

Introductory notes for the analysis of ICT policies in Latin America and the Caribbean

Roberto Roggiero

Introduction

Since it was founded in 1990, the Association for Progressive Communications (APC) <<http://www.apc.org>> has been working with civil society organizations around the world in making use of information and communication technologies (ICTs).¹ As part of these activities, APC has paid particular attention to the conditions necessary for the various segments of civil society to make effective use of ICTs. As a result of our work, we have identified what we call “Internet rights” as a special dimension or subset of human rights as they apply to the specific field of ICTs. APC recognizes that the effective exercise of Internet rights requires policies that will promote those rights or at least will not interfere with their full enjoyment.²

Some definitions

Civil society

In Latin American sociology usage, “civil society” has taken on multiple meanings, and the term is used in different contexts to refer to various social groups. For purposes of this paper, we understand civil society as consisting of the following social groups: non-governmental organizations (NGOs, including foundations and other non-profit organizations), grassroots organizations (such as neighbourhood organizations, *campesino* organizations, women’s organizations), second-tier or umbrella organizations (federations of several grassroots organizations), social movements (groupings of popular organizations with political objectives, with a greater or lesser degree of institutionalization), and labour organizations (unions, craft guilds, etc.).³ To these we may add the many social networks, not necessarily institutionalized, that promote networking and social activism in the region, with or without the use of ICTs. In this last case, we are speaking of virtual communities.⁴

Information and communication technologies

This refers to a set of technologies that permit the exchange and transmission of information (data) by different means. The most common is the Internet protocol (IP). We also understand ICTs to include relatively conventional technologies, such as radio, and more modern ones such as cellular telephony, provided they have some kind of link to the Internet.

Internet

This is a global data network under the IP, transmitting over a set of wired (copper wire, fibre-optic cable, etc.) and wireless (satellite, microwave, spread spectrum, etc.) solutions.⁵

Internet rights

APC is actively engaged in supporting and defending human rights, taking as its starting point the rights enshrined in the United Nations Universal Declaration of Human Rights, and in particular those in Articles 12 and 19.⁶ APC recognizes, however, that the declaration was drafted when the Internet did not yet exist and we need now to expand the scope of those rights to include ICTs. Internet rights, in other words, are nothing more than human rights applied to the Internet. For a more extensive discussion of this aspect, see APC Internet Rights Charter, attached as an annex to this paper.

Internet policies

Similarly, we understand Internet policies (or ICT policies) to be public policies that affect various aspects of the access, use and exploitation of ICTs (such as telecommunications, intellectual property, education, technological development). Internet policies, therefore, are heterogeneous and multisectoral.

These policies are implemented for the most part in the public sphere, although not exclusively, given that with privatization, essentially in the telecommunications sector, some of these policies now apply to the private sector (e.g. extending telephone service to rural areas through private telecommunications companies).

We are also speaking of policies that are not necessarily “national”, since the process of globalization and the media used by these technologies are such that actions relating to ICTs will nearly always have impact beyond national borders (e.g. security issues, or the privacy of communication), or the actions may be taken by institutions that are not necessarily controlled by national governments (e.g. the worldwide system for allocation and registration of domain names⁷).

Internet policies, as APC understands them, are not limited to policies relating to technological development of the Internet (building infrastructure or broadband capacity, among others), but include as well policies relating to their use and exploitation, such as policies for training in the use of computers and ICTs in general (digital literacy) or those relating to freedom of expression.

The social relevance of the Internet

We wish to highlight some aspects that allow the Internet to be considered a social development tool and something that is therefore strategic for the interests of civil society. The following are some basic characteristics of the Internet:

- It overcomes geographical barriers: people who are far removed from each other can communicate among themselves. As well, thanks to the Internet, a person can access digitized information that may be physically far away (e.g. stored on a server located in another country).⁸
- It overcomes time barriers: people can communicate with each other asynchronously, i.e. without necessarily doing so at the same time.⁹
- It facilitates the massive and instantaneous spread of information: through e-mail, a single message can be sent simultaneously to a great number of people (e.g. via a distribution list).
- It allows information to be kept and manipulated in digital format. This means that lengthy documents can be easily modified, saved or reproduced, thereby facilitating the accumulation and development of knowledge.¹⁰
- Costs are low compared to other media; and, bearing the foregoing features in mind, communication and access to information via the Internet generally carries a very advantageous cost/benefit ratio.

These characteristics, among others,¹¹ make the Internet of particular interest and usefulness, especially for purposes of intercommunication, exchanging information, accessing knowledge, education, etc. In particular, ICTs offer opportunities for civil society to pursue values and strategic objectives such as these:

- Participation and expression: ICTs enable sectors that have traditionally been prevented from expressing their viewpoints and influencing public policy (such as ethnic minorities, women, young people) to do so on an equal footing with other individuals and social groups.
- Cooperation and collaboration: Internet tools allow groups and individuals to collaborate and pursue joint projects and activities at a national, regional or global scale.

