



SECTION



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The Socio-Cultural Basket

THE SOCIO-CULTURAL BASKET

Networks connecting computers existed long before the Internet. What makes the Internet different is its facilitation of various forms of human communication and creativity. The major breakthroughs are linked to the ways in which the Internet was used for new modes of communication (e-mail, Web, multimedia). In this context, some authors argue that the Internet is more a social than a technological phenomenon. It supplements traditional communication as well as provides new forms of communication of its own (e.g. cyber-communities). Such occurrences have led to the development of a socio-cultural aspect to the Internet. The socio-cultural basket includes some of the most controversial issues in the whole field of Internet Governance, such as content policy and multilingualism. These issues, in particular, reflect today's most prevalent national, religious, and cultural differences.



CONTENT POLICY

One of the main socio-cultural issues is content policy, often addressed from the standpoints of human rights (freedom of expression and right to communicate), government (content control), and technology (tools for content control), to name a few.

Discussion about content usually focusses on three groups of content. The *first group* consists of content where a global consensus for its control is in place. Included here are child pornography and various issues, such as justification of genocide and incitement or organisation of terrorist acts, prohibited by international law (*ius cogens*). While a consensus about the need to remove this content from the Net has been established, different interpretations remain. For example, what exactly constitutes terrorism-support acts?

The *second group* consists of content that might be sensitive for particular countries, regions, or ethnic groups due to their particular religious and cultural values. Globalised and more intensive communication chal-

lenges local cultural and religious values. Most Internet court cases are related to this group of content. In the Yahoo! Case, a French court requested Yahoo.com (USA) to prohibit French citizens from accessing parts of a website selling Nazi materials and memorabilia. Germany has very developed jurisprudence, with many court cases against owners of websites hosting Nazi materials. Most content control in Middle Eastern and Asian countries is officially justified as the protection of specific cultural values. This usually includes blocking access to pornographic and gambling websites.

The third group consists of politically and ideologically sensitive content. In essence, this involves Internet censorship. Transparency International has reported a number of such practices in China, Burma, and Saudi Arabia.

HOW IS CONTENT POLICY CONDUCTED?

An *à la carte* menu for content policy contains the following legal and technical options used in different combinations.

Public (Governmental) Filtering of Content

The common element for governmental filtering is an “Internet Index” of websites blocked for access by citizens. If a website is in the “Internet Index,” access will not be granted. Technically speaking, the filtering typically utilises router-based IP blocking, proxy servers, and DNS redirection. Filtering of content is carried out in many countries. In addition to countries usually associated with such practices (China, Saudi Arabia, and Singapore) other countries increasingly practice it. For example, Australia has a filtering system for specific national pages. The state of North-Rhine-Westphalia requested ISPs to filter access to mainly, but not solely, neo-Nazi sites.

Private Rating and Filtering Systems

Faced with the potential risk of the disintegration of the Internet through the development of various national barriers (filtering systems), W3C and other like-minded institutions suggested the implementation of *rating and filtering systems* controlled by end users. Technically speaking, filtering mechanisms are built into the Internet browsers. The accessibility of particular content is indicated via a label that corresponds to a par-

ticular website. The use of this type of filtering was especially favoured as a system for accessing only “child friendly” websites.

Geo-Location Software

Another technical solution related to content is *geo-location software*, which filters access to particular web content according to the geographical/national origin of users. The Yahoo! Case was important in this respect since the group of experts involved, including Vint Cerf, indicated that in 90% of cases Yahoo! would be able to determine whether sections of one of its websites hosting Nazi memorabilia were being accessed from France. This technological assessment helped the court to come to a final decision. Geo-location software companies claim that they can identify the home country without mistake and the city in about 85% of the cases, especially if it is a large city. Geo-location software can help various Internet content providers filter access according to nationality and avoid court cases in foreign courts.

