

Inga Luchs

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INGA LUCHS

FREE BASICS BY FACEBOOK – AN INTERVIEW WITH NISHANT SHAH

Following up the internet's early democratic dreams, the Facebook-led initiative Free Basics, formerly known as internet.org, seeks to create a connected world by establishing internet access in areas, which, often due to financial reasons, have been disconnected so far. Despite the seemingly sensible purpose, the initiative has been highly scrutinised. Particularly in India, internet.org faced many complaints, ultimately resulting in the project being abandoned in the country. In the following interview, Nishant Shah, former director for research at the Center for Internet and Society in Bangalore and currently teaching at the Leuphana University of Lüneburg, will illuminate several aspects of internet.org and its critique, addressing issues such as net neutrality, the importance of a universal internet access strategy and the conditions for its global implementation.

WHAT EXACTLY IS INTERNET.ORG/FREE BASICS?

Internet.org¹ is one of the most interesting things that has come around lately because it is an instance of a global multinational institute, which is not the same across the globe. Whichever country it goes into, it becomes that particular unit in that space. Largely internet.org is a not-for-profit organisation where the biggest founder is Facebook. It began on the premise that one of the key issues, that is going to emerge in the future of information societies, is access. Internet.org firmly believed that the access to the internet is going to become an access of discrimination in the future and that as more and more people go online, it is not merely a question of the haves vs. the have nots but also the connected vs. the disconnected.

They set up the organisation a few years ago with a specific focus on the global south to say that the next billion consumers, who are going to come online, are going to come from these regions. Therefore, we need

¹ For more information, see the initiative's official website. Available at: <https://info.internet.org/en/> [accessed May 30, 2016].

to start working on building infrastructure, which gives these people access but also trains them into recognizing the presence, validity and centrality of internet connectivity in their changing lives. In many ways internet.org became a very straightforward civil society organisation, which is trying to augment state structures in providing what is recognized as a basic right to the citizens.

It is not civil society, which is questioning or confronting the state. It is not putting the state into checks and balances. It is civil society that is taking up state-like responsibilities, almost on behalf of the state. They will be building certain kinds of basic infrastructures. However, a paradox emerges that many of the countries that they are engaging with are not in states, which will have the same ideological position as internet.org. Therefore, in the process they are also leading to question state policies around transparency, around openness, around equality, equity, access, free speech and so on and so forth.

Internet.org does not claim to be a political organisation but like many other civil society organisations, it focuses on operations of producing access and in the process training both the state and the citizen to become good subjects and good states as far as internet governance is concerned.

WHY HAS THE INITIATIVE BEEN IN THE FOCUS OF CRITIQUE?

I can only speak from the location of what has happened in India and about the critique that came out of it. We need to understand that internet.org is not the first ICT4D (Information and Communications Technologies for Development) project that India has had. The history of modern India is actually premised on the question of information and communication technologies building the future of the country. You can see this for example in the debates in the 1940s between Mahatma Gandhi, who is considered to be the father of the modern Indian nation, and Rabindranath Tagore, our first Nobel laureate, who won his prize in poetry and literature. They had a whole conversation about how we would rebuild a nation using the technologies at our disposal and a lot of those conversations have leapfrogged across different technologies. They have been essentially a part of ICT4D as well. There has been a great deal of hope about the potential of digital technologies to reform India. Not merely making it into a production powerhouse or an economic powerhouse but also in reforming its social, cultural and political problems ranging from illiteracy, to safety of women and so on. So when you look at the critique that internet.org has, it is not specific only to internet.org. It is a critique that is mounted onto many of these ICT4D projects, which seem to presume that technology and infrastructure-

building is the solution to the social problems that we have identified.

Internet.org's advertisements were highly controversial, featuring underprivileged people of the country as the figureheads to justify why internet.org is important. In the process, it started the same kind of neo-colonialist attitude about how a company sitting in California is able to understand the complex problems of underprivileged Indian people. Moreover, they are suggesting that the people are not only underprivileged but also do not know how to solve their own problems and that internet.org will do it for them by providing connectivity.

The second major critique surrounding internet.org was that they tried to oversimplify the problems of connectivity. India has a huge problem with farmer suicides. We are an 80 percent agricultural community and the infrastructure is very low. Many farmers have been dragged into conditions of debt, scarcity, poverty and restitution. As a result, I think we have been averaging twenty to twenty-five farmer suicides a day over the last five years. Internet.org used this figure of the farmer and tried to suggest that the reason they are poor or they are dying is because they do not have access to information.

There is a larger history of ICT4D critique, which already exists here. The Indian government tried to take development budgets and put it into information development budgets, leading to the farcical situation where the farmer will still die but he will die in the knowledge of how exactly poor he is. He will now have informatics of his debt at his fingertips. Using these kind of oversimplified terms of gender, cast and class, was something that was critical.

And the third critique was the faith that they had in the transformative powers of digital technologies. If only you have connectivity, things will change. It is not saying that if you have literacy, things will change. It was not even aware of the fact that many of the target audience are not literate, let alone digitally literate. This transformative capacity of technology is inherent in internet.org's approaches. They focused on success stories. They would talk about that one farmer who did use informatics and they said "be like him, be like this person" without thinking about structures of privilege, capacity, agency or any of the other questions that is in place. So this was the large socio-political critique that internet.org faced.

