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CHAPTER 7

DEVELOPMENT AND ACCESS TO INFORMATION 2019

QUALITY EDUCATION • DECENT WORK AND ECONOMIC GROWTH • REDUCED INEQUALITIES • CLIMATE ACTION • PEACE, JUSTICE AND STRONG INSTITUTIONS

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Chapter 7
Goal 16: Peace, justice and strong institutions depend on A2I

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The past two decades have seen significant shifts in the perceived benefits and dangers of technology. These shifts reflect the complex relationship between the capabilities of today's digital technologies, how they are regulated and controlled, and our ability to achieve SDG 16.

Concerns have expanded from access, affordability and various kinds of digital divides to now include information asymmetries, net neutrality, platform dominance, data-exploitation business models, algorithmic bias, privacy and security concerns, and fake news. The power of social media to inform and mobilise civil society celebrated during the "Arab Spring" is now juxtaposed against manipulation of public opinion and the "weaponisation" of the same platforms in the context of elections. For example, the Cambridge Analytica scandal[1] covered extensively by mainstream media provides real insights into the business of social media "profiling."

SDG 16
Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.[i]

16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

A tool that is also used to radicalise youth and promote violent extremism in civil society, social media has brought many to the realisation that the concentration of power in "big tech" (the major technology players, based mainly in the U.S. and China, that dominate the curation, access and control to information) merits greater attention. At the same time, rapid deployment of combinations of new technologies that mediate access to information – such as artificial intelligence, IoT (internet of things) and, of course, big data – reinforce the need to have a better-informed and engaged public capable of making technology choices that are in their best interest.

This chapter will focus on aspects of information ecosystem governance and the potential for greater civic engagement around the issues of public access to information and, in particular, Target 16.10. The recommendations focus on the role of libraries to educate, inform and engage from the community to global levels.

Inclusive knowledge societies – UNESCO

The internet was originally designed as a public good. The "openness" that allows us to create content, innovate, and access information online is under constant threat and attack from a range of forces, including but not limited to "big tech." As Mozilla's Internet Health Report 2019 states:

> Since wars begin in the minds of men and women, it is in the minds of men and women that the defences of peace must be constructed. *UNESCO Constitution*

"… [I]n 2019, the internet's openness is as radical — and as threatened — as ever. Governments worldwide continue to restrict internet access in a multitude of ways, ranging from outright censorship to requiring payment of taxes to use social media, to shutting down or slowing down the internet to silence dissent. Powerful lobbyists are winning fights for more restrictive copyright regimes, and big tech platforms lock us in to proprietary systems."[2]

These realities remind us of the need to never take our rights for granted.

UNESCO is a multilateral organisation within the UN system that vigorously defends a free and open internet through international cooperation, capacity building and technical assistance to its Member States.[3] It has been engaged with this agenda for many years, emphasising the internet's potential within its goal of developing "inclusive knowledge societies based on freedom of expression, universal access to information and knowledge, respect for cultural and linguistic diversity, and quality education for all."[4]

UNESCO and its sister UN organisations such as the International Telecommunications Union played a key role in the World Summit on the Information Society (WSIS, 2003 and 2005), which mapped out the implications of information technology for development, including the internet, and reinforced multi-stakeholder approaches in internet governance. The engagement continues through the annual WSIS forum and the regular meetings and conferences convened on access to information in the digital age.

UNESCO is committed to the construction of sustainable knowledge societies through its major programmes, including intergovernmental ones such as the UNESCO Information for All Programme (IFAP). IFAP was founded when member and partner governments pledged to harness the new opportunities of the information age to create equitable societies through better access to information.[5] In 2011, IFAP launched a code of conduct for the internet that remains relevant today.

Excerpt from the IFAP Code of Ethics for the Information Society 36 C/49 Annex

The Intergovernmental Council of the Information for All Programme of UNESCO … [a]grees upon a set of values, basic rights and obligations in the information society which should guide the actions and be observed by the members of the information society.

1. Internet in particular and ICTs more generally should be recognised as a key public service for building a people-centred, inclusive and development-oriented information society and are crucial to promote the exercise and enjoyment of universally recognised human rights and fundamental freedoms.
[…]

4. Information should be made available, accessible and affordable across all linguistic, cultural and social groups and to both genders, including people with physical, sensory or cognitive disabilities, and people who speak minority languages. Internet and other ICTs shall serve to reduce digital divide and deploy technology and applications to ensure inclusion.

