

IFLA and Free Access to Information and Freedom of Expression

Alex Byrne*

I want to tell you a story about a tunnel in my city, Sydney.

Sydney, as you will have seen during the 2000 Olympics (if you have not had the good fortune to visit), is extraordinarily beautiful with long, golden beaches interrupting sandstone cliffs on the Pacific Ocean and an extensive harbour with many thousands of waterside homes. The topography is challenging for traffic since we have deep bays and steep hills. In common with many other cities, Sydney developed from its centre outwards and so much of the traffic has had to go through the central business district. But that area, where the University of Technology, Sydney, is located, is squeezed into a peninsula so the solution to congestion requires the diversion of traffic around the business district. This was fairly easy to do north-south but very difficult east-west. The solution was a tunnel under the city centre and the State Government's Roads and Traffic Authority commissioned its construction through a private public partnership (PPP) scheme. The contract was negotiated in secret, supposedly for reasons of commercial confidentiality, and it involved the closing of a number of city streets to force traffic through the tunnel so that drivers would be forced to pay the toll of AUD3.60 (EUR2.20) which would return investment and profit to the builder. When this became known just before the tunnel opened there was community outrage which forced the Government to reopen some of the streets. The result was that only 30,000 vehicles a day use the tunnel rather than the 90,000 expected in the business plan and the builder is said to be in financial trouble. We are left wondering why the admirable goal of reducing traffic congestion was handled so badly.

* Dr Alex Byrne is the President of the International Federation of Library Associations and Institutions (IFLA - <http://www.ifla.org>). He chaired IFLA's Committee on Free Access to Information and Freedom of Expression 1997-2003. Alex has led the development of many IFLA declarations and statements and represented the library and information sector in international negotiations.

In his day job, Alex is the University Librarian at the University of Technology, Sydney which is recognised to be one of the leaders in the development of digital libraries in Australia and launched a digital press, UTSePress, in January 2004. Alex's publications are primarily in information management, community empowerment and human rights, with particular regard to freedom of expression and access to information.

Why do I start with this rather ordinary story of civic failure? Because this is one of the areas in which freedom of access to information becomes crucial. If we do not know what our governments are doing, democracy cannot work properly. To be able to make judgements in the political process, we need to know what our politicians and bureaucrats are doing. We must recognise, of course, that there are times when some information must be kept confidential and that there is some information that should probably always be confidential. Instances where restriction might be justified include genuine issues of national security, personal information of citizens and the commercial strategies of corporations. But even these must be open to question through vigorous and inquisitive journalism, effective freedom of information (FOI) laws, administrative and judicial avenues for challenging decisions, and a vibrant political process. Ultimately, the test must be the public interest, not the potential for embarrassment or exposure of the mighty.

To move from Sydney's rather pedestrian story of corporate greed, bureaucratic incompetence and possible corruption to a much more serious question: the so called 'war on terrorism'. We were all horrified to see the planes smash into the World Trade Centre and the Pentagon on September 11, 2001. Those television images of the twin towers ablaze, the terrified people and the battleground starkness of their remains will remain with us forever. The subsequent bomb attacks in Madrid, London, Bali and elsewhere made it very clear that we are dealing with a new age of global terrorism which has transcended the actions of the 1970s. The terrorists are now taking full advantage of modern communications and transport technologies to strike without warning across the globe and to obtain maximum publicity from their actions – which spreads the terror well beyond the specific targets.

One of the immediate reactions to September 11 was to blame the Internet. It was suggested that the terrorists who hijacked the airliners leaving Boston had gained much of the necessary information and communicated with their confederates via the Internet. Warning of the danger of over-reaction, IFLA quickly issued a statement on terrorism, the Internet and free access to information¹. Acknowledging that information professionals shared the shock and grief of others, IFLA noted that the Internet had been a valuable means for disseminating information about what had occurred and for assisting family and friends to get news of those for whom they were concerned. However, IFLA went on to warn that:

The campaign against terrorism is to be won. A vital strategy is to safeguard the best access to information. ... We should build respect and understanding between the diverse cultures of the world. We should help construct communities where people of different backgrounds can live together as neighbours. Freedom is something for which we must fight, not by limiting it but by strengthening it.

Regrettably, if understandably in the circumstances of such shocking tragedies, the United States Congress soon passed the USA PATRIOT Act. Soon emulated in other countries, including my country Australia, the PATRIOT Act severely curtailed civil liberties and hard won due process which protects those liberties. It sought to make librarians, and others who might hold data on individuals of interest to security services, complicit by requiring them to hand over any requested data without the authority of a warrant and under pain of penalty if they did not comply or if they told the subject of the inquiry or anyone else about the inquiry. The American Civil Liberties Union and American Library Association have fought these provisions since their enactment.

