

18th Annual Mortenson Distinguished Lecture

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Libraries Advocating for Access to Knowledge: our role in the global A2K movement

Abstract:

Access to knowledge (A2K) is essential for the functioning of open and democratic societies, economic development and innovation, culture and creativity. As the mission of libraries is to provide access to the world's cultural and scientific knowledge for current and future generations, libraries are natural partners in the global A2K movement. With comparisons drawn with the beginnings of the environmental movement more than fifty years ago, A2K is an umbrella that has brought together diverse groups, including consumer and disability organisations, the free software community, public health activists, as well as libraries, united by the common desire for fair access to knowledge and knowledge-based goods in the digital age. The lecture will examine the role of libraries, especially from the global south, in this nascent movement.

Introduction

I would like to thank Barbara Ford, Director of the Mortenson Center for the invitation to deliver the Annual Mortenson Lecture for 2008. It is an honour and a privilege to visit the Center and to meet the staff and students of this unique institution, which through its work in strengthening ties amongst libraries and librarians regardless of geographic location or access to technology, shares the vision of my own organisation, eIFL, which I will later describe. I would also like to thank Susan Schnur and Janice Pilch for their cooperation and support in working with us to pilot test a course in copyright for librarians, which eIFL is currently developing with the Berkman Center for Internet and Society at Harvard Law School. We hope that the course will benefit librarians everywhere, and we are delighted that the Mortenson Center will have played a special part in its development.

Today I am going to talk about the global movement on Access to Knowledge, known as A2K, and the role of libraries in the movement. A2K encapsulates in many ways how the library profession is changing: the increasing number of policy issues that affect libraries especially in the digital environment, such as privacy, data protection, filtering, digital copyright; the importance of building alliances within the library community and with other like-minded groups; and most importantly, how the role of the librarian is changing from that of an asset manager to an advocate for access. It is a very exciting time to enter the profession. Many of the issues are international in nature, and there are many opportunities to become involved.

In my lecture, I will

- provide a brief overview of eIFL.net
- describe the A2K movement
- examine the role of libraries in the A2K movement
- discuss the role of librarians as advocates.

What does eIFL do?

Electronic Information for Libraries (eIFL.net) is a not-for-profit organisation that supports and advocates for the wide availability of electronic resources by library users in developing and transition countries. Its core activities are negotiating affordable subscriptions and the best terms of use on a multi-country consortial basis, supporting the development of national library consortia and building a global knowledge-sharing network.

We have programmes in open access publishing, the creation of institutional repositories of local content, open source software for libraries, and copyright for libraries.

Geography of eIFL

eIFL.net is a membership-based organisation with national library consortia in 50 developing and transition countries in Africa, former Soviet Union, central and south-east Europe and south-east Asia.

Guiding principles of eIFL

The guiding principles of eIFL are:

- access to information is essential in education and research and has a direct impact on the development of societies;
- the combined purchasing and negotiating power of libraries can lead to affordable and sustainable access to electronic information in countries in transition;
- the empowerment of citizens and the spread of democracy depend on equal access to information and knowledge worldwide: eIFL.net is committed to levelling the playing field.

The A2K Movement

In 2006, Alex Byrne, then President of the International Federation of Library Associations (IFLA), delivered the Mortenson lecture with the title “Can International Organizations Deliver the Information Society?” The lecture discussed the role of libraries at the World Summit on the Information Society (WSIS), an initiative of the United Nations to examine the global issues and challenges resulting from the use of Information and Communications Technologies (ICTs) and to establish the foundations for an Information Society for All. The WSIS was a “top down” initiative, led by the United Nations, an inter-governmental agency. Participation was therefore led by UN Member States, with civil society or Non-governmental Organisations (NGOs), such as IFLA, accredited with observer status. What I will

describe in the A2K movement is the corollary, a civil society-based initiative with a “bottom-up” approach. I will show how both approaches have come full circle by joining up to form an effective force.

What do we mean by Access to Knowledge?

There is no single definition of Access to Knowledge. Everyone can bring their own perspective of what they mean by A2K. Generally, it is a term that can be applied to a range of issues including international development, communications, technology, education and intellectual property (IP) policy.

