

UNESCO activities in communication and information – programmes and recommendations

Ein internationales Seminar im Amerikahaus Berlin
Spannungsfeld internationaler Informationstransfer
Chancen und Risiken globaler Vernetzung
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UNESCO is the **leading UN organization** which deals with central information-society challenges such as free affordable access to information resources and communication services, in order to find out

- which **models** are appropriate and feasible for free access,
- how they can be derived from **universally accepted declarations** which are the **normative basis of modern societies**, and, last but not least,
- what the chances are that models of a **new balance between public and private interests** will be realized.

The role of UNESCO with respect to **communication and information** is analysed by reviewing some of its recent statements, recommendations and programmes.

These documents can be considered the **normative basis for a new and fair compromise or balance between public and private interests**

by keeping access to information and knowledge **open and free** (not necessarily free of costs, but free of restrictions) from a public point of view

or **controlled** from a commercial point of view.

Providing access to information (for all) has been of major concern for many international organizations in the last 50 years, expressed directly or indirectly in numerous declarations, recommendations

- **Universal Declaration of Human Rights** (1948) - renewed in the United Nations Millennium Declaration from 2000
- **Okinawa Charter** on Global Information Society (2000)
- **European Union Charter of Fundamental Rights** (2000)
- Convention for the Protection of Human Rights and Fundamental Freedoms of the **Council of Europe** (1950), renewed and updated 1998

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The ethical basis for free access to information

Despite significant differences in the interpretation of these basic texts due to cultural diversity and heterogeneous political interests, they are considered the **programmatic ethical foundations of modern societies**.

Among the commonly agreed-on values, **free access to information** (which does not necessarily mean free of costs, but free of restrictions), is considered

- the major means to **compensate otherwise existing deficiencies**,
- to **further equity** on a micro (individual) level and on a macro level (between nations or regions),
- to **promote** the establishment and development of **democratic societal structures**.

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The role of the public

Financial public support for knowledge production in science and for knowledge-transfer institutions such as schools, universities, libraries, archives or museums has never been disputed.

Public investment in knowledge production and in information access seems to be even more important in an electronic environment,

where if not the production of genuine knowledge at least the production and dissemination of information products and their usage

is becoming the **basis** not only for **commercial success** but also for **participation in public life**.

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The role of the public

Support measures for the production of knowledge and for the distribution of knowledge, respectively for access to knowledge and information, financed by the public, is generally considered **society's investment in the future**.

Therefore, to achieve the central goal of equal chances in democratic societies, **public support for the production of knowledge and for the dissemination of information**, respectively access to information, has for a long time never been questioned in principle, even in market-dominated societies.

There has been no doubt that there is still the need for a **second "market"**, which should perhaps rather be called a **"forum"** for the public and not a commercial exchange of knowledge.

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Commercial interest in information and communication

The derivation of information products from knowledge and sometimes even the production of genuine knowledge is becoming more and more a **private commercial activity and concern**.

Knowledge and information, long considered a basic public good, are **changing their status**.

Because of the massive investment that is needed to create value-adding information products and systems for the distribution of these products they are coming more and more under **private control**.

Information products (and thus knowledge itself) is coming to be considered a **private good** whose usage can legitimately be controlled in order to achieve at least a return of investment if not a major profit.

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Main challenge for the information society

to define and agree on a **compromise between public and private interests** in knowledge and information.

Access is not the only challenge where a compromise between divergent interests needs to be agreed on in the information society.

The change in values is also obvious

- with respect to **ownership of intellectual property** or
- with respect to **privacy or information autonomy** (“informationelle Selbstbestimmung”).

No wonder that ownership of intellectual property is **shifting** from the **public perspective** (rights to intellectual property were mainly granted because of a public interest in stimulating the production and publication of knowledge) to the **private one**.

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UNESCO's main programmes & recommendation in I&C

- Statement of the 2nd UNESCO INFOethics Congress '98
- The report on the INFOethics conference 2000, in particular on Theme A, The role of public authorities in access to information
- UNESCO World Commission on the ETHICS of Scientific Knowledge and Technology (COMEST)
- Information for all Programme (INFA) – a new intergovernmental programme (accepted in 2001; official start in 2002), combining the two older programmes, General Information Programme (PGI), a more documentation and library-oriented programme, and International Informatics Programme (IIP), a more computer-science technically oriented programme.
- Draft recommendation concerning the promotion and use of multilingualism and universal access to cyberspace (as presented to the UNESCO General Conference 2001, but not adopted)
- Universal declaration on cultural diversity (as presented to the UNESCO General Conference 2001, and, in this case, adopted by the conference)

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Conflict between „morals“ and „duty“

UNESCO on one hand is the **morally grounded institution** which, on the basis of fundamental human rights and with an ethical impetus, fights for the rights of those (people and nations) who have not profited so far from the modernization and commercialization strategies of contemporary societies.

On the other hand, UNESCO is supported financially by the respective member states and is thus, in particular in programmes and general conference decisions, **dependent on the public political climate, which, at least in Western countries, is highly influenced by private commercial interests.**

It is therefore interesting to ask whether and if so, how UNESCO can find a **balance between its moral objectives and its political dependencies.**

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Infoethics 1998

The INFOethics '98 congress considered the promotion of

- the role of **information in the public domain**
- multilingualism**
- the protection of **privacy**, confidentiality and security vital issues”.

In particular **knowledge** is considered a “**public good** that needs to be made publicly available in accordance with the principles of the free flow of information and of fair use”.

“Access to the resources of the Internet should reinforce **democratic participation** and is a contemporary realization of the universal principle of the freedom of expression [and again:] privacy is one of the most threatened values and needs special protection in the electronic world.”

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Infoethics 2000 – claim for free access to information

INFOethics2000 made this **general claim for free access** even more concrete:

- “**Public authorities** (which include central and local governments) are currently the **most significant source of public sector information** and have a critical role to play in facilitating access to it.
- Public sector **information** forms part of our “**intellectual commons**”. It is critical for research, education, innovation, social and economic inclusion and is an essential foundation for an informed, participatory and global society.
- Such information is akin to a “**global public goods**” and therefore should be presumed to be **publicly available (that is, as in the “public domain”)**.
- Greater public benefit is to be derived if such information resources and knowledge are **shared with the broadest possible audience**, rather than allowing exclusivity (in terms of the control of the information) or private interests, to prevail in the management of this resource.”

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Partnerships between the public and private sectors

As far as the realization of these **objectives of free and universal access** is concerned,

UNESCO relies on “**partnerships between the public and private sectors** to find means of funding or providing incentives for knowledge-creation.

Where such partnerships include **public funding**, public authorities should ensure that knowledge components which have the characteristics of a “global public good” are subsequently made **publicly available**

so as to **balance the public’s interest** in access with the **private sector interests** in commercialising the knowledge”.

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Infoethics 2000 – the role of public authorities

INFOethics 2000 reminds us that public authorities as the guardians and interpreters of the “public interest” have a “responsibility to the citizens on whose behalf they act

- to resist the enclosure of the intellectual commons and
- preserve existing resources of public domain information;
- to expand the proportion and
- improve the quality of knowledge resources that are available to the public; and
- to facilitate more equitable access to this information.”

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COMEST – World Commission on the ETHICS of Scientific Knowledge

COMEST is responsible for advising the UNESCO on its programme concerning the ethics of scientific knowledge and technology. It is mandated:

- to be an intellectual forum for the exchange of ideas and experience
- to detect on that basis the early signs of risk situations
- to perform the role of advisers to decision-makers in this respect and,
- to promote dialogue between scientific communities, decision makers and the public at large

18 members world-wide

Présidente: Mrs. Vigidis Finnbogadóttir

Members from:

Chile, France, Mali, Norway, USA, Hungary, Mexico, Germany, UK, India

+ 11 members ex officio

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INFA – Information for all

INFA is a programme for access to information for all.

INFA is **based on the UNESCO constitution**. Therefore “UNESCO’s mandate «to promote the free flow of ideas by word and image» [article 1] clearly indicates the part that the Organization is called upon to play in **making information and knowledge freely accessible to all**, with the ultimate objective of bridging the gap between the information rich and the information poor” [preamble].

INFA thematizes the **challenge of the modern information society** where “new methods for accessing, processing and preserving information raise problems of an ethical nature, which in turn create moral responsibilities, to which the international community must respond.

Among the issues here are **the quality, reliability and diversity of information, the balance between free access to information, fair use and protection of intellectual property rights, the privatization of information, the preservation of the world’s information heritage and the privacy and security of personal data.**”

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INFA – Measures of concrete actions

- Analyse and report on the **changing role of information institutions** in the information society
- Support the **implementation of technology and professional standards** for the management and preservation of physical collections of information
- **Support the creation of public gateways to information**, particularly in developing countries
- Support the **networking of institutions** to provide access to information resources
- Support the **digitization of information**, particularly indigenous knowledge useful to local communities
- Foster **cooperation with the information industry** to develop formulas for providing equitable access for economically disadvantaged users
- Support **resource-sharing** of digital and non-digital resources
- Encourage and support the **use of ICT to manage and preserve information resources**

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INFA – Strategic recommendations

- Move towards a redefinition of the **role of information institutions**
- Extend the **role of established professional and institutional infrastructures** such as libraries, archives, community centers etc.
- Promote the **creation of new information institutions**, particularly local gateways to information
- **Create awareness** of the importance of the complementarity of institutions providing access to non-digital and digital information
- Promote the **creation of digital content** by information institutions
- **Promote international co-operation** through networking among professional communities/associations
- Promote **co-operation between public information institutions and the private sector** (in particular content providers)
- Greater **use of technology** by information institutions for information preservation

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Recommendation ... Universal access to cyberspace

The “Recommendation concerning the promotion and use of multilingualism and universal access to cyberspace” was originally intended to become the conceptual basis for UNESCO participation in the **UN World Summit on Information Society**

This Summit will take place in the year **2003 under the leadership of ITU**.

