

## Rights Fit For a Networked World

Written by Martin Coward

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MARTIN COWARD, OCT 29 2013

In August 2013, Facebook CEO Mark Zuckerberg published a short manifesto outlining his vision for connecting the planet to the internet. At the heart of *Is Connectivity A Human Right?* is a contentious argument that 'everyone deserves to be connected'. This is not a new argument: in 2011 UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, argued that 'ensuring universal access to the Internet should be a priority for all States'. This comment – and its subsequent endorsement by The UN Human Rights Council – was widely interpreted as legitimating the idea that there is a right to the internet.

This right to connectivity is portrayed as a positive right to receive a number of perceived benefits: principally growth and democracy. Like all positive rights, this is a right to enjoy a perceived good, rather than a right to be protected from a negative harm. For example, *Is Connectivity a Human Right?* argues that 'a knowledge economy...encourages worldwide prosperity' and thus 'by bringing everyone online, we'll...improve billions of lives'. Zuckerberg's manifesto makes a case for developing non-western states to have a right to be connected in order to enjoy the growth and associated benefits the knowledge economy brings. Similarly, the UN argue that 'the Internet has become a key means by which individuals can exercise their right to freedom of opinion and expression, as guaranteed by article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.' As such individuals should have a right to be connected without restriction (either to access or content).

Achieving this 'right' to connectivity requires overcoming the unevenness of access to information and communication technologies (ICTs). Figures from the International Telecommunication Union (ITU) – the UN body responsible for ICTs – show that whereas 3 out of 4 Europeans use the internet, less than 1 in 5 Africans do. Indeed, 90% of the 1.1 billion households that are not connected to the internet are in the developing world. Zuckerberg's manifesto is thus a direct response to this problem of uneven access to ICTs. Indeed the publication of *Is Connectivity A Human Right?* coincided with the launch of internet.org: "a global partnership between technology leaders, non-profits, local communities and experts who are working together to bring the Internet to the two thirds of the world's population that don't have it". The Zuckerberg/internet.org plan is premised on the prediction that smart- and feature-phones will become ubiquitous thus potentially connecting a substantial number of those who lack internet access. Mobile connectivity though requires two important problems to be solved: infrastructure must be extended to ensure coverage; and data transfer must be efficient to economise both bandwidth and cost.

The assumption of a right to connection and the reduction of discussion of its dimensions to practical concerns about access mask a deeper set of social and political dynamics. On the one hand, the conjunction of Facebook and the UN around a right to the internet shows the way in which the idea of a networked world has penetrated our thinking of contemporary global life. Life itself is no longer understood as individual, but rather as a constellation of relations. While relations with others have always been important, rights have generally been possessed by individuals thought of as single autonomous units of social and political life. However, the right to the internet reveals a different model of social and political life. Instead of individuals, we are nodes in networks (both physical and virtual – wires and relationships). Indeed, we can only achieve our full potential by connecting, that is by abandoning the idea of an autonomous individual and becoming enmeshed in the network.

As I have written elsewhere, in a networked world we cannot avoid being exposed virtually and physically: we are

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exposed to ideas and relationships; and we are exposed to a dependence on connecting infrastructures. Our life is characterised by being able to expose ourselves; to withdraw from exposure is to have no life at all. And yet there is little discussion of the politics of this exposure.

Of course, there are concerns about exposure to unsuitable content (such as pornography or violence) or about barriers to connection (for rural communities, for example). However, these translate existing discussions into the online realm rather than thinking through the politics and ethics of networked life. How for example will citizenship – a category based on individual units existing inside other, bigger, territorial units – be refigured by connectivity? Similarly, what about individual rights such as privacy? The latter is particularly important because it is often understood as a right to be left alone, to be unconnected.

As Zuckerberg was publishing his manifesto another story was playing itself out that tells us much about these questions and the future politics (and thus rights) of networked life. The various files on NSA/GCHQ surveillance released by Edward Snowden to media in Europe and America, particularly The Guardian, have revealed the way in which governments have responded to the challenges of securing interconnected life. They also reveal the way in which the balance between liberty and security has received insufficient public scrutiny and, in the main part, has tipped too far towards the latter. Amidst the revelations of penetration of the infrastructure of the internet, the breaking of encryption and mining of metadata, two stories are exemplary of the question of the rights pertaining to networked life:

- The first is the detention of David Miranda on 18<sup>th</sup> August 2013. Miranda was working on the Snowden files in Germany and detained in London while en route to Brazil. Detained under anti-terror legislation it appears that UK police believed Miranda had information in his possession that might either benefit terrorists or prejudice anti-terror efforts. Interpreted by some as a crude attempt at state intimidation, Miranda's detention was largely symbolic since the information he was carrying and working on were also held in the cloud and thus independently mobile in the global ICT network. This detention highlights an important aspect of networked life: interconnected life is mobile life. This mobility can be actual (usually via air) or virtual (via the cloud). The state, however, has understood its primary security goal to be the interdiction of mobile nodes in networks. And while a vast security apparatus has emerged based on identifying and immobilising nodes perceived to be dangerous, very little has been said about rights to mobility particularly across borders.
- The second is the mass surveillance of European populations by the US National Security Agency (NSA). In October 2013 it was revealed that millions of French and Spanish citizens had their mobile phone metadata intercepted and recorded without their knowledge. While this data would not include the content of calls, it would include 'numbers of the caller and recipient, its duration, time, date and location'. Again, this story highlights a second aspect of networked life: the relations that comprise the network make it easy to locate nodes. Our everyday openness to connections is openness to the tracking, recording and triangulation of these connections. Traditionally, states have introduced techniques for locating citizens precisely because individuals are hard to locate unless they are made to disclose their position. Since individuals must be made to disclose their position (by entering their details on a register, for example) the assumption has been that there has to be a legitimate reason for doing so (such as delivering the mail, verifying ballots, extracting taxes etc.). The assumption is that covert surveillance and tracking of location for undisclosed reasons is not legitimate. However, networked life can be triangulated by its multiple real and virtual relations regardless of whether it wishes to disclose itself. While techniques to triangulate networked life have been evolved by security agencies, discussion of the right to remain un-located remains underdeveloped.

In response to these stories some have relied on established privacy laws, primarily designed to prevent law enforcement and intelligence agencies from entering private property. Others have sought to spark public debate by exposing the scale of undisclosed surveillance. To date, neither response seems satisfactory. Both mobile and locatable, networked life remains as vulnerable to the interference of the security apparatus as before. What appears

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to be evident is that we need a discussion of the negative rights that are required to complement Zuckerberg's positive rights to connection: freedom from interference with our mobility, freedom from being located.

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**Martin Coward** is a senior lecturer in International Politics at Newcastle University, UK. His research focuses on war, violence and security, particularly in an urban, networked context. He blogs infrequently at [martincoward.net](http://martincoward.net). Twitter: [@martincoward](https://twitter.com/martincoward). Read more from the *CSI-Newcastle* blog.

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### About the author:

**Martin Coward** is Senior Lecturer In International Politics at Newcastle University. He researches war and security, especially in an urban context. His most recent work focuses on the link between network metaphors and the pathological sovereignty behind drone strikes. He wishes he went to the cinema more often.