In a recent article¹, Lea Shaver from Yale Law School set out three principles which serve as starting points. First, the A2K framework has the premise that knowledge has a special place of importance to the well-being of people and societies, for example, the spread of knowledge in agriculture, industry and medicine has led to better productivity and higher living standards. Second, the A2K perspective is especially concerned with the accessibility of knowledge. Thirdly, the promotion of access to knowledge is a task of government through national policies on standards, ICTs, IP, etc. The importance of Access to Knowledge for human development is increasingly recognised by international agencies, such as the World Bank, the United Nations Development Programme (UNDP) and UNESCO, who have all issued major reports on knowledge and technology for development.

What is the movement known as “A2K”?

The “A2K” movement is a loose coalition of like-minded civil society groups who share a common concern over one important facet of Access to Knowledge: the ownership and control of information. In other words, the A2K movement began with a focus on intellectual property. We believe that the IP agenda is increasingly driven by powerful, private corporations to the detriment of society as a whole. We believe that there is a need to restore the balance between the interests of rightsholders and the public interest. The A2K movement has no formal membership, shape or structure. It is dynamic and organic. Most importantly, it is effective and has succeeded in influencing international IP policy-making during its short existence.

History of the A2K movement

A2K is a grassroots movement led by activists and academics that has been compared with the start of the environmental movement in the 1950’s.

“More than 50 years ago, environmentalists taught us to see beyond a disconnected set of problems in the natural world - polluted streams and air, disappearing wetlands - to a larger interconnected system called the environment. Successful development could only proceed if it were sustainable; the environmental impact must be part of the analysis. Similarly, both nationally and internationally, we need to recover the traditional insight of our intellectual property laws; that it is not rights that generate progress, but the balance between rights and the public domain, a balance that is highly context dependent. One size cannot fit all.”

¹ Defining and Measuring Access to Knowledge: Towards an A2K Index by Lea Bishop Shaver I/S: A Journal of Law and Policy for the Information Society.
<http://isp.law.yale.edu/files/folders/public/entry46.aspx>

Its modus operandi can be compared to the Campaign for Access to Essential Medicines in which humanitarian organisations such as Médecins Sans Frontières (MSF) identified patent protection as one of the key barriers in blocking access to medical tools in poor countries. MSF, and other organisations, campaigned at international bodies such as the World Health Organization (WHO) and the World Trade Organization (WTO) to highlight the negative impact of increasing intellectual property protection on public health in developing countries.

The Access to Knowledge campaign began by seeking reform at the World Intellectual Property Organization (WIPO). WIPO is important because it administers international IP treaties and negotiates new treaties which countries implement into their national laws.

“Intellectual property laws are the legal sinews of the information age; they affect everything from the availability and price of AIDS drugs, to the patterns of international development, to the communications architecture of the Internet.”
James Boyle, Professor of Law at Duke Law School and the cofounder of the Center for the Study of the Public Domain.

The Geneva Declaration on the Future of the World Intellectual Property Organization in 2004³ was the first public statement setting out the concerns and goals. The Declaration called for a moratorium on the creation of new treaties and on new standards that expand and strengthen monopolies and further restrict access to knowledge; on WIPO to address the substantive concerns of civil society groups, such as the protection of consumer rights and human rights and to give priority to long-neglected concerns of the poor, the visually impaired, libraries and others; and for support of the WIPO Development Agenda and a Treaty on Access to Knowledge.

In a co-ordinated action, Brazil and Argentina made a historic proposal at the WIPO General Assemblies in 2004 to establish a “development agenda” within WIPO. Fourteen member states become collectively known as the “Group of Friends of Development” (Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, Sierra Leone, South Africa, Tanzania, Uruguay and Venezuela). This set in train a process that would reverberate, not only within the corridors of WIPO, but amongst civil society interest groups around the world, including libraries.

The proposal for a Development Agenda created the first public opportunity to debate the work of WIPO. It aims to re-orient WIPO to its original goal to promote intellectual creativity, rather than intellectual property. In other words, IP is a means to an end, rather than an end in itself. This is not only an agenda for developing countries, it is an agenda for everyone, North and South. We believe that all countries will benefit from this more balanced approach. The overall aim is to promote development and access to knowledge for all.

Who are the players in the A2K movement?