“**Universal access**” in this context is defined “as equitable and affordable access by all citizens to information infrastructure and to information and knowledge essential to collective and individual human development”.

The preamble of this recommendation also claims, “that one of the ultimate goals of any society is empowerment of all its citizens through access and use of knowledge”.

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Recommendation ... Universal access to cyberspace - Measures

The "Recommendation emphasizes **access to telematics services** as the basic prerequisite for access to content (knowledge).

"The **Internet** should be considered by governments and international organizations as a **public information utility service** and not only as a commercial product".

"New **models for public-private partnerships** for financing and providing incentives for this access, including the reduction of financial barriers to the use of ICTs such as taxes and customs duties on informatics equipment, software and services, may also be considered".

"Member States should encourage the development of information strategies and models that **facilitate community access** and reach out to all levels of society, including setting up community projects and fostering the emergence of local information and communication technology leaders and mentors" (M7).

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Recommendation ... Exemptions to copyright

The most critical part of the Recommendation is part IV, which aims at defining exemptions to copyright.

The opposition of some powerful Member States against the principles and proposals formulated there were the major cause for the **failure of the Recommendation at the UNESCO General Conference in 11/01**.

The demand for "**a new fair balance** between the interests of authors and publishers and those of the public concerning free access to information" [M28] **was not accepted by the majority of the members**.

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Recommendation ... Multilingualism – public domain

In a global information society, access is also restricted by language barriers: "Harmonious development of the information society is therefore only possible by encouraging the **availability of multilingual and multicultural information**". [part II]

In part III the problem of how to facilitate **access through development of public domain content** is focused on.

The Recommendation is aware that the "rapid advancement of innovations in information and communication technologies has sparked a race to lay claim to knowledge, resulting in the **risks of appropriation and privatization of information** which should be in the public domain.

It is primarily the **responsibility of the public institutions** such as **libraries, archives, and governmental agencies** to facilitate access to this type of information, by encouraging private-sector contributions and citizen participation".

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Recommendation ... Exemptions to copyright

The request that "Member States and UNESCO should defend the principle of universal access against attempts to strengthen intellectual property rights through technological means such as digital rights management" was obviously **against current world-wide trends in legislation** as expressed in the

- WIPO treaties from 1996,
- the **US Digital Millennium Copyright Act (DMCA)**, and, in particular,
- the **Directive of the European Commission** on the Harmonization of Copyright form 5/2001 (art. 6),

where **technical means are clearly favored to protect copyrights** on intellectual property which is controlled by private interests.

Nevertheless, the Recommendation's text, together with the INFA activity, is still the basis for UNESCO's policy in the next few years. A final decision about the Recommendation is expected for the end of year 2002).

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Indicators of increased restriction on free access

- Information products are increasingly subject to **leasing, not to ownership**. Information is the basis for concrete decision-making and no longer primarily the starting point for new permanent knowledge. The owners of knowledge, those who have the copyright on information products, are not longer interested in selling their products (as they did with books and other printed material) but in allowing the **usage of these products under well defined and totally controlled conditions** by keeping their rights on these products.
- Free access to information is increasingly restricted by what Lawrence Lessig called the **zoning of knowledge**. Commercialisation of knowledge means necessarily the usage of **control mechanisms such as passwords, authentication procedures, licensing contracts, digital rights management**, etc. Zoning limits free access and **divides the world** into those who can afford to pay for particularly interesting zones and those who can access only information of minor quality, if of any interest at all.

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Conclusion

New models for organizing knowledge and information in general are more urgently needed than ever.

These models clearly need to be based on a **fair compromise and a new balance** between public and private interests.

Required are, for example,

- proposals to achieve and secure **free access to information**,
- **cooperation/partnership between private and public interest** groups,
- **infra-/metastructure services** such as public portals,
- **genuine public information services**,
- provision of **direct access to public information without commercial intermediaries** (e.g. direct publication of scientific and curricular material in academic environments) and
- **exemptions from commercial control and private (copyright) rights**.

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Indicators of increased restrictions on free access

- Zoning also means **dividing knowledge spaces** into those which are the subject of commercialization and which are worthwhile investing in from a commercial point of view and those which are not profitable and which are thus neglected and finally dry out.
- Free access to information is increasingly being threatened by the **spread of filter and blocking software**. These were originally used in private environments as a means of parental control but are now being used more and more in commercial environments to keep employees under control and in public institutions, out of political security or administration considerations.

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**Vielen Dank für Ihre
Aufmerksamkeit**