WHAT KIND OF CRITIQUE HAS THERE BEEN ON A TECHNOLOGICAL LEVEL?

Internet.org was not saying that they will give you free and open connectivity. They were saying that they will give you differential

connectivity. They were operating like a service provider and saying that if you want to use their service, you can only access a limited number of things. This makes sense because in the larger scope of service providers, there has always been a limitation that service providers can put onto what users can access. So if we are within the university structure for instance, it is highly possible that the university has a service provider for the Leuphana Wi-Fi who is going to censor certain kinds of events or certain kinds of information will not be accessible. However, in all of these cases the service providers have a transparent structure of why their decisions would be taken. They would be subject to different legal and juridical apparatuses and instruments and every time they censor something, they can be challenged.

What internet.org was saying was that because they are doing you a favour, because they are giving this away to you for free, they get to decide what you get to access and you cannot hold them accountable for it. You will not be able to have a transparent structure, where they will tell you why these are the things, which you will be able to access and these are the things, which you can not. At the very heart of it, this goes against the fundamental principle of net neutrality.² One of the things that we have celebrated around the internet is the idea that the internet is neutral, that the internet is about traffic and signal and not about content. Now here was an organisation, which was also being front-end to a massive social media network private company, which was saying that they will decide what information is good for you and you cannot hold them accountable for it. Many of the internet governance activists became scared by the idea, saying if we allow this kind of backdoor entry of differential or even discriminatory internet into the country, it could lead to policies which will use social development and transformation as an excuse to take over the neutral capacity of the internet. Therefore, there was a lot of concern around it.

The second concern was that internet.org was not targeting a user who is already familiar with the net but who was literally becoming the first gateway for the next one billion Indians to come onto the internet. If you teach them that internet means sixteen things and never give them the capacity to go beyond that, then it is a huge advantage to the sixteen things that you are introducing them to. You can almost be sure that those sixteen things were not not-for-profit organisations and government websites but instead paid services. In many ways, their so-called social work was actually big data transaction and trafficking. They

2 For more information, see European Digital Rights, “Net Neutrality”, *The EDRi Papers*, Issue 08, 2013. Available at: https://edri.org/files/EDRi_NetNeutrality.pdf [accessed May 30, 2016].

will give you access to Facebook, so in return Facebook will have the first access to all this data from the first or whatever million users, which nobody will have access to at all.

A further concern was also about discriminatory pricing in terms of not only was this internet app giving you a closed internet, it was also enabling a technological method by which traffic could be apportioned to favourable websites in different ways. This essentially means that if there were two websites competing for traffic at the same time, the internet service provider, in this case internet.org, could decide that one side is more valuable than the other one and therefore will give you faster access to it. In this way, you can get extra revenue from the companies that you prefer and shut down those, which cannot afford to have exclusive pathways.

Additionally, by rebranding internet.org as Free Basics, they were actually trying to influence a right-based discourse to technology. The right to connectivity is currently being debated as one of the basic rights in India and the government is supposed to make a decision around it. India now has 15 years of ICT4D investment by the state into building infrastructure. However, instead of helping the existing plan and scheme, they were leapfrogging straight towards the mobile phone because that was obviously were the next market was. They were not even worried about what is happening to older schemes or working with local networks but just monopolizing the entire mobile spectrum.

WHAT KIND OF PROTESTS DID YOU SEE DEVELOPING IN INDIA?

I think what was fascinating was how much protesting actually happened. You never really had a protest around internet governance before this in the country. India has exercised all kinds of weird censorship, takedowns, and things like that a few years ago. We unfortunately introduced something called the Intermediary Liability Act,³ which makes the intermediary responsible for the content on the website. In this way, if you put something on a Google owned website and Google does not take it down itself, then it will be held responsible for misogyny, hate speech, racism, violence, and so on. Through that act, it empowered companies to take down information even when it has not been flagged by other people and without even informing the original poster that their information has been removed because now it is in their self-interest to censor. We have done things like that but there has been very little protest

3 For more information, see Electronic Frontier Foundation, “New Indian Intermediary Regulations Pose Serious Threats to Net Users' Freedom of Expression”, 2011. Available at: <https://www EFF.org/deeplinks/2011/06/new-indian-internet-intermediary-regulations-pose> [accessed May 30, 2016].

around it. Internet.org however released a huge amount of grassroots protests, as well as public and media visibility around this and there were three specific trends that emerged.