² <http://www.law.duke.edu/journals/dltr/articles/2004dltr0009.html>

³ <http://www.cptech.org/ip/wipo/futureofwipodeclaration.html>

The A2K movement has brought together diverse groups, including consumer and disability organisations, the free software community, public health activists, and libraries, united by the common desire for fair access to knowledge and knowledge-based goods in the digital age. As the mission of libraries is to provide access to the world's cultural and scientific knowledge for current and future generations, libraries are natural partners in the global A2K movement. Active participants have included Consumers International, Electronic Frontier Foundation, Free Software Foundation Europe, Knowledge Ecology International, World Blind Union, Third World Network, as well as eIFL and IFLA.

Copyright, libraries and A2K

Libraries have a key interest in copyright and related rights. This is because copyright law governs the ownership, control and distribution of knowledge. The role of libraries is to provide people with access to knowledge and information. Copyright is therefore a professional issue for librarians and organisations representing libraries.

ICTs offer libraries wonderful new ways of providing access to global resources and opportunities to develop new services. Some examples are:

- the British Library opening its treasures to the world in the Turning the Pages project;
- a project by the National Library of Uganda and Books Anywhere which provides a digital bookmobile and print-on-demand centre for primary health care information;
- academic and research libraries in the 50 eIFL member countries are benefiting from access to dozens of major databases in humanities & literature, science & technology and business information.

In future, students in Accra or Tashkent can have access to the same resources as a student in Urbana-Champaign or Harvard through their libraries. The digital environment has the potential to transform access and use, especially for those disadvantaged by distance or economic circumstance.

As the world switches to digital technologies to create and distribute knowledge and culture, questions of digital copyright become central. While there are new opportunities, users have fewer rights in the digital environment than in the print world. The traditional copyright balance is being eroded in the digital environment, where rightholders have clear rights but unclear responsibilities.

Here are some examples:

- longer terms of protection resulting in the shrinking of the public domain;
- new layers of rights on digital information e.g. database right;
- inadequate exceptions and limitations;
- licences that override copyright provisions.

This is why libraries have joined with allies in the A2K movement and why librarians around the world have rallied to support a cause which they see as central to the future mission and role of libraries. It has stretched our resources and taken a lot of time and energy. But the expense is nothing compared to the long-term cost to access to knowledge unless there is international reform. At the 2005 World Library Congress, hundreds of librarians spoke passionately about problems they encounter

everyday, such as limitations in the use of audio-visual formats and the failure of digitisation projects due to copyright restrictions. Technological protection measures can prevent libraries from making lawful uses of works and licences, which predominantly govern access to digital content, may restrict statutory rights. The message was clear; there is a need to counter-balance a system that increasingly acts as a barrier to librarians and our users. As a major stakeholder providing access to the world's cultural and scientific heritage for future and current generations, doing nothing is simply not an option for librarians. This is why eIFL is an active and valued partner in A2K.

Achievements of A2K

The A2K movement has raised awareness, harnessed opinion and galvanised a diverse group of global activists to cooperate on improving the legal framework enabling Access to Knowledge. Librarians in eIFL countries have embraced A2K and have shared the ideas with their library communities.

A2K is also a brand with posters, t-shirts, stickers and a public mailing list which is open to anyone to join⁴. We have received support from well-known players such as Laurence Lessig (founder of Creative Commons), Joseph Stiglitz, 2001 Nobel prize winner in economics and Sir John Sulston 2002 Nobel prize winner for medicine, amongst others. We use new technologies such as wikis to collaborate on note-taking at meetings, blogs to quickly post reports online to increase transparency and skype chats to enable activists around the world who cannot attend the meetings in Geneva to follow events in real time.

Without doubt, the international IP environment has changed since 2004. After three years of negotiation, the 2007 WIPO General Assemblies agreed on 45 recommendations for action on a Development Agenda. All the issues that libraries care about are there: access to knowledge, exceptions and limitations, the public domain. A new Committee on Development and IP meets twice a year to implement the recommendations.

At the same time, negotiations on a new treaty for the protection of broadcast organisations will not move ahead at least for the time being, the Standing Committee on Copyright and Related Rights (SCCR) has introduced a new agenda item on exceptions and limitations and a WIPO-commissioned a study on exceptions and limitations for libraries will be completed in 2008.

Of course, this did not happen only due to the civil society influence, and the support of many governments was required. Nevertheless, the impact of eIFL and our allies in each of the negotiations, our dozens of interventions and discussions with hundreds of government officials undoubtedly had an impact. We have now entered the next stage in the process and our role is to ensure that the recommendations are fully implemented in a meaningful way.

There is still many new challenges ahead, such as the plurilateral Anti-Counterfeiting Trade Agreement (ACTA) currently under negotiation, but we are in a stronger position than five years ago.

⁴ <http://lists.essential.org/mailman/listinfo/a2k>

A2K as a popular movement

A2K is increasingly attracting attention from academics and students who understand the values and are keen to advance thinking on the issues. The Information Society Project at Yale Law School is addressing the implications of the Internet and new information technologies for law and society, guided by the values of democracy, human development, and social justice. Last week in Geneva, the third annual global conference on Access to Knowledge (A2K3) organised by Yale took place. This brought together many scholars, policy makers and civil society players to discuss key issues of global knowledge policy. Scholars at Yale are compiling an A2K index as a way to define and measure Access to Knowledge⁵.

A2K is gaining in popularity as a topic for students writing their theses, who are interested especially in the politics of international copyright.

In 2009, a new book with essays, interviews and opinion from leaders of the A2K movement will address this new field of activism and advocacy and will describe how groups across thematic and geographic divides are collaborating to politicise the domain of intellectual property⁶.

Librarians as advocates

Future librarians

“One of the most important developments in library work in recent years has been a change in the role of the librarian from that of an asset manager to an advocate for access”, Arnold Hirshon, eIFL Envisioning the Future, 2008.

For example, librarians are increasingly embedded in the university and faculty research processes, and are often the primary source of information on the campus for open access, digital repositories and the management of copyrighted material.

This is because librarians are managing information and using technologies on a daily basis. Librarians respond to requests on copyright and other issues arising from the changing information landscape from students, academics and members of the public. Librarians work at the interface between information and technology, and have acquired an understanding of the tools of the knowledge society.

Librarians as advocates

Advocacy has been defined as “the process of turning passive support into educated action by stakeholders”⁷.

Professional librarians, committed to freedom of access to information and the free flow of information and ideas to present and future generations, have a role to protect

⁵ Bishop Shaver op. cit.

⁶ From Intellectual Property Rights to Access to Knowledge. Eds Gaelle Krikorian and Amy Kapczynski. Zone Books (forthcoming 2009)

⁷ <http://www.ala.org/ala/issues/gettingstarted.cfm>

library interests when national copyright laws are amended or when new international treaties are introduced.

Librarians in many countries are active and advocate for library copyright interests within the library community and to their policy makers and politicians. It is important that librarians in all countries and other regions are geared up to play this role, and can contribute to copyright debates with their international colleagues.

In order to achieve this, we need a core group of librarians with appropriate knowledge and skills. It is especially important that new library school graduates are equipped with the skills they will need to play their part as librarians of the future. This is one of the reasons we are developing a curriculum in copyright for librarians with the Berkman Center. We hope that it will cultivate the emergence of future library leaders who will become copyright champions for libraries.

Of course, libraries need advocates to speak out on behalf of libraries on many issues. Libraries, their patrons and their services are changing and we need people to advance libraries in the networked environment. We need advocates for library development and funding, consortium building and resource sharing, inclusion in national education and ICT policies, as well as on issues such as freedom of expression and access to knowledge.

Conclusion

I said at the start of my lecture that I would show how the government-led World Summit on the Information Society (WSIS) process and the civil society A2K movement have evolved together. A new forum for multi-stakeholder policy dialogue called the Internet Governance Forum (IGF) was established under WSIS. The IGF works through multi-stakeholder “dynamic coalitions”. One such coalition, known as A2K@IGF, was established by A2K partners and aims amongst other things at setting best practices for laws dealing with digital rights management systems (DRM), which can present serious impediments to access to knowledge and the free flow of information. This is an interesting development. Governments understand that civil society has a strong role to play in the development of the information society. Civil society groups have self-organised and are ready to step into the role.

Access to Knowledge is universal, the work is international and libraries have many allies. I hope that I have given you a flavour of current developments and have inspired you to want to learn more about A2K.

“Knowledge goods are fundamentally different from physical goods and services. They can be copied. They can be shared. They do not have to be scarce. The rich and the poor can be more equal with regard to knowledge goods than to many other areas.” <http://www.cptech.org/a2k/>

But, this can only become a reality if we advocate for a fair legal framework, only if we advocate for A2K. Thank you for your attention.