Platform dominance[ii]

At a meeting of the U.S. Federal Communications Commission held in January 2019, House Antitrust Subcommittee chairman David Cicilline, D-R.I., opened the programme with strong words about Google's perceived anti-competitive behavior, both as a gatekeeper and for its buying splurge in which it has gobbled up smaller firms. This "concentration of power" creates "pernicious impacts on a free and diverse press," Cicilline said, especially "in the absence of a competitive marketplace." He cited reports on Google's ability to manipulate traffic on its ad networks as well as with its readers and users. All of this affects "legacy news companies and digital publishers alike," Cicilline said. "The free and open internet … is incompatible with this trend toward centralization online."

"It's vital that the House Antitrust Subcommittee takes up these matters in a top-to-bottom investigation [to determine] whether use of market power harms the competitive process online," he said. "We cannot have a democracy without a free and diverse press" – one that gives publishers "a level playing field to negotiate with dominant platforms."

IFAP actively promotes international reflection on the ethical, legal and societal challenges of knowledge societies. For example, UNESCO and IFAP are actively working to counter the radicalisation of young people online. The internet has been embraced by violent extremist groups, which are increasingly effective in using ICTs to promote hatred and violence, based on ethnic, religious and cultural grounds. These groups use the internet to extend their outreach and recruitment efforts, particularly among young people, by creating online communities with global reach in which violent extremist views and behaviour can be encouraged. On a more optimistic note, IFAP has long-standing cooperative links with IFLA to promote their common goals, including those in the area of information literacy and lifelong learning.

In 2015, UNESCO's 195 Member States committed themselves to internet universality and four fundamental principles that can be summarised in the acronym R.O.A.M.: that the internet should be:

1. based on human Rights;
2. Open;
3. Accessible to all, and
4. nurtured by Multi-stakeholder participation.

These ROAM principles anchor the internet universality indicators (IUI), which are "intended as a voluntary research tool for stakeholders to gather evidence to assess national internet frameworks, particularly in UNESCO's mandate areas, to increase understanding of the national internet environment, and to provide an evidence base for policymaking by governments and other stakeholders."[6] The IUI are spearheaded by the IPDC – International Programme for the Development of Communication.[7]

If one asked the average person about ROAM principles and internet universality indicators, few people would have much of an idea. The voluntary rollout of the IUI, which can even be done at the community level, will perhaps gradually change this situation. The IUI decisively move the discussion around improving access to information for sustainable development away from its historical focus on infrastructure and remind us of the need to ask important questions such as: Who are the gatekeepers of content? How is content curated and controlled? In which languages is content available on the internet? And how does access to information differ depending on who you are and where you find yourself? These questions are relevant in every country and are also important dimensions of IFAP's work.

Walled gardens on slippery slopes – registries as content police

ICANN (Internet Corporation for Assigned Names and Numbers) is a nonprofit organisation registered in California since 1998. It is responsible for coordinating the maintenance and procedures of several databases related to the namespaces and numerical spaces of the internet, ensuring the network's stable and secure operation.[8] Its mission as stated on icann.org is "to help ensure a stable, secure and unified global internet." In everyday language, ICANN manages everything that comes after the dot in a web address, for example: .com, .org, .biz or .ru. These are known as TLDs or top-level domains. When a TLD does not represent a country or a territory, it is known as a generic TLD (gTLD).

TLDs are managed by registries. These are companies that historically have played a major role in the technical health of the internet. 35 years ago, seven TLDs were created by the U.S. National Science Foundation, including .com, .org and .net. In 2012, after close to a decade of policy discussions and consensus-building within the ICANN multi-stakeholder decision-making framework, applications for new gTLDs were taken. Examples of new gTLDs applied for and delegated include ".africa," ".baby" and ".bible." The stated objective of the exercise was to enhance competition, consumer choice and innovation and to expand the generic top-level domain name system into languages beyond English, including Chinese, Cyrillic and Arabic.

Despite the preparatory work, the implementation of the new gTLD regime continues to attract controversy. Major companies and well-established organisations are perceived to have an unfair advantage in applying for and managing particular gTLDs. Some have created "walled gardens" by introducing rules and restrictions that limit access to the second-level domain names by business and even ideological rivals.