One was that a very vocal urban middle class, which already has access to the internet and knows its potentials, was getting incredibly anxious about this new internet, which was being proposed in theory by internet.org. There was a lot of social media concern about safety and privacy. I think this is largely a result of the post-NSA world that India was aware of now. I do not think this would have happened without Snowden and the WikiLeaks revelations. There was a lot of public attention. Another thing that fuelled it was Aadhar, a huge biometrics database of the Indian citizens that the state was trying to build for the country. There is a privacy bill that is being debated in the parliament right now about the rights of the citizens to be forgotten in the system and so on. There is already a huge public debate out there and internet.org added to that anxiety about what happens when a private company becomes responsible for internet access. Until now, the internet has necessarily been a public-private partnership. All the internet service providers are sanctioned by the state to provide the internet. The spectrum is still held by the state and is only leased out to the service providers. Now, here was somebody who was bypassing the state entirely and replacing the 'rights of a citizen' with the 'terms of service of a consumer'. There were a lot of protests around it, an incredible amount of tweeting and a lot of people calling in the DoT (Department of Telecommunications), which is the regulatory telecom authority of India, asking for transparency about them holding Facebook or internet.org accountable.

Participatory action peaked when internet.org tried to do opaque lobbying with the ministry. Internet.org went to the TRAI, which is telephone regulatory authority of India, and tried to broker a backdoor public-private partnership, wanting to be the official parts of the digital India campaign and in return, build the infrastructure and grant free access. People got really offended by this kind of dubious backdoor lobbying. When the news of this got out, there was so much public protest around it that TRAI in fact set up a public consultation around internet.org. This is the first time that we had one million people actually calling in, writing in, signing and tweeting to the DoT about how they do not want this to happen. After that, internet.org receded and they came up with Free Basics as opposed to internet.org as a project. They did a second round of consultations and again, you had one million people signing up and saying that this is not going to happen. The protest was interesting because mainstream media took it up but also a lot of viral

media. There is a group in India called AIB (All India Bakchod) who do stand-up comedy. They actually went ahead to make a five-minute instructional video, which will help people to understand what is at stake.⁴ You also had Bollywood celebrities coming out and talking about the need for a free internet. This had never happened before.

As result, many people realized that the already tense nature of the lack of privacy and censorship in the country would get worse if something like this happened. Therefore, people mobilized in a huge number, which had never been seen around something as boring as technologic governance. I think a lot of it worked because many people in the media, including myself, made this into a human-interest story. In some ways, Facebook dug its own grave because if they had not made Free Basics into a human-interest story by showing us the people that we are going to save, then people would not have had so much interest in it to begin with. They really messed up with the ways they positioned themselves. They made it into a human question and so technologic governance suddenly started becoming a human question, too, that so many people responded to.

There was a big group, that came together as savetheinternet.org and was heavily involved in mobilizing a lot of public interest. There were non-stop hashtags on Twitter, which were trending and loads of people posting on Instagram. Ironically, also Facebook was used to make this protest viral in many ways. So at the end of the day, what you had was an incredibly huge collective of multi-stakeholders. You had lawyers, you had activists, you had researchers, you had media and you had the people on the ground all coming together and saying that free internet access is good, but not under these conditions and that the limitations of freedom that Facebook and internet.org are putting forward cross a line.

I also think that it was very unfortunate that Facebook became the face of internet.org or at least of Free Basics because Free Basics also has many other partners. Google, Samsung and Sony are equally part of it.

WOULD YOU SAY THAT THEY SUCCEEDED WITH THE PROTESTS?

It was a very strong policy success. We do not have an essential policy about what net neutrality is going to mean but it has started a debate around it. It also was a stop-gap measure for internet.org from coming in. The drawback is that this is not a success for universal access. Both internet.org and the activists fighting them, firmly believed that universal access is a good thing. We have stopped one way by which universal

4 Cp. All India Bakchod, "AIB: Save The Internet", 2015. Available at: <https://www.youtube.com/watch?v=mfY1NKrzqi0> [accessed May 30, 2016].

access was being implemented but we have not come up with a solution for universal access. I think it has actually been unfortunate that it has become such a polarizing debate about them vs. us because the Indian state does not have the capacity to build universal access. The only way it will be able to do it is if the Facebooks, Googles and Microsofts come together and build it. Making this demon into an enemy is a good strategy for a public policy fight but it is not a good strategy for a final solution.

It is something that I am unhappy about because the success would not have been to fight Facebook and say that it is evil. Success would have been to say, there is a problem that can be solved by forming a universal access strategy that is acceptable to both the rights of the citizens as well as the interests of the consumer. I am not sure if it is a success or not. As a public policy fight, it is, but in the long-term vision and planning, I think it requires a lot of work to build new relationships with these companies. It will be necessary to keep on telling them that they are the only ones that have the capacity to experiment with models and to introduce them on such a scale because there will never be enough public money to do it.

DO YOU THINK FREE BASICS WILL SUCCEED IN THE FUTURE?

Free Basics as a project will not succeed, but if we just look at the monopolizing nature of Facebook, eventually all of these people will be on Facebook no matter what, and once they are, Facebook is still going to harvest their data anyway. Therefore, it is not about whether they will get the data they want to. That is why I keep on thinking that it is enough now about Free Basics. I am tired of talking about what it was and what it is going to do, because it is done. We won our policy battle, we stopped this version. Now, we should go back to talking about whether universal access will succeed in the future and what the implications are of a country, which is so young but still so disconnected. What are we going to do about ensuring that universal access becomes a fundamental right? I think those are the questions, which we need to put forward now.