Content Control through Search Engines

There is significant difference between availability and accessibility of materials on the Internet. The fact that a particular webpage or content is available on the Internet does not mean that it will be accessed by many users. For example, if a particular website cannot be found on Google its relevance is seriously diminished. The bridge between the end user and web-content is usually a search engine. It has been widely reported that one of the first examples of content control through search engines was carried out by the Chinese authorities towards the Google search engine. If users entered prohibited words into Google Search, they would lose their IP connectivity for a few minutes. The Chinese information department stated: “It is quite normal with some Internet sites that sometimes you can access them and sometimes you can’t. The ministry has received no information about Google being blocked.”

In order to adjust to local laws, Google decided to restrict some materials on its national websites. For example, on German and French versions of Google, it is not possible to search for and find websites with Nazi materials. This indicates a certain level of self-censorship on the part of Google in order to avoid possible court cases.

Need for an Appropriate Legal Framework

The legal vacuum in the field of content policy, which characterised early Internet use, provided governments with high levels of discretion in content control. Since content policy is a sensitive issue for every society, there is a need to adopt legal instruments. National regulation in the field of content policy may provide better protection for human rights and resolve the sometimes ambiguous roles of ISPs, enforcement agencies, and other players. In recent years, many countries have introduced content policy legislation.

International Initiatives

At the international level, the main initiatives are linked to European countries with strong legislation in the field of hate speech, including anti-racism and anti-Semitism. European regional institutions have been trying to impose those rules on cyberspace. The key legal instrument addressing the issue of content is the Council of Europe Additional Protocol on the Cybercrime Convention. The protocol specifies various types of hate speech that should be prohibited on the Internet, including racist and xenophobic materials, justification of genocide, and crimes against humanity.

The Organisation of Security and Co-operation in Europe (OSCE) is particularly active in this field. In June 2003, the OSCE Meeting on Freedom of Media and the Internet adopted the Amsterdam Recommendations on Freedom of the Media and the Internet. The recommendations promote freedom of expression and attempt to reduce censorship on the Internet. In June 2004, the OSCE organised the Conference on the Relationship between Racist, Xenophobic, and Anti-Semitic Propaganda on the Internet and Hate Crimes (Paris, 16-17 June 2004). The focus of this event was on the potential misuses of the Internet and freedom of expression. These OSCE events provided a wide range of academic and policy views addressing these two aspects of content control.

The EU has carried out several initiatives in the context of content control, adopting the European Commission Recommendation against Racism via the Internet. On a more practical level, the EU introduced the EU Safer Internet Action Plan, which included the following main points:

- setting up a European network of hotlines for the reporting of illegal content;
- encouraging self-regulation;

- developing content rating, filtering, and benchmark filtering;
- developing software and services;
- raising awareness of safer use of the Internet.

THE ISSUES

Content Control vs. Freedom of Expression

When it comes to content control, the other side of the coin is very often restriction of freedom of expression. This is especially important in the US, where the First Amendment guarantees broad freedom of expression, even the right to publish Nazi and similar materials. Achieving a proper balance between content control and freedom of expression is a considerable challenge. Most of the recent Internet Governance debate, including court cases and Congress legislation, has been related to finding this balance.

The US Congress has inclined towards stricter content control, while the Supreme Court seeks to protect the First Amendment of the US Constitution (the Freedom of Expression). The most notable example was the US Congress's Communications Decency Act (1996), which was declared unconstitutional by the Supreme Court with the judgement that it breached the First Amendment.

Freedom of expression largely shapes the US position in the international debate on Internet Governance. For example, while the US has signed on to the Cybercrime Convention, it cannot sign the Additional Protocol to this convention, dealing with hate speech and content control. The question of freedom of expression was also brought up in the context of the Yahoo! court case. It is the line beyond which the US will not step in international negotiations.