These laws, enacted by the governments of liberal democracies, have been justified because we are said to be in a time of war, in the time of the ‘war on terror’, the war against a wave of terrorism inspired by Islamic fundamentalism and hatred of Western values. We are told that it is necessary to put aside the values for which our liberal democracies stand in order to defend our liberal democracies, their freedoms and their values. This argument lies uncomfortably close to the statements we heard from communist governments that justified restrictions on information to defend ‘the Revolution’ against counter-revolutionary provocation. It lies uncomfortably close to the justifications for spying on each other that this city experienced and from which it has now freed itself. It is an argument which supporters of freedom must question: why should we give over our freedoms to our governments and their security services so as to protect our freedoms?

These are big questions on which we must ponder but today we are concerned with a more particular question: why do these questions present issues for libraries and information services? Surely they are matters that should be dealt with through the political process while we librarians and other information specialists go about our professional work of building collections (print and digital), preserving them, making them discoverable, assisting users, and so on. Surely we can put them aside while we deal with the needs of our clients.

Well, my view, after years of working on intellectual freedom in regard to libraries and information services is that these matters are political issues, they are questions to be considered when we go to the ballot box, but they are also professional concerns which go to the heart of our profession. We are the keepers of documentary heritage and the purveyors of information. While the mass media inform of the events of the day and analyse their import, we enable everyone to understand those events and put them in a wider context. Through our work, members of the public can find out the background to events and the factors which relate to them. Our digital and print collections, for example, enable citizens to see through the evasions of government and business leaders to learn the truth about global warming, the ‘inconvenient truth’ as Al Gore has called it in his recent film². Our collections and services similarly enable children to begin to learn, students and researchers to study, business and governments to be informed and all to pursue their interests.

IFLA & Human Rights

Eighty years ago this year, colleagues from around the world – including Germany and Australia – came together to form a body that became IFLA, the International Federation of Library Associations and Institutions. Its establishment reflected the optimism that followed the horrors of the First World War, before the world descended into chaos again. The first congress was held in Italy in 1929, to which country we will return in 2009 to hold the World Library and Information Congress in Milan.

At the same time as IFLA was founded, the great novels of Franz Kafka were published by his executor, Max Brod. In *The Trial*, *The Castle* and *Amerika*, Kafka presented a foretaste of the twentieth century. His characters experience alienation and anomie and the power of anonymous, impersonal authority. Their fates are governed by forces which are incomprehensible and unable to be influenced by the individual. The individual becomes powerless at the mercy of those forces. This is something that you in Germany have experienced too painfully over many decades under fascism and communism. But it is not only a characteristic of those terrible “-isms”: it follows from any system which reduces

the individual to a cipher, which does not recognise the rights of the individual and of the communities with which he or she identifies. It results from the abrogation of the rights which are summarised in the Universal Declaration of Human Rights and repeated and elaborated in many other international covenants.

Those rights include the freedom to form and hold opinions and ideas, to express them and to hear and see those of others. They include the freedoms of assembly and religion, the right to be free from want, and the rights of women and children. In short, they are the rights for all to be treated with respect.

Those rights, and especially the Article IX right to seek and impart information, are the foundation of library and information science. For our job is to carry forward knowledge respectfully from the past to the present and from the present to the future, through time and across borders. It is for that purpose that we have built the great collections of the world's books, journals and manuscripts, and are now creating great digital libraries. To enable that important cause, we have developed our techniques and systems to describe, deliver and preserve information and knowledge. We have developed networks of libraries throughout our nations and trained staff to make them work effectively.

This professional commitment to providing information for all is compromised by many factors. They include the poor state of library services in many countries, inability to meet the cost of information products, commercial restrictions on access to information, censorship and other legal impediments, corruption and lack of transparency, linguistic barriers, and many other constraints.

IFLA's programs

IFLA has been working on these challenges for many years through a variety of programs. The Action for Development through Libraries Program (ALP), for example, works to strengthen libraries and library associations in developing countries. UNIMARC and ICABS (the IFLA – Committee of Directors of National Libraries Alliance on Bibliographic Standards) focuses on the improvement of the tools which underwrite our professional practice. The Committee on Copyright and other Legal Matters (CLM) works on the complex and demanding challenges of intellectual property regimes and their ramifications through national and international policy, including trade policy. FAIFE (Free Access to Information and Freedom of Expression) work on intellectual freedom and its consequences for libraries. At a broader international level, IFLA's advocacy program through the World Summit on the Information Society which was sustained over four years and the two Summit meetings, helped to ensure that the governments of the world recognised our concerns. This outcome was summarised in the shared agreement to achieve a just and fair information society for all. Our challenge now is to hold the government to the commitments they made to the principles and strategies identified in the Summit process.