- Access: ICTs facilitate access to information and content of various kinds, as well as the possibilities for contributing to global knowledge by drawing upon local knowledge and content.
- Solidarity: ICTs facilitate the building of solidarity among activist networks in different social fields, such as human rights, the environment, and gender.

Because of these potential benefits that it offers, the Internet has been (or should be) included among the “basic needs” of humanity, and particularly of civil society. For this reason, it is essential for governments and civil society organizations alike to promote mechanisms for access, use and exploitation of the Internet. Access to the Internet is not by itself a sufficient goal¹² – what is important is to make use of it to improve standards of living and to promote the development of human capacities.¹³

It is these aspects, among others, that highlight the need for civil society to defend its Internet rights actively: on one hand, the right of access, use and exploitation so that the so-called digital divide¹⁴ is not widened but is reduced; on the other hand, the right to enjoy the opportunities that the new technologies offer, as part of the exercise of fundamental human rights.¹⁵

Yet ICTs also bring with them consequences that are not always desirable from the social viewpoint or for the interest of civil society. Among these consequences, we may note the following (Martínez and Gómez 2001):

- Homogenization and imposition of world views, culture and ideas from regions that dominate the Internet
- Saturation and paralysis as a result of too much information of uneven quality. Information overload can lead paradoxically to disinformation
- Isolation and fragmentation by fostering microsocieties dedicated to ever more specialized subjects, producing a scattering of small communities that are unconnected to other social processes

Of course, these are not arguments for rejecting ICTs, but they do represent threats that must be taken into account when designing policies.

The Latin America and Caribbean ICT Policy Monitor

Having identified Internet rights as an area ripe for institutional action, APC is sponsoring a series of projects to analyze the status of those rights and to examine public policies as they relate to the Internet in different regions of the world. It is well advanced on a project on Internet rights in Europe, and projects for Latin America and Africa are underway.¹⁶

The project for Latin America and the Caribbean, as its name suggests, seeks to establish a system for monitoring and systematizing Internet policies in the region in order to track their development and analyze their trends, but above all to alert civil society, public opinion leaders and policymakers

to the social requirements for the full exploitation of ICTs. The project is therefore designed to identify mechanisms to enhance the awareness of civil society about issues relating to Internet rights and ICT policies.

The Latin America and Caribbean ICT Policy Monitor¹⁷ is intended to create an information centre on the Web about ICT policies, based on research, organization, analysis and monitoring of policies at the regional and national levels as they affect Latin American countries and the capacity of civil society and its disadvantaged communities to benefit from the computer revolution.¹⁸

The objective of the project is to develop tools that civil society can use to promote favourable policies and to develop basic tools on the rights of civil society with respect to ICTs. As part of this initiative, the project will sponsor and support a network of organizations and individuals interested in monitoring and influencing Internet policies.

For these purposes, the project has defined three principal components:

- (a) Research on ICT policies: The objective of this component is to propose general ideas for ICT policies in the region and to monitor closely those new developments that can have a significant impact (positive or negative) on the efforts of civil society.
- (b) Monitoring ICT policies for civil society: The objective here is to develop, through collaboration, a central, readily usable web site for the region containing up-to-date information on significant regional and national ICT policies and legislation, and in this way to help civil society understand the Internet rights issues involved.
- (c) Awareness and mobilization activities on ICT policies: The objective of this component is to use the resources of the other project components to support action campaigns to foster and strengthen a network of organizations that will work actively in the advocacy and defence of Internet rights for civil society.

ANNEX

APC Internet Rights Charter – April 2001¹⁹

Preamble

“With the development of new information and communication technology (ICT), not only has the realm of communication expanded but its importance has multiplied, due to new implications it has for different areas of social coexistence. Never before in history has humanity been able to count on so great a potential to communicate, and yet this is mitigated by the increasing tendency towards the monopolisation of such technologies, under the protection of the norms imposed by the dictatorship of the market.” (From a statement by ALAI, Agencia Latinoamericana de Informacion, in preparation for the World Social Forum, January 2001, Porto Alegre, Brazil.)

The Internet has become a powerful and widespread communication platform, particularly with the convergence of existing communication media with new communication technologies. Access to the Internet has increased, in spite of the continued exclusion of marginalised communities and many people in the developing world. At the same time it has become subject to increasing commercialisation and corporate ownership and control.

New communication technologies are a vehicle of a process of globalisation that takes place on unequal terms and that often increases social and economic inequality, between and within countries; at the same time these technologies can be an empowering tool for resistance, social mobilisation and development in the hands of people and organisations working for freedom and justice.