“Illegal Offline – Illegal Online”

This brings the discussion about content to the dilemma between the “real” and the “cyber” worlds. Existing rules about content can be implemented on the Internet. This is frequently highlighted within the European context. The EU Council Framework Decision on Combating Racism and Xenophobia explicitly indicates “what is illegal offline is illegal online.” One of the arguments of the cyber approach to Internet regulation is that quantity (intensity of communication, number of messages) makes a qualitative difference. In this view, the problem of hate speech is not that no regulation against it has been enacted, but that the share and

spread of the Internet makes it a different kind of legal problem. More individuals are exposed and it is difficult to enforce existing rules. Therefore, the difference that the Internet brings is mainly related to problems of enforcement, not rules themselves.

Effectiveness of Content Control

In discussions on Internet policy, one of the key arguments is that the decentralised nature of the Internet can bypass censorship. The Internet includes many techniques and technologies that can provide effective control, however, technically speaking, control mechanisms can be bypassed. Just as easily, however, technically speaking, any control mechanism can be bypassed. In countries with government-directed content control, technically gifted users have found a way around such control. Nonetheless, content control is not intended for this small group of technically gifted users; it is aimed at the broader population. Lessing provides a concise statement of this problem: *“A regulation need not be absolutely effective to be sufficiently effective.”*

Who Should Be Responsible for Content Policy?

The main players in the area of content control are governments. Governments prescribe what should be controlled and how. Some groups of individual users, such as parents, are keen to introduce a more efficient content policy to protect children. Various rating initiatives are aimed at helping parents to filter child-friendly content. Content control is also performed by private companies and universities to restrict access to some materials. In some cases, content is controlled through software packages; for example, the Scientology movement has distributed a software package, Scienositter, to members, limiting access to websites critical of Scientology.

One innovative initiative is the Internet Watch Foundation in the UK, which aims at combating child abuse on the Internet. The foundation is a multistakeholder initiative established by the government, Internet service providers, and user representatives.



HUMAN RIGHTS

The Internet has brought new forms of communication and interaction to society and ultimately has influenced traditional concepts of human rights. A basic set of Internet-related human rights includes privacy, freedom of expression, the right to receive information, various rights protecting cultural, linguistic, and minority diversity, and the right to education. During the first WSIS phase, many civil society groups proposed the introduction of the right to communicate that goes beyond existing Internet-related rights.

Existing human rights that have not been covered in other parts of this booklet are briefly surveyed here.

The Freedom of Expression and Right to Seek, Receive, and Impart Information

This is one of the fundamental human rights, usually appearing in the focus of discussions on content control and censorship. In the UN Human Rights Declaration, the freedom of expression is counter-balanced by the right of the state to limit freedom of expression for the sake of morality, public order, and general welfare (Article 29). Thus, both discussion and implementation of Article 19 must be put in the context of establishing a proper balance between two needs. This ambiguous regime opens many possibilities for different interpretations of norms and ultimately different implementations.

Right to Privacy

The right to privacy is discussed in the Legal Basket (p. 69).

Intellectual Property Rights

Intellectual property rights entitle anyone to enjoy the protection of the moral and material interests resulting from scientific, literary, or artistic production. This right is counter-balanced by the right of everyone to participate freely in cultural life and to share scientific advances. Establishing a balance between those two claims is one of the main challenges for Internet Governance.



MULTILINGUALISM AND CULTURAL DIVERSITY

Since its early days, the Internet has been a predominantly English-speaking medium. According to some statistics, approximately 80% of web content is in English. The situation has prompted many countries to take concerted action in promoting multilingualism and in protecting cultural diversity. The promotion of multilingualism is not only a cultural issue, but is directly related to the need for the further development of the Internet. If the Internet is to be used by wider parts of society and not just national elites, content must be accessible in more languages.

THE ISSUES

First, the promotion of multilingualism requires technical standards that facilitate the use of non-Roman alphabets. One of the early initiatives related to the multilingual use of computers was Unicode. The Unicode Consortium is a non-profit institution that develops standards to facilitate the use of character sets for different languages. Recently, ICANN and IETF took an important step in promoting international domain names written in Chinese, Arabic, and other non-Latin alphabets.