IFLA's priorities and actions are guided by the core values listed in Article 6 of the IFLA Statutes:

1. the endorsement of the principles of freedom of access to information, ideas and works of imagination and freedom of expression embodied in Article 19 of the Universal Declaration of Human Rights

2. the belief that people, communities and organizations need universal and equitable access to information, ideas and works of imagination for their social, educational, cultural, democratic and economic well-being
3. the conviction that delivery of high quality library and information services helps guarantee that access
4. the commitment to enable all Members of the Federation to engage in, and benefit from, its activities without regard to citizenship, disability, ethnic origin, gender, geographical location, language, political philosophy, race or religion.

These values unite IFLA's members in pursuing its programs which are summarised as the three pillars:

Society – Libraries and information services serve society by preserving memory, feeding development, enabling education and research, and supporting international understanding and community well being.

Profession – As the global voice for libraries and information services and the profession, IFLA has always been vitally concerned with improving methods, technical means and standards.

Members – As a membership organisation, IFLA serves the interests of its members and draws both its mandate and global reach from them.

These three pillars of IFLA are interdependent, active and engaged. They are enabled by IFLA's governance, staff and IFLANET.

IFLA was founded to promote international interaction and collaboration among librarians and pursues many programs of benefit to the profession and its members, two of our pillars. The annual World Library and Information Congress, specialist conferences, publications and the work of our sections and core activities are of direct benefit to our members. However, the members and those who attend our congresses and participate in our varied activities represent only a small proportion of those who benefit from IFLA's work. That work is of direct benefit to the profession, to the hundreds of thousands of people who belong to IFLA's member library associations and work in our member institutions and who use the guidelines, standards and other resources that result from our work in such areas as bibliographic standards and preservation.

Through our work, we deliver real benefits to the peoples of the world. Ultimately, it is for and with them that IFLA works to support its members and to enhance practice. That societal orientation has become more evident over the last decade as we have engaged more with the social, economic, political and legal environment in which libraries and information services operate. Within this ***Society Pillar***, IFLA has a number of foci including those represented by two of our core activities which I have just mentioned:

- **FAIFE** – the Committee on Free Access to Information and Freedom of Expression which works to promote the rights enshrined in Article 19 and monitors and responds to abrogations of freedom of access to information; and,

- **CLM** – the Committee on Copyright and other Legal Matters which engages with the very important issues in intellectual property and other areas such as privacy which affect library and information service.

Both have been very successful since their establishment in 1997. FAIFE has established a reputation as a reliable and authoritative source on issues relating to freedom of information and expression in relation to libraries and information services. It fights constantly to protect freedom of access to information, to identify the structural issues which inhibit access to information – including censorship – and to promote ethical practice. The success of CLM can be measured by the invitation for IFLA to participate in the consideration of the future of the World Intellectual Property Organisation (WIPO). It works to address the many legal issues which affect access to information, advancing our cause in many arenas including, for example, the World Trade Organisation.

In addition, IFLA works with partners to address shared priorities through such means as our partnership in the International Committee of the Blue Shield with the other peak global bodies for memory institutions: the International Council of Museums, International Council on Monuments and Sites and International Council on Archives.

World Summit on the Information Society

Our advocacy in these important areas laid the foundation for our engagement with the World Summit on the Information Society. The significance of that engagement is embodied in the title – World ... Information Society – which obviously deals with issues at the heart of library and information practice. WSIS was suggested by the Government of Tunisia, created by the United Nations General Assembly and hosted by the International Telecommunication Union (ITU). Initially conceived as a summit focussed on information and communication technologies (ICTs), its emphasis moved to encompass much broader societal, cultural and economic issues including the issues of importance to IFLA: content, access, preservation, capacity building (including information literacy), intellectual property and, fundamentally, the rights of freedom of access to information and freedom of expression. This change in focus resulted from the representations of many civil society organisations, including IFLA, and some governments.

The Summit was exceptional in two respects:

- it was held in two phases rather than the single meeting used for previous world summits – with summit meetings in Geneva in December 2003 and Tunis in November 2005, and
- it adopted a multistakeholder approach which recognised the roles of governments, business entities and civil society (represented by NGOs including IFLA) as well as intergovernmental organisations.