Perhaps of equal if not greater concern, the delegation of new

> "When we started ICANN 20 years ago, many of us fervently agreed with the Government Advisory Committee that we were overseeing the internet and its domain name system as a public resource. We supported a model where the multi-stakeholder community made rules for the registries and registrars; ICANN and its registries religiously stayed away from the content layer of the internet. Our job was to help keep the internet infrastructure secure and stable. But now some of the new generic top-level domain name registries seem to think they can do anything: raise prices through the roof and make any content and 'domain name takedown' rules they want – absent due process, absent law, absent fairness. They call their registries 'walled gardens,' but these registries undermine fundamental internet freedoms and rights with the censorship they are purveying."
>
> – Kathy Kleiman, fellow at Princeton University's Center for Information Technology Policy and co-founder of ICANN's Noncommercial Users Constituency[iv]

gTLDs has meant a new version of the registry contract. In their original iteration, registries were concerned with the health of the internet's infrastructure and the interests of the public – including registrants (those of us who register domain names for our organizations, our companies, our hobbies and our neighbourhoods). Today registry powers are being greatly extended, as reflected in this statement: "A registry operator is responsible for services including customer database administration, zone file publication, DNS and DNSSEC operation, marketing and policy determination."[9]

The following extract from a public comment posted in relation to changes in the way .org is managed provides a summary of the implications of those changes, and the box below provides context by detailing a real anti-abuse policy.

The internet has no boundaries (in theory) but what is legal depends on jurisdiction. IFLA's 2013 Trend Report[10] identifies this as the ongoing challenge of regulating a global borderless internet at a supranational level whilst accommodating overlapping and competing national legal jurisdictions and frameworks. The kind of open-ended reasons given under item B in the anti-abuse policy above do not make clear which jurisdiction would apply. In fact, "any applicable laws, government rules or requirements, requests of law enforcement" would seem to indicate that any government could request that a registry take action and suspend, cancel or transfer any registration or transaction or put them on registry lock. There is also no clarity on what exactly would constitute a content infringement. The situation is not only dangerous for the registrants, it also introduces new vulnerabilities for registries as they could open themselves up to legal action by accepting certain requests and denying others. There is also no clarity on what exactly would constitute a content infringement.

Those in favour of Public Interest Commitments and the changes in the responsibilities of registries argue that these are needed if some of the criminal elements of internet – e.g., child trafficking, pornography and promoting violent extremism – are to be controlled.

However, what constitutes acceptable content and what does not are not only debatable, they are anchored in history and culture. Censorship can affect real people and very often the most vulnerable in society. Pulling down a domain name means losing web pages, emails and listservs – entire online identities of organizations, businesses, causes and personal ideas. Changing the role of ICANN and giving registries the ability to set the rules, apply them as judge and executioner without due process – in a scenario that defies natural justice – cannot be healthy for good governance, free speech and those rights that are fundamental to a free internet.

As the public comment on the changes to .org rules puts it: *"The mandatory and voluntary 'Public Interest Commitments' are already being used to justify registry-imposed censorship of internet content in the new gTLDs. They are utterly inappropriate for*

An excerpt from a real anti-abuse policy (voluntary commitments) includes the following clause[iii]:

Registry operator reserves the right, at its sole discretion, and at any time and without limitation to deny, suspend, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status as it deems necessary for any of the following reasons:

A. to protect the integrity and stability of the registry;
B. to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process;
C. to comply with the terms of this Registry agreement and the Registry Operators Anti-Abuse Policy;
D. registrant fails to keep Whois Information up to date;
E. Domain name use violates the Registry Operator's acceptable use policies, or a third party's rights or acceptable use policies, including but not limited to the infringement of any copyright or trademark; or
F. As needed during resolution of a dispute.

The 'Public Interest Commitments' impermissibly invite regulation of internet speech and content

"The so-called mandatory and voluntary 'Public Interest Commitments' are a set of requirements that were added to registry agreements for the new top-level domains. They were created and imposed by ICANN staff without community input. They purport to impose a general obligation on registries and registrars to regulate the contents of websites and internet applications to prevent 'copyright infringement,' 'deceptive practices,' or other 'activity contrary to applicable law,' and to 'provid[e] consequences for such activities including suspension of the domain name.' These provisions, in effect, repurpose the domain name system from a global system of unique identifiers for information resources to a global regulator of speech in which internet users around the world must conform to a vague, inconsistent set of national laws, interpreted and enforced by numerous private corporations, or risk losing their domain names. And they run directly counter to ICANN's mission statement, which states that 'ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the internet's unique identifiers or the content that such services carry or provide.'"

the legacy TLDs, especially .org, and the special circumstances of millions of domain names registered to organizations dedicated to free expression and engaged in lawful critique, including critique of companies and their products, services and practices."