Second, many efforts have endeavoured to improve machine translation. Given its policy of translating all official activities into the languages of all member states, the EU has supported various development activities in the field of machine translation. Although major breakthroughs have been made, limitations remain.

Third, the promotion of multilingualism requires appropriate governance frameworks. The first element of governance regimes has been provided by organisations such as UNESCO. UNESCO has instigated many initiatives focussing on multilingualism, including the adoption of important documents, such as the Universal Declaration on Cultural Diversity. Another key promoter of multilingualism is the EU, since it embodies multilingualism as one of its basic political and working principles.



GLOBAL PUBLIC GOODS

The concept of Global Public Goods can be linked to many aspects of Internet Governance. The most direct connections are found in areas of access to the Internet infrastructure, protection of knowledge developed through Internet interaction, protection of public technical standards, and access to online education.

Private companies predominantly run the Internet infrastructure. One of the current challenges is the harmonisation of the private ownership of the Internet infrastructure with the status of the Internet as a global public good. National laws provide the possibility of private ownership being restricted by certain public requirements, including providing equal rights to all potential users and not interfering with the transported content.

One of the key features of the Internet is that through worldwide interaction of users new knowledge and information is produced. Considerable knowledge has been generated through exchanges on mailing lists, discussion groups, and blogs. In many cases, no international legal mechanisms protect such knowledge. Left in the legal vacuum, it is made available for commodification and commercialisation by individuals. This common pool of knowledge, an important basis of creativity, is at risk of being depleted. The more the Internet is commercialised, the less spontaneous exchanges may become. This could lead towards reduced creative interaction. The concept of global public goods could provide solutions that would also protect common Internet knowledge for future generations.

With regard to standardisation, almost continuous efforts are made to replace public standards with private and proprietary ones. This was the case with Microsoft (through browsers and ASP) and Sun Microsystems (through Java). The Internet standards (mainly TCP/IP) are considered open and public. The Internet Governance regime should ensure protection of the main Internet standards as global public goods.

Protecting the Internet as a Global Public Good

Some solutions can be developed based on existing economic and legal concepts. For example, economic theory has a well-developed concept of “public goods,” which was extended at the international level to “global public goods.” A public good has two critical properties: non-rivalrous consumption and non-excludability. The former stipulates that the consumption of one individual does not detract from that of another; the latter, that it is difficult, if not impossible, to exclude an individual from enjoying the good. At the global level, the United Nations Development Programme (UNDP) has introduced the concept of global public goods. In international law, a potential solution is the concept of *res communis omnium* (space as a common heritage for humankind to be regulated and garnered by all nations).

It will be important to consider which of these concepts might be applied to the Internet and with what consequences. Many agree that the model for the future development of the Internet will depend on the establishment of a proper balance between private and public interests.



EDUCATION

The Internet has opened new possibilities for education. Various “e-learning,” “online learning,” and “distance learning” initiatives have been introduced; their main aim is to use the Internet as a medium for the delivery of courses. While it cannot replace traditional education, online learning provides new possibilities for learning, especially, when constraints of time and space impede attendance in person in classes. Some estimates forecast that the online learning market will grow to approximately US\$10 billion by 2010.

E-learning has also brought more intensive cross-border education, with students participating in online courses delivered from other countries. This has introduced an international governance dimension to the educational sector.

Traditionally, education has been governed by national institutions. The accreditation of educational institutions, the recognition of qualifica-

tions, and quality assurance are all governed at the national level. However, cross-border education requires the development of new governance regimes. Many international initiatives aim at filling the governance gap, especially in areas such as quality assurance and the recognition of academic degrees.

