot figure out a way to organize and understand how to address complaints from the public: their principles and audience. But, if GNI does not follow through with their work, there is no harm done. At this

[15] "First Independent Assessments of GNI Founding Companies Completed." *Global Network Initiative*. Web. <http://www.globalnetworkinitiative.org/newsandevents/First_independent_assessments_of_GNI_founding_companies_completed.php>.

point, if they find a company that "does evil"[16]and does not properly punish the company, their funds are ultimately not affected because most of their funds, at this point, come from the companies and they would embrace this leniency and not stop funding.

In short, GNI is making themselves seem to be more like agents of companies and businesses rather than agents of the public. Their principle is the company, who gives them their life support (funding) and sit on their Board, and there is no reason for GNI to let the audience believe otherwise.

FLA vs. GNI: Parallels?

Another NGO that has come under similar criticisms as GNI is the Fair Labor Association (FLA), an organization that has been created near the end of 2001 whose purpose is to conduct external monitoring and verification in the apparel industry. It came as a result of the Apparel Industry Partnership, which was launched as an anti-sweatshop campaign by former US President Bill Clinton, US Secretary of Labor Robert Reich, and Kathie Lee Gifford (whose clothing line had been exposed for being made by workers under harsh sweatshop conditions in Honduras).[17]

While the organization was welcomed, it faced much criticism because it was sluggish to conduct assessments and embraced corporate-membership. As a result, the organization's code has been regarded as inadequate for its lenient terms most likely because of corporate influence. The organization was created to help improve the apparel industry's credibility, which explains the leniency and corporate membership. In fact, assessments to company plants would be coordinated and planned ahead of time, and the company would provide a list of approved plants

[16] Google's informal corporate slogan is "don't do evil".
[17] Elliott, Kimberly A., and Richard B. Freeman. "Vigilantes and Verifiers." *Can Labor Standards Improve Under Globalization?* Institute for International Economics. Web. <www.iie.com>.

available for visitation and they would pay the assessors as well[18]. Eventually academic organizations did join, but it doesn't change the organization's code. In contrast, the Workers' Right Consortium (WRC) was created by a force of schools and does not allow company membership, thus improving their credibility and their ability to develop a much stronger code.

The GNI is following many of the same flaws of the FLA had come under criticism for: companies pay assessors for their own planned assessments and corporate-involvement seems to be quite heavy in the organization. Though the organization, at its nascence, was created as a joint effort between academic organizations, it seems that their values are skewed now. There is no standard of compliance for companies to adhere to because, at this point in time, the GNI lets assessors have great autonomy when conducting assessments. The organization is, at best, a vehicle for a company to signal its credibility and respect for human rights.

Three Founding Companies: What Cost?

Upon jumping on the chance to join this new organization in 2008, Yahoo!, Google, and Microsoft had been publicly shamed by their compliance with oppressive governments (and even in the United States) to limit freedom of expression and violate users' privacy. Has their participation in the Global Network Initiative changed their Corporate Social Responsibility practices, or is this organization really just a PR-tactic?

Yahoo!

The company has helped the Chinese government jail three dissident bloggers prior to joining the initiative. What happens is that the Chinese government sees e-mail addresses associated with dissident blogs and reaches out to Yahoo! to help them determine to whom these e-mail addresses belong. Reporters Without Borders has labeled the company as being "a police

[18] However, the FLA has since changed its policies and tightened up its monitoring process upon further criticism.

informant for the Chinese regime".[19] In fact, even in many democratic nations, Yahoo!'s photo-sharing site, Flickr, has been accused of censoring photos as well. Ever since joining the initiative, it seems that Yahoo! has no longer been an "informant" for the oppressive government. On their new corporate responsibility website, they now boast a renewed human rights record and highlight their participation with GNI. Clever PR aside, it seems that Yahoo! has not recently been in the news about potential violations of GNI's Principles.

Microsoft

Again, the company has been complying with the Chinese government. Pre-2008, the company has been known to censor their Windows Live blogs in accordance to the government's desires. Though we all know about Bill Gates's Foundation, which is a great organization. China's most popular search engine, Baidu, uses Microsoft Bing for some of its English language searches. While it's great for the corporation to expand its search software to China, with 450 million internet users, Microsoft seems to have promised to censor these English-language search results.[20] Thus, unfortunately, it seems they would/should be found non-compliant in the assessments.

Google

Google seems to be the worst offender of all. In China, they had previously censored search results, but in 2010 they withdrew their services in China and began re-directing users to Google HK. However, this does not clear them from blame. Despite drawing out of China, their corporation has engaged in extensive data mining in the United States. Has been known to track users' activities for advertising purposes (and, perhaps, for more reasons unknown to us as well),

[19] Wakefield, Jane. "Firm Faces Moral Dilemma in China." *BBC News*. BBC, 09 July 2005. Web. 24 Mar. 2012. <http://news.bbc.co.uk/2/hi/technology/4222866.stm>.

[20] McDonald, Joe. "China's Baidu, Microsoft to Cooperate in Search." *ABC News*. ABC News Network, 05 July 2011. Web. 24 Mar. 2012. <http://abcnews.go.com/Technology/wireStory?id=14002601>.

violating privacy through Google Earth, and, most recently, has been tapping into Apple users' cookies to store even more information that it already has.[21]

According to the Pew Internet and American Life Project, 73% of users would "not be OK" with online search engines saving their personal information—in essence, a violation of privacy that all three companies are guilty of.[22] These companies are not paying any cost by being a part of this organization. Other than paying annual fees, they lose nothing. In fact, their credibility for respect for human rights is only improved by being a part of such an organization. However, it still is important to note the fact that these companies are attempting to take action.

Other human rights violating ICT companies such as Twitter (a company that recently voluntarily began censoring tweets within certain countries' demands) and Facebook (a social networking site notorious for its lack of privacy for users and data mining) won't even consider joining the initiative, which would raise an even bigger red flag, considering the low cost of this organization.

Looking Ahead

Ultimately, in its early stages of existence, there is little reason to believe in the credibility of the organization. Though it is supposed to be accountable to the public and protect human rights in an increasingly technological world, the reality is that corporations are using the organization as a medium to improve its credibility to the public and, therefore, improve their likability amongst consumers. GNI depends upon corporations for revenues and corporations have a lot of say in the organization (through assessment decisions, percentage on Board), so it appears that GNI are agents of the companies and are accountable to companies to make them

[21] Boulton, Clint. "Congressmen Query Google Over Apple Safari Cookie Tracking."*EWeek.com*. Web. 24 Mar. 2012. <http://www.eweek.com/c/a/Search-Engines/Congressmen-Query-Google-Over-Apple-Safari-Cookie-Tracking-393575/>.
[22] "Search Engine Use 2012." *Pew Internet and American Life Project*. Web. 24 Mar. 2012. <http://www.pewinternet.org/Reports/2012/Search-Engine-Use-2012/Summary-of-findings.aspx>.

look good. Until the organization gets funding from third party sources and starts to receive a steady flow of public donations, there is very little incentive for the organization to act as an agent for the public; their survival doesn't depend on pleasing outsiders, it depends upon pleasing company insiders.

What will be the deciding factor of the organization's credibility is how they have evaluated the three founding corporations in their most recently conducted, and first-ever, assessments. Should the organization find Google, in particular, non-compliant, then they should openly announce this finding. If we were to really scrutinize Google, then, no: the company is not the most socially responsible. It would be deceiving to report Google as a completely compliant corporation.

As they gain steam, find more third party funding, and conduct more assessments, hopefully they will become an organization in which the public can engage and participate. 2012 begins the organization's third and final assessment phase, which marks the end of their learning period. Hopefully the first assessment puts the organization on a good stepping stone for credibility and the organization can begin to effectively monitor US ICT firms internationally and also change the ICT industry for the better.

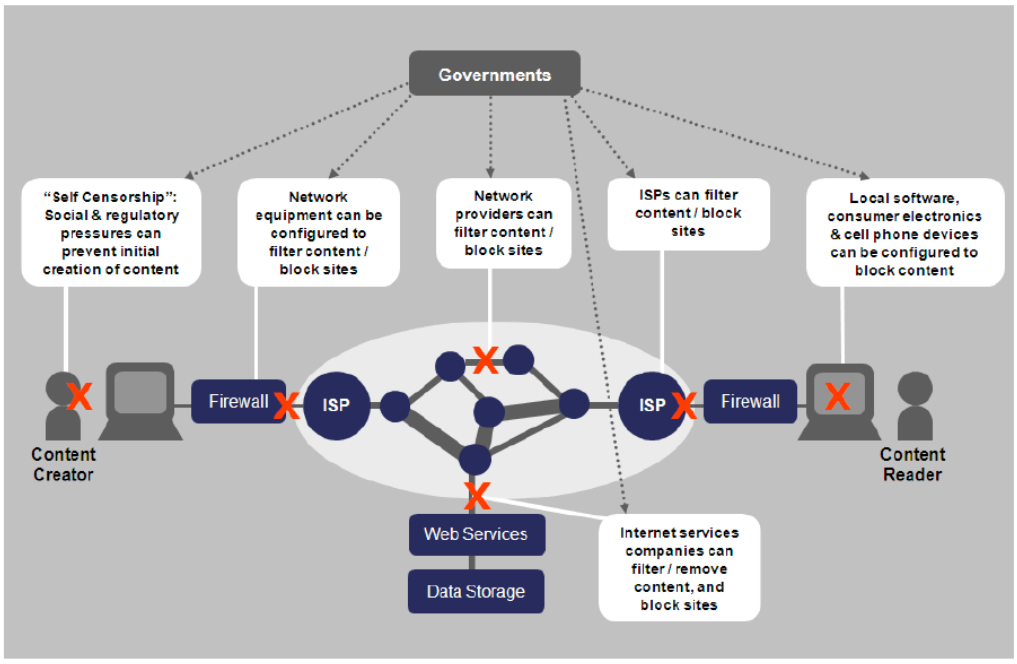
Discussion Questions

1. What are the potential downfalls of the Global Network Initiative?
2. What would be the impact of more ICT companies that have been accused of violations of privacy and freedom of speech (such as Twitter, who now censors tweets, and Facebook) joining GNI?
3. If a multi-stakeholder group cannot improve the conditions of ICT companies, what will? In other words, what, if anything, will convince companies to act in compliance with GNI's principles?
4. How do we convince corporations to join?
5. What are further steps that GNI can take in order to ensure its credibility to the public? Or, better yet, how do we make this organization as revered a watchdog as a human rights organization such as Amnesty International?
6. Should freedom of expression and censorship be monitored internationally, or do corporations have a point in saying that they must adhere to the laws of the countries in which they operate?

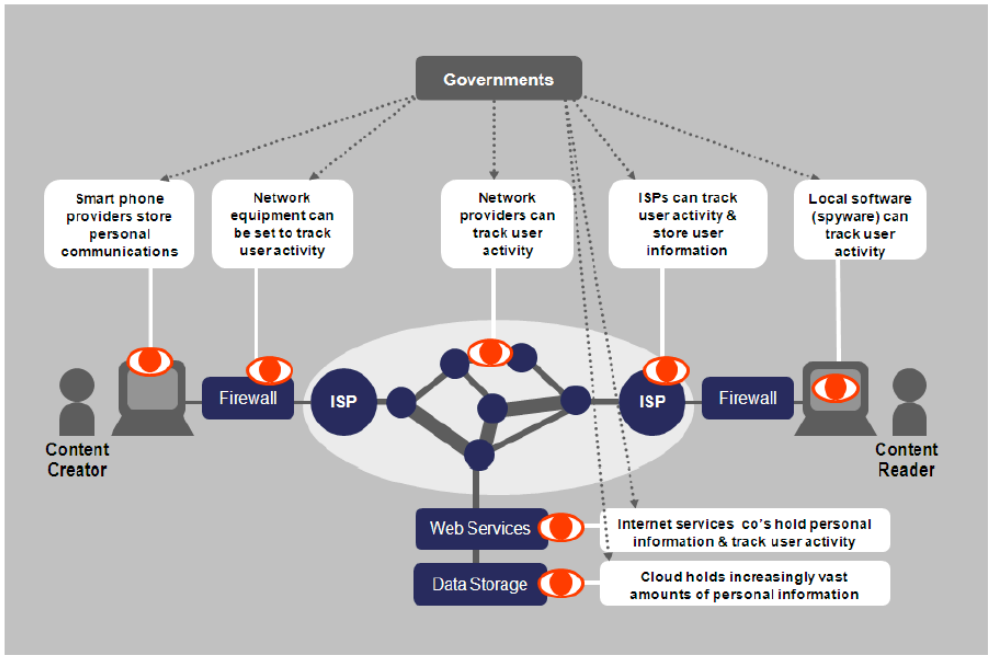
Appendix A: Risks in ICT

Images below are extracted from BSR's GNI-commissioned report, "Protecting Human Rights in the Digital Age: Understanding Evolving Freedom of Expression and Privacy Risks in the Information and Communication Technology Industry" by Dustin Allison Hope.

Freedom of Expression Risk Drivers Across the ICT Value Chain



Privacy Risk Drivers Across the ICT Value Chain



Appendix B: GNI's Assessment Phases

Phase I: Capacity Building (2009–2010)
During this phase, the GNI will develop an assessment template to help companies and assessors prepare for reviews of company compliance with the Principles. In order to assure consistency, transparency, and predictability, the template shall form the basis of each assessment and shall address such matters as the risk-based scope and focus of the assessment, including how to determine what jurisdictions and products the assessor should review based on the risks posed, and also provide guidance regarding how the assessor should conduct the review.

Phase II: Independent Process Review (2011)
During this phase, the assessor will evaluate the company's internal processes to implement the Principles. The goal of the Phase II independent assessment process will be to determine whether a company has systems, policies, and procedures in place to support the implementation of the Principles and other core GNI documents.