IFLA participated in WSIS from early 2002 to the Geneva and Tunis Summit meetings and held its own pre Summit conferences just before each of those events. IFLA representatives, IFLA members and others from the library and information sector also participated in many regional and national consultative meetings throughout the four years. The engagement had

very few resources and was conducted almost entirely by volunteers who have paid their own costs.

The sustained effort was remarkably successful. The *Declaration of Principles* and the *Plan of Action* agreed at the Geneva Summit in December 2003 identified the issues of concern to IFLA and its constituency³ and those documents and those from the Tunis phase noted the importance of libraries and information services. This excellent outcome for the sector was not, however, reflected in all countries. While some took up the issues vigorously, others were less active. IFLA continues to support library associations and other members to continue to raise the issues with their governments through the President-elect's working party on the information society.

The goals identified during the Geneva phase were to be turned into action and ways of monitoring achievement of the goals were to be identified during the Tunis phase. IFLA's consistent position was to emphasise the need for a sense of urgency in addressing the goals and the need to monitor achievement in order to know whether they were being met. As I have frequently noted, the deadline for achieving the outcomes identified in the Geneva Declaration and Action Plan, 2015, is so far ahead that a child starting school at the time of the Geneva Summit would have finished by that deadline. In addition, it is far enough away for most governments to conveniently ignore it while they focus on the issues of the moment. We must continue to remind governments that the need is urgent if we are to have an equitable information society.

The history of international commitments made in world summits and on other occasions does not give us cause for confidence that governments will vigorously pursue the Geneva Action Plan and Tunis Agenda. IFLA, our member associations and like minded colleagues in civil society must now find and implement mechanisms to keep these commitments before governments and to highlight ways of achieving them.

The principal issue of concern to IFLA which some governments sought to reopen during the Tunis phase was the unqualified endorsement of human rights – and especially the twin rights of access to information and freedom of expression – as the fundamental foundation for an equitable information society. Inclusion of unqualified support for those rights was secured on the evening before the opening of the Geneva phase. Some governments sought to qualify them during the Tunis phase but their efforts were resisted. Articulation of the need to respect those rights remains a key priority for IFLA and especially FAIFE.

It became clear during the course of the Summit process that it is not simply a question of funding but also a question of addressing major structural issues. Many of these were highlighted during the IFLA pre Summit conference held in the Bibliotheca Alexandrina with strong support from UNESCO. During the pre Summit we proclaimed a manifesto, *The Alexandria Manifesto on Libraries, the Information Society in Action*⁴. IFLA works on these issues through its Action for Development through Libraries Program (ALP, based in Uppsala, Sweden) but must also continue to advocate vigorously the need to reduce the digital divide and resultant information inequality both within and between nations.

As President of IFLA, I was privileged to be invited to address the plenary meeting of the meeting of the World Summit on the Information Society in Tunis last November, a rare honour for those outside government delegations. In that address (Byrne 2005), I noted:

We are concerned with the young child who opens his first book or clicks on her first website, with the student who researches a topic, with the professional building a career, with the farmer trying to be more competitive, with the researcher using e-journals to investigate a new material or prevention of a disease and with all the people whose lives are changed through ready access to relevant and reliable information in any format.

We stand with the Secretary-General of the United Nations and other distinguished speakers in stating without equivocation

Everyone has the right to freedom of expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Federation and our member organisations are vitally involved with the creation of the Information Society and its consequences for both economic and social development ... [an] agenda which is vital for a secure and fair world.

...IFLA urges national, regional and local governments as well as international organisations to

- *invest in library and information services as vital elements of Information Society strategies, policies and budgets*
- *promote open access to information and recognise the importance of information literacy and vigorously support strategies to create a literate and skilled populace which can advance and benefit from the global Information Society.*

I concluded by encouraging the governments, intergovernmental organisations and others who participated in the Summit to continue the work to create an information society for all, an information society which guarantees the dual freedoms of access to information and of expression and which will be facilitated by strengthening the global network of libraries, archives and information services.

That intervention demonstrates the work that is done by IFLA to promote the value of libraries and information services at the international level, to strengthen the methods and standards which enable the work of our services, and to provide value for IFLA's members. We have summarised our achievement in reports available on the IFLA website. Despite the limited resources which were available to devote to this protracted and demanding advocacy campaign, the outcomes from IFLA's engagement with WSIS were very positive and included:

- Inclusion of the priorities of the library and information sector and ways of addressing them in the documents of the Summit.
- Greater recognