

## **Facebook Internet.org: A strategic project bridging the African digital divide?**

*6 June 2015*

*By Arthur Gwagwa*

### **What is Internet.Org?**

Internet.org is a Facebook-led initiative bringing together technology leaders, non-profits and local communities to connect the two thirds of the world that don't have Internet access. Internet.org was launched on August 20, 2013 to improve Internet access for people around the world, based on the premise that connectivity is a human right. The Internet.org application provides free basic services in markets where Internet access may be less affordable. The app is currently available in parts of Africa, Latin America and Asia, and will continue to expand to more countries around the world (Facebook, 2015).

### **Internet.Org and the Net Neutrality Debate**

The campaign against Internet.Org has been led by the San Francisco- based Access, on the grounds that the project only gives users access to a limited number of websites in violation of the principles of net neutrality. The net neutrality principle states that Internet service providers should enable access to all content and applications regardless of the source, and without favouring or blocking particular products or websites. In this section, I set out a brief chronology of the net neutrality debate to the extent that I have been part of it.

Although the net neutrality discussions are not new, the coordinated campaign was launched in or around February 2015 and began addressing the Internet.Org project so soon thereafter. Its relationship to zero rating is still a developing area in the field of cybernetics. Facebook responded to the initial concerns on 4 May 2015, by announcing that it would enable anyone to build free basic internet services to help connect the world. Mark Zuckerberg made the following statement, "I support net neutrality because, at its core, it's about preventing discrimination. Net neutrality means we can use the services we want, and innovators can build the services we need. Connecting everyone is about preventing discrimination too. More than 4 billion people don't have access to the internet and the opportunities it brings. If we connect them, we'll lift hundreds of millions of people out of poverty. If we want everyone to share the opportunities we have, then it's our responsibility to bring everyone online in a way that respects an inclusive net neutrality."

Net neutrality advocates felt these improvements weren't good enough, therefore they went ahead to draft an open letter to Mark Zuckerberg which they sent at the end of May 2015. The letter raised concerns on net neutrality and that the project threatens freedom of expression, equality of opportunity, security, privacy, and innovation. The group further alleges that Internet.org does not give intended beneficiaries' access to the full Internet but provides access to a limited number of Internet-connected services that are approved by Facebook and local ISPs. This consequently erects a walled-garden where the world's poorest people can only access a limited set of insecure websites and services.

Although the letter to Mark Zuckerberg was based on the consensual position by the Net Neutrality group, it obviously did not record all the closed negotiations and nuanced discussions in the lead up to the adoption of the common position, some of which may fall within the Chatham House rules. However, some of the closed discussions are a matter of public knowledge. For instance, I did an interview with the New York-based Christian Science Monitor on 21 May 2015 which also co-featured the views of Jawaharlal Nehru professor of business and enterprise at the Judge Business School at the University of Cambridge. In the interview I set out my own personal point of departure insofar as the project relates to Africa where millions of people live without access even to the most basic internet.

The Facebook Spokesperson responded to the Christian Science publication by simply restating their general position on the issue, which also applied to the criticism raised in the open letter to Mark Zuckerberg. The Spokesperson said "We and our critics share a common vision of helping more people gain access to the broadest possible range of experiences and services on the internet. We are convinced that as more and more people gain access to the internet, they will see the benefits and want to use even more services. We believe this so strongly that we have worked with operators to offer basic services to people at no charge, convinced that new users will quickly want to move beyond basic services and pay for more diverse, valuable services". Mark Zuckerberg specifically waded into the debate by challenging all stakeholders, "We have to ask ourselves what kind of community we want to be? Are we a community that values people and improving people's lives above all else? Or are we a community that puts the intellectual purity of technology above people's needs?"

In this article, I am writing to put across a position that balances the net neutrality and development discourses. Although the later discourse emerged in the discussions that led to the common position within the coalition, it never gained traction as it was beyond the remit of the organizations leading the campaign. I feel it is necessary to bring that discourse to bear as this would bring about the needed balance in opinions. As a member of the Net Neutrality group, I uphold the group's broad principles as these are both valid and legitimate. However, for the reasons I shall give in the conclusion, I also believe that principles ought to be balanced against pragmatic considerations and should be context specific. A granular and nuanced understanding of context will help in the application of universal principles in a manner that is sensitive to the material realities and social idioms of the project's intended beneficiaries. Further I believe that, on close examination, the net neutrality principle may be of limited application to internet services that make it clear from the onset that they will be providing limited services. The principle states that providers should not block or favour particular websites and services. In other words, my rendering of the principle is that it applies to providers who undertook to offer full access to the World Wide Web, and then subsequently block or deny access to some parts of the web. It may not apply to providers who, from the onset, make it clear that they are offering a limited service. By analogy, to hold otherwise is not different from someone who buys a CD player with full knowledge, and then subsequently demands access to radio signal.

### **Internet.Org and the Development Paradigm**

In this section I will locate the internet.org discussion within the broader sustainable development and rights based paradigms. I will start by setting out discussions taking root at the norm and standards setting bodies. To set the discussion in context, for instance, during the Global Youth (BYND2015) Summit held in Costa Rica in September 2013, the UN Secretary General underscored the definitive contribution of the Internet and ICT to build a more prosperous world, a more just world and a world of greater freedom and responsibility. He highlighted the role of young people in making a difference through ICTs, especially youth-driven social media platforms that help disseminate ideas and generate momentum for change. As the first UN Secretary-General to use social media platforms such as Weibo, Facebook and Twitter, Mr Ban stated, "ICTs will play a central role in our efforts to achieve the Millennium Development Goals and define and pursue a post-2015 sustainable development agenda. They give us immense power to accelerate progress on education, employment, poverty reduction, access to health care and the empowerment of disabled persons, women and youth."

By helping the poor people to access communication and social networking applications for free on selected continents, the project seems to be significantly contributing towards attaining the social development goals. Through my own personal experiences and from the stories I picked up as I travel across Africa, I have seen the immense power of such applications in bringing about change. For instance these applications have helped connect small holder farmers to their markets in real time. These farmers can now send multimedia messages about their products. The same applications have helped students to connect with their teachers. One good example is how schools can continue functioning in flood prone areas when students can't cross flooded and crocodile- infested rivers. Similarly, they facilitate communication between patients and their healthcare workers without the need for such patients to walk to health facilities which may not be accessible. Similarly widespread migration has led Africans to live in different parts of the world, and these applications have helped keep families in touch.

The above are elementary yet vital 'one-stop' services that internet.org is seeking to achieve in these communities. When such services are considered in the context of other global projects that Facebook is exploring such as better connectivity enabled by satellite, drone and free space optic technologies, there is no doubt that more lives will be changed for the better. Such technologies, for example, drones, are able to record and transmit environmental data that can aid governments in the planning process. For example, maps showing climatic patterns, can help planners to put contingency measures in place ahead of droughts. Likewise, long term investment of capital, [such as these technologies that Facebook is planning to deploy], can help towards the realization of economic, social and cultural rights if coupled by an atmosphere that respects human rights and the rule of law.

It is therefore disconcerting that in our one sided zeal of pushing for net neutrality principles, we have overlooked the advantages internet.org brings. I am therefore not surprised that some communities in India hold the belief that internet.org equals net neutrality. For such people, neutrality assumes a different meaning that responds to their reality, such as the ability to connect with family members and markets for their products.

According to Prabhu, quoted in the Christian Science Monitor article (ibid), "while this debate may seem exclusively about net neutrality, it is actually a discussion among the haves and have-nots about how to introduce this essential tool to everyone, all while a for-profit company attempts to bridge the digital divide for them. These views were echoed by a leading professor on internet and society in Brazil I interviewed on 28 May 2015 who stated, "I have been very cautious on my

approach to the debate, because provision of basic infrastructure should be seen as progress. Full access to all services will follow after'. On an ideological level it appears some of the vitriolic attacks on the project by a few people has nothing to do with the principles of net neutrality that we all subscribe to but an ideological dislike for big corporations and their international profit hegemonies.

Further, the criticism against Internet.org does not consider the ideologies and practices of development, and therefore addresses the concept of security in a narrow fashion rather than in its wider meaning. For instance, the project can contribute to the objectives of human security and incidentally millennium development goals. As stated above, the provision of basic internet can facilitate access to medical facilities and enhanced food security. According to divergent views shared in the Net Neutrality Coalition in support of the alternative needs-based discourse, Internet.org is quite clearly and specifically a developing country and a development issue. It is best and most appropriately addressed from a politics of development framework. That is where it belongs. Internet.org is aimed at developing countries, and in fact has considerable acceptance among many public interest actors as a way to promote access. It is premised on the 'basic needs' framework of development (Anonymized Contributor, 2015).

Although some critics of the project allege that it ignores the rights based framework of development, there is ample evidence that refutes this proposition. In reality the services that internet.org bring can contribute to the realization of both civil and political rights and also social, economic and cultural rights. According to the UN Special rapporteur on the promotion and protection of the right to freedom of opinion and expression report (17 April 2013) , modern information technologies, for example, social media, have facilitated communication and free expression, enabling anonymity, rapid information sharing, and cross-cultural dialogues. This observation is confirmed by the UN High Commissioner for Human Rights, in her report on the right to privacy in the digital age dated 30 June 2014 in which she writes about how Wi-Fi-enabled devices have changed the way we live and work.

In addition, the project seeks to advance the rights enshrined both in the United Nations Human Rights Council 2012 resolution on the promotion, protection and enjoyment of human rights on the internet and the African Declaration on Internet Rights and Freedoms. The UN resolution ties such rights to development, by calling on all states "to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries." Similarly, the African Declaration speaks of the Internet's vital role in helping to achieve the full realisation of nationally and internationally agreed sustainable development goals.

To the above extent, rather than perceive Internet.Org as a danger to innovation and threat to free expression, critics also need to see it as a stand-alone product of great innovation that advances these two objectives. Secondly, it is also a door to opportunity for the millions who live in information ghettos where they cannot access alternative news media. Through partnership with local mobile telephone service providers, Facebook is not only providing access to Facebook app but to other basic services that allow people to browse selected health, employment and local information websites without data charges. This is helping bridge the digital divide. The argument that internet.org hinders innovation might only be applicable to technology experts working either in Silicon Valley or Old Street London. Such experts wouldn't need charitable access to internet anyway as they can afford full broad band. My experience of living and working in Africa has made me realize that most people browse the internet only to access applications such as Facebook, WhatsApp and Viber. They know what they want out of such services and have since defined their own 'garden walls' before the introduction of Internet.org. Therefore accusing Facebook of constructing garden walls around does not reflect the reality of African countries.

On a normative level, the Vienna Declaration and Programme of Action (1993) provides that "all human rights are universal, indivisible, interdependent and interrelated," and that "the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis." Therefore by facilitating freedom of expression and basic economic and social rights, internet.org is furthering both sets of rights contained in the international covenants, on civil and political rights (ICCPR) and economic, social and cultural rights (ICESCR), as originally outlined in the Universal Declaration of Human Rights.

The above views are echoed by one of the critics of Internet.Org, albeit, in a different context, that 'What I find most disconcerting is that - by rejecting this development approach framework - our Net Neutrality group is contributing to saying Internet related development issues do not belong to that kind of analysis and thinking'. He continued, "Internet.org is front and centre a developing country issue, and therefore a greater attention and sensitivity was required to how development is seen in developing countries" (Anonymized Contributor, 2015).

Thus, according to the quoted critic, the net neutrality debate and issues have been framed from a one-sided perspective, mostly from the developed global north. Constructing the Internet.org issue largely in terms of freedom of expression, privacy and security is to place a western construction on a core developing country issue and therefore considerably incomplete. While extremely important, it

does not address the key justification of Internet.org which also is the main ground of its acceptance among many in developing countries.

As stated above, Internet.org's basic applications enable people to participate in decision making. As Navvi Pillay, the former High Commissioner for Human Rights once stated during her visit to Zimbabwe in May 2014, "It seems that the full, active and meaningful participation in designing and implementing government policies by those affected enables early warning of a crisis and the formulation of the most appropriate policy responses. Likewise, access to information, including through a free press, enables people to better prepare and protect themselves against such crises". By giving people the tools that enable them to participate in decisions that affect their lives and consequently the right to move freely to seek opportunities, Facebook is according these people a life of dignity.

### **Internet.org and unfair competition**

Experience in both developing and developed countries reveal how subsidized services offered by big corporations through their social programmes can threaten small, especially high street businesses. These sentiments were echoed by one senior employee of a mobile service provider that I interviewed in connection with Internet.Org. He was worried that telecommunications worldwide are battling for survival because of the impact of over-the-top players like Facebook, WhatsApp and Skype etc. He said such services are undercutting their revenues. Some of the telecommunication players who fear Facebook dominance in emerging markets are taking the argument further by suggesting that services such as Internet.org's zero rating distort trade and are in breach of WTO commitments. However, whatever arguments that might be advanced on these lines do not take away from the fact that Internet.Org is facilitating rather than undermining the rights of ordinary people. This service accords with global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity as spelt out in the 2011 Guiding Principles on Business and Human Rights.

At a time when States across the world are asserting that a lack of resources is inhibiting them from implementing economic, social and cultural rights, the variety of technologies, including high-altitude long-endurance planes, satellites and lasers being developed by the Connectivity Lab at Facebook will make affordable Internet access possible in communities around the world. Such infrastructure will be vital for the provision of other broader needs. This will help these states to progressively realize a broad range of other rights.

## Conclusion

The debate on net neutrality pitting the haves and have-nots is not a new one in projects that draws multiple stakeholders from the global north and south. Although these hemispheres are under one sky, their perspectives on what development entails have different horizons. The scathing criticism of internet.org, though based on principle, needs to descend to the realm of pragmatism and respond to the contextual nuances. In doing so, it should uphold the principle of net neutrality, however it should also address the wider discourse of human security underpinned by Maslow's hierarchy of needs. This article has advanced both discourses based on principle and pragmatism. The later discourse is mainly based on the development 'needs' rather than the human rights based paradigm

Although I fully subscribe to and uphold the broad principles of internet neutrality, security, privacy, free expression, innovation and equality of opportunity in internet access, I realise that such aspirations cannot be achieved overnight and neither can they be met through big corporations' social accountability projects. They cannot play the role of the state. In this article, I have tried to argue that civil and economic rights are not mutually exclusive and so are off line and online rights. I have made a case that internet.org has capabilities for advancing both sets of rights both online and offline. For instance it advances rights such as free expression and association while at the same time, facilitating rights such as access to information on employment and health. I have also sought to rely on the principles international development and law to advance the argument at a normative level. I have relayed my own personal experiences of living and working in Africa in support of the alternative discourse. I therefore wrote both as a practitioner working on internet rights issues, but also as an African who belongs to the same social group with the project's intended beneficiaries. In light of the above, my arguments sometimes cut across the boundaries of these different and often dichotomous cultural habitats and combined objective evidence and anecdotes.

As Facebook continues to consolidate its position as a market leader in global communication networks, it will not be easy to balance competing interests and demands. As it pursues both profit and social responsibility objectives, it has to navigate an international market that has diverse and competing interests. The road to innovation will be characterised by detours, compromises and negotiations, because both the beneficiaries of its services and cyber rights activists will compete for space to shape this remarkable innovation. For any company looking to survive in the 21st century, they can no longer ignore what the people are asking for. The only way to enter a new market is through education and transparency. It is encouraging that on its website, Facebook says,

“Internet.org is a Facebook-led initiative bringing together technology leaders, non-profits and local communities to connect the two thirds of the world that doesn't have Internet access”. I hope that Facebook will continue living to this promise as it scales new heights of innovation. Consultation and participation in decision-making, non-discrimination, transparency, accountability and the rule of law are key factors for the implementation of human rights generally, and economic, social and cultural rights in particular. This applies to projects that seek to advance such rights. So far Facebook has been responsive to concerns and tried to introduce changes within what is possible. I have been personally involved in ongoing consultations with their public policy team. This is very encouraging given that Facebook is such a big corporation. As an internet freedom advocate, I will continue raising legitimate concerns with Facebook, but what is important is to bring as many people online as possible. Internet.Org is an effective gateway for doing that. Once these people are online, internet rights advocates can then guide these people to other applications beyond internet.org.

*Arthur is a freedom of expression activist and lawyer. He mainly writes on networked technologies and society issues relating to Africa*