WTO and Education

One controversial issue in the WTO negotiations is the interpretation of Articles 1 (3) (b) and (c) of the General Agreement on Trade in Services, which specify exceptions from the free trade regime for government provided services. According to one view, supported mainly by the US and UK, these exceptions should be treated narrowly, *de facto* enabling free trade in higher education. This view is predominately governed by interests of the US/UK educational sector to gain global market coverage in education, and has received considerable opposition from many countries.

The main argument against such a standpoint is that universities provide public goods and that they play an important social and cultural function in every country, beyond the simple transference of knowledge and information. According to this view, the free global market in education might endanger universities in small and developing countries and lead to educational dominance by educational institutions from the US and UK, considerably reducing cultural diversity and depriving many societies of the university role as catalyst for the development of national culture. Another criticism of free trade in education is its potential incompatibility with the implementation of the right to education.

The forthcoming debate, likely to develop within the context of WTO and other international organisations, will focus on the dilemma of education as a commodity or a public good. If education is considered a commodity, the WTO's free trade rules will be implemented in this field as well. A public goods approach, on the other hand, would preserve the current model of education in which public universities receive special status as institutions of importance for national culture. The outcome of this debate will have a considerable impact on the development of online learning.

Quality Assurance

The availability of online learning delivery systems and easy entry into this market has opened the question of quality assurance. A focus on online delivery can overlook the importance of the quality of materials and didactics. A variety of possible difficulties can endanger the quality of education. One is the easy entry of new, mainly commercially driven, educational institutions, which frequently have few of the necessary academic and didactical capabilities. Another problem of quality assurance is that the simple transfer of existing paper-based materials to an online medium does not take advantage of the didactic potential of the new medium.

Discussions about transnational learning in general and online learning in particular have begun at the international level. One of the first comprehensive attempts to provide quality assurance in transnational educational programmes is that of UNESCO and the Council of Europe in their “Code of Good Practice in the Provision of Transnational Education.”

The Recognition of Academic Degrees and the Transfer of Credits

Recognition of degrees has become particularly relevant within the online learning environment. When it comes to online learning, the main challenge is the recognition of degrees beyond the regional context, mainly at the global level.

A general tendency towards student mobility in higher education makes possible study at a number of universities. The EU, in particular, has made advances in this field, through various initiatives such as Socrates. Student mobility requires the transfer of credits between universities in different countries. The necessary regulatory frameworks have started to be developed at regional levels. The EU has started to develop a regulatory framework with the European Credit Transfer System (ECTS). The Asia-Pacific region is following the European lead by introducing its own regional model for the exchange of students and a related credit system (UCTS).

The Standardisation of Online Learning

The early phase of online learning development was characterised by rapid development and high diversity of materials, in the sense of platforms, content, and didactics. However, there is a need to develop com-

mon standards in order to facilitate the easier exchange of online courses and introduce a certain standard of quality.

The first standard, AICC (Aviation Industry CBT Committee), was developed by the aviation industry association with the primary objective of providing interoperability in online learning packages. The next major development was the introduction of IMS (Instructional Management System), which introduced a number of standards for online learning, including meta-data specifications that could be shared by online learning courses (a description of the content, course title, authors, cost, learning taxonomy, etc.). IMS is based on eXtended Markup Language (XML). In addition, the Learning Technology Standards Committee (LTSC) of the Institute of Electrical and Electronic Engineers (IEEE) has carried out some standardisation.

The US Department of Defence (DoD) initiated the latest development in 1997. Faced with the limitations of all existing standards, the DoD established the Advanced Distributed Learning (ADL) initiative, resulting in a new standard named Shareable Content Object Reference Model (SCORM). SCORM is the most elaborate and most widely adopted standard for online courses. One of the reasons for SCORM's success is that it has become the required standard for courses delivered to the DoD (a market of US\$700 million per year) and other US government departments. SCORM is also gaining wider international visibility and usage.

Most standardisation is performed in the US by private and professional institutions. Other, including international, initiatives are on a much smaller scale.