In order to realise the empowering role of ICTs, the APC aims to ensure that rights of expression, communication, association and protest on the Internet are protected in practice, enshrined in national, regional and international policies and implemented through awareness raising and action.

About this document

The Association for Progressive Communications focuses on Internet rights as one of its three priority action areas for 2000 to 2002. This Charter was developed by APC members and partners at the APC Europe Internet Rights Workshop, held in Prague, from 18 to 21 February 2001. It draws on and is associated with the "People's Communications Charter" <<http://www.pccwaag.org/pcc>> and the statement of "A Global Movement for People's Voices in Media and Communication in the 21st Century" <<http://www.comunica.org/v21/statement.htm>>. The themes and principles outlined below express the APC's views and goals concerning the right of people and organisations to use the Internet freely, particularly in their work for social, economic and environmental justice. While specific reference is made to the Internet, these principles are relevant to all other information and communication technologies.

This document is not comprehensive. It attempts to highlight some of the specific issues that individuals, civil society organisations, community media, and policy makers and regulators need to consider in their efforts to protect the right to communicate freely via the Internet and realise its potential to create a better informed and just world.

Theme 1: The right to communicate

Right to access: The right to communicate is a fundamental human right. Rights related to access and use of the Internet and electronic communication infrastructure are equally fundamental if ordinary people are to have their voices heard. ICTs must be made available to all. Access targets will vary by country, region, and technical platform, and need to be revised in response to people's changing needs and the emergence of new communication technologies.

Inclusiveness: The development of information infrastructure and user interfaces should ensure access for marginalised groups, for example, migrant workers, disabled people, those who are not fully literate, minorities, and people living in rural areas or poor urban settlements without basic infrastructure.

Gender equity: Access targets and efforts should be informed in particular by the need to protect and advance gender equality.

Affordability: The development of Internet infrastructure and the setting of rates and tariffs must remove economic status as a barrier to usage. Liberalisation of the broadcasting and telecommunications sectors may have the potential to reduce costs and limit governmental control over communications and media, but it does not absolve the public sector from its responsibility to ensure that all citizens have affordable access to the means to communicate, via the Internet and community-controlled electronic media.

Developmental impact: Internet infrastructure should be developed with a view to creating more egalitarian societies and providing support for education, health, local business development, good governance and poverty eradication.

Integration with media rights: Legal and regulatory frameworks that govern the Internet should be integrated with frameworks governing other media to ensure compatibility and to secure the rights of citizens and organisations to have access to all forms of information and communication technologies (e.g. through community media).

Accessibility of public information: Governments, local, national and global, need to ensure that public information is disseminated through the Internet in a way that is accessible to users of low-end technologies and people without access to fast connections.

Rights in the workplace: Access to the Internet in the workplace must be permitted for the purposes of organising, protecting workers' rights, and education.

Theme 2: Freedom of expression and information exchange

Article 19 of the Universal Declaration of Human Rights states that: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Freedom of expression: The Internet is a medium for both public and private exchange of views and information. People must be able to express opinions and ideas and share information freely when using the Internet. The potential of the Internet to allow public participation in governance processes, at international, national and local levels, should be utilised to its full. At the same time, there should be mechanisms in the public domain to challenge the publication of content that is harmful to women, children and other vulnerable groups, or content that can incite violence and hatred.

Freedom from censorship: The APC opposes all attempts to censor social and political debate, whether they come from governments seeking to stifle opposition from their own citizens or from powerful vested interests threatening to use their superior political or economic power to silence unpopular views. We oppose the use of copyright and intellectual property rights to stop criticism of corporations and their policies. The right to parody should be strongly protected.

Freedom to engage in public protest: Organisations, communities and individuals should be free to use the Internet to organise and engage in public or political protest.

Theme 3: Diversity of content, ownership and control, and the protection of user rights

Diversity of content: Increasingly, the potential of the Internet to record and promote culturally and politically diverse content is offset by the commercialisation of Internet-based content management services. Regulation of the ownership and operational and technical control of the Internet should strengthen content diversity and limit the existence and power of monopolies, either by national governments or private sector corporations.

Linguistic accessibility: The development of standards, user interfaces and new technical platforms should seek to preserve and enhance local and regional linguistic diversity, in both the audio-visual and printed media. Currently the dominance of Internet-based tools and interfaces that accommodate only Latin scripts limits content diversity, the development of local content, and intercultural exchange and collaboration.

User rights: The rights of individuals as users of the Internet should be protected, and they should have recourse when their rights are being violated either by service providers or governments.

Evaluation of social impact: The general assumption is that all technological innovation is beneficial. Civil society organisations, governments and regulatory agencies should evaluate advances to Internet technologies within a framework that permits potential positive and negative impacts to be assessed.

Theme 4: The licensing and control of intellectual property

Proprietary solutions and intellectual property: Policy and regulation that govern public access and dissemination of public information need to discourage the use of proprietary software and systems. Governments that make use of proprietary systems to disseminate information or for educational purposes encourage others to purchase legal licences or violate intellectual property regulations. This discourages local innovation and learning and enriches privately owned corporations, usually based in the North. APC calls

for the use of open source and free software solutions. Working with open source options is empowering, builds skills, is more sustainable, and encourages innovation at the local level.

Technological standards: The development of standards within the Internet should not prejudice or exclude sections of society from accessing the Internet, for example communities who do not use Latin scripts, or who cannot afford to constantly upgrade their computer and communications hardware and software.

Theme 5: Privacy

Data protection: Personal information held by private or public bodies should be protected from any unauthorised disclosure. Policies need to define how, and under what circumstances, authorisation can be obtained.

Freedom from surveillance: Individuals and institutions should be able to communicate via the Internet without the threat of surveillance and interception.

Right to use encryption: People communicating via the Internet should have the right to use tools, such as encryption, that ensure secure communication.

Accessible recourse to public protest: Groups that feel their security and privacy is threatened by Internet-based content, for example content related to trafficking in women and children or neo-Nazi activities, should be able to have access to mechanisms for taking action against the producers and publishers of such content.

Theme 6: Global, regional and national governance of the Internet

Setting and implementing technical standards: The development and implementation of standards related to the control and operation of the Internet increasingly give undue weight to market influences. Standards that permit or enable the limitation of personal freedoms must be evaluated in a transparent manner.

Transparency and accessibility: All decision-making processes related to the governance and development of the Internet, for example assigning of domain names and numbers, should be open and accessible, at global, regional and national levels.

Participation: Internet governance and standard-setting bodies must be open to participation and scrutiny by all stakeholders, particularly non-commercial stakeholders.

Theme 7: Rights awareness and realisation of rights

Rights awareness and education: Internet policies need to be developed taking into account their “implementability”. This involves public education to inform people of their rights when using ICTs and of mechanisms to address

rights violations. National, regional and global governing bodies must make information available regarding rights and procedures related to information and communication technologies and infrastructures.

Recourse when rights are violated: Individuals and organisations need free, public access to effective and accountable mechanisms for addressing violations of rights.

Issued by the Association for Progressive Communications, April 2001
<<http://www.apc.org/english/rights/charter.htm>>.

Notes

1. In this paper we use information and communication technologies (ICTs) and Internet as synonyms, although we recognize that ICTs cover a broader universe of technologies, such as cellular telephony.
2. This paper is part of the APC Initiative on Internet Rights for Civil Society, one component of which is the Latin American and Caribbean ICT Policy Monitor project sponsored by the International Development Research Centre (IDRC) of Canada.
3. Ours is clearly an operational definition and does not necessarily coincide with the concept of civil society developed by Antonio Gramsci (an Italian Marxist sociologist and political scientist), one of the first to popularize this term, which for analytical purposes may be more appropriate.
4. The concept of virtual community requires an explanation and definition that we shall not go into here.
5. The Internet may also be understood (beyond its exclusively technological dimension) as a new form of social relationship and organization.
6. Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media . . ."
7. This specific aspect falls to the Internet Corporation for Assigned Names and Numbers (ICANN) <<http://www.icann.org>>, an NGO incorporated in California.
8. Other technologies, such as radio and television, can also overcome geographical barriers, but they do not have the interactive possibilities of the Internet.
9. Contrast it with the telephone, for example, which requires that the two parties communicating do so at the same time.
10. A document sent by fax, for example, does not lend itself readily to such manipulation.

11. We could cite many others, depending in general on the available degree of broadband access (real-time teleconferencing, multimedia services, etc.). We have attempted here to indicate only some of the more basic ones.
12. Juliana Martínez and Ricardo Gómez developed this idea in their excellent paper "Internet . . . why, and what for?" See the online English version at <http://www.acceso.or.cr/PPPP/index_en.shtml>.
13. On this point, we may say that the use and exploitation of ICTs is part of the "social opportunities" for developing "human capacities" (concepts developed by Amartya Sen that are now the basis of United Nations Development Programme's approach to human development).
14. We understand the digital divide to be the result of social, economic and political disparities.
15. Access to educational content, electronic commerce to strengthen the grassroots economy, etc.
16. For an update on these projects, see <<http://www.apc.org/english/rights>>.
17. For more information, and to participate in this project, visit <<http://www.apc.org/english/rights>>.
18. The Latin America and Caribbean ICT Policy Monitor does not seek to be a static depository of government regulations and official statements, but rather an active centre for the exchange of information (in simple language) and for mobilizing civil society around policy issues relating to ICTs.
19. This text is essentially a draft since the Charter is continually receiving contributions and comments that will be progressively incorporated. <<http://www.apc.org/english/rights/charter.htm>>.