Phase III: Independent Process and Case Review (2012 onwards)
During this phase, independent assessors will follow an assessment template prepared by GNI to continue to evaluate the company's internal processes and the company's responses to specific government demands. This combined process review and examination of specific cases will be used to determine each company's compliance with the Principles and Implementation Guidelines.

Appendix C: Participants

As of March 11, 2012, these are the members of the Global Network Initiative:

ICT Companies
Google Inc.
Microsoft Corp.
Evoca
Folksam
Websense
Yahoo! Inc.

Investors
Boston Common Asset Management
Calvert Group
Domini Social Investments LLC
F&C Asset Management
Trilium Asset Management

Civil Society Organizations
Committee to Protect Journalists
Center for Democracy&Technology
Church of Sweden
The Centre for Internet & Society
Electronic Frontier Foundation
Human Rights in China
Human Rights First
Human Rights Watch
IBLF
Internews
Index on Censorship
International Business Leaders Forum
International Media Support (IMS)
Movements.org
United Nations Special Representative to the Secretary-General on Business&Human Rights
World Press Freedom Committee

Academics and Academic Organizations
The Berkman Center for Internet & Society at Harvard University
UC Berkeley School of iNformation
Annenberg School for Communication & Journalism, University of Southern California
Rebecca MacKinnon, New America Foundation
Research Center for Information Law, University of St. Galen

United Nations Special Representative to the Secretary-General on Business & Human Rights (observer status)

Works Cited

"Berkman Center for Internet & Society." *Global Network Initiative*. Web. 24 Mar. 2012. <http://cyber.law.harvard.edu/research/principles>.

Boulton, Clint. "Congressmen Query Google Over Apple Safari Cookie Tracking." *EWeek.com*. Web. 24 Mar. 2012. <http://www.eweek.com/c/a/Search-Engines/Congressmen-Query-Google-Over-Apple-Safari-Cookie-Tracking-393575/>.

Elliott, Kimberly A., and Richard B. Freeman. "Vigilantes and Verifiers." *Can Labor Standards Improve Under Globalization?* Institute for International Economics. Web. <www.iie.com>.

"First Independent Assessments of GNI Founding Companies Completed." *Global Network Initiative*. Web. 24 Mar. 2012. <http://www.globalnetworkinitiative.org/newsandevents/First_independent_assessments_of_GNI_founding_companies_completed.php>.

"Global Network Initiative - Board of Directors." *Global Network Initiative*. Web. 24 Mar. 2012. <http://www.globalnetworkinitiative.org/board/index.php>.

Harvey, Jason. "A Technical Examination of SOPA and PROTECT IP." *Blog.reddit*. Web. 24 Mar. 2012. <http://blog.reddit.com/2012/01/technical-examination-of-sopa-and.html>.

Hope, Dustin Allison. *Protecting Human Rights in the Digital Age: Understanding Evolving Freedom of Expression and Privacy Risks in the Information and Communication Technology Industry*. Rep. Print.

"H.R. 3605: Global Online Freedom Act of 2011." - *GovTrack.us*. Web. 24 Mar. 2012. <http://www.govtrack.us/congress/bills/112/hr3605>.

Johnson, Bobbie. "Amnesty Criticises Global Network Initiative for Online Freedom of Speech." *The Guardian*. Guardian News and Media, 30 Oct. 2008. Web. 24 Mar. 2012. <http://www.guardian.co.uk/technology/2008/oct/30/amnesty-global-network-initiative>.

Maclay, Colin M. "Protecting Privacy and Expression Online Can the Global Network Initiative Embrace the Character of the Net?" *Open Net Initiative*. The Open Net Initiative. Web. <http://access.opennet.net/>.

McDonald, Joe. "China's Baidu, Microsoft to Cooperate in Search." *ABC News*. ABC News Network, 05 July 2011. Web. 24 Mar. 2012. <http://abcnews.go.com/Technology/wireStory?id=14002601>.

Nelson, Jane. 2007. "The Operation of Non-Governmental Organizations (NGOs) in a World of Corporate and Other Codes of Conduct." Corporate Social Responsibility Initiative, Working paper no. 34. Cambridge, MA: John F. Kennedy School of Government, Harvard University.

"Search Engine Use 2012." *Pew Internet and American Life Project*. Web. 24 Mar. 2012. <http://www.pewinternet.org/Reports/2012/Search-Engine-Use-2012/Summary-of-findings.aspx>.

"USC Annenberg Debuts New Space for Innovation Lab." *USC Annenberg*. Web. 24 Mar. 2012. <http://annenberg.usc.edu/News%20and%20Events/News/110824AIL.aspx>.

Wakefield, Jane. "Firm Faces Moral Dilemma in China." *BBC News*. BBC, 09 July 2005. Web. 24 Mar. 2012. <http://news.bbc.co.uk/2/hi/technology/4222866.stm>.