The question is, how did we allow this to happen? Unfortunately, there are very few people, outside of paid specialist staff from organisations with healthy budgets, who track what happens in ICANN. Its multi-stakeholder processes are complicated to follow and understand, even for those who work in this field. There are too few professionals with the required combination of legal, technical, organisational and policy skills. Most interested individuals and organisations of the 'Global South' cannot afford to consistently attend the many meetings that are central to ICANN's work. Libraries are uniquely positioned to provide the spaces for remote access to ICANN meetings. They can host public discussion on these issues, to inform and educate and to develop real solutions.

ICANN's work is central to a robust internet that allows us to access the content that we need in line with UNESCO's ROAM principles. We need to pay more attention to how our virtual world is organised and governed. Walled gardens in the context of an internet that is supposed to be free and open merit much research and analysis.

Conclusion

The internet is central to our ability to access information. An estimated 4.5 billion internet users regularly access online content, often using their mobile phones. The number of internet users is rising rapidly with some estimates indicating that more than 1 million people come online for the first time each day. Many countries have limited information literacy resources, and so users have few tools to make safe and informed choices about how they access information online. They learn by doing, they learn from their peers, their children and sometimes they learn from predators. The 2017 Development and Access to Information report[11] highlights the potential for libraries to make a difference by cultivating capabilities. People need to understand the implications of the technology choices they make.

When the U.S. government passed the CLOUD act, which gives it access to data stored abroad, not many people in my neighbourhood took any notice at all. Even in relatively sophisticated "old" internet markets, it took time for people to understand how Cambridge Analytica used profiling to distort elections. There was no precedent, nothing in their experience that they could use to explain it. For some people, just the word algorithm is enough to persuade them to tune out. Algorithmic bias has been shown to work against justice for all by profiling certain races as inherently immoral or dangerous.[12] Those criminals who promote violent extremism online know that many of the vulnerable young people they target have no understanding of how they are being manipulated. These are real, not virtual, threats to the achievement of SDG 16.

Changes to ICANN's role have had implications on the potential for censorship online, and accountability presents a challenge, as does deciding how to better manage the regulation of a global borderless internet at a supranational level whilst accommodating overlapping and competing national legal jurisdictions. There are a number of such issues that require broader informed engagement. We need the discussions to become mainstream to move outside the Internet Governance Forum. Libraries have a proven track record as places that promote civic engagement. We need to be better informed about how the information ecosystem we find ourselves in today works. Formal education systems have a role, media has a role, and libraries have a potentially major role.

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i See https://www.un.org/sustainabledevelopment/

ii Taken from the Donuts Inc Acceptable Use and Anti-Abuse Policy: https://donuts.domains/about/policies/acceptable-use/. Such rules are, however, common and this example is representative of other registries also.

iii See https://www.multichannel.com/blog/platform-dominance-privacy-antitrust-5g-dominate-sotn-industry-assessment-as-internet-infrastructure-fades

iv Quotation received by e-mail

v Excerpted from: https://mm.icann.org/pipermail/comments-org-renewal-18mar19/2019q2/003200.html. See ICANN's bylaws: https://www.icann.org/resources/pages/governance/bylaws-en/#article1

1. See https://www.theguardian.com/uk-news/2019/mar/17/cambridge-analytica-year-on-lesson-in-institutional-failure-christopher-wylie
2. See https://internethealthreport.org/2019/understand-the-issue-openness/
3. UNESCO's mandate is to forge a culture of peace by fostering the generation and exchange of knowledge … through international cooperation, capacity building and technical assistance to its Member States. It works to create the conditions for genuine dialogue between cultures and peoples based upon mutual respect and respect for shared values. See unesco.org.
4. See https://en.unesco.org/internetuniversality
5. See https://en.unesco.org/programme/ifap
6. See https://en.unesco.org/internetuniversality
7. See https://en.unesco.org/programme/ipdc
8. See ICANN's bylaws: https://www.icann.org/resources/pages/governance/bylaws-en
9. See ICANNWiki: https://icannwiki.org
10. IFLA Trend Report: https://trends.ifla.org/literature-review/cross-cutting-political-and-regulatory-trends
11. Garrido, M. & Wyber, S. (Eds.). (2017). Development and Access to Information. International Federation of Library Associations and Institutions, The Hague.
12. Noble, S. U. (2018). Algorithms of oppression: How search engines reinforce racism. New York, NY, U.S.: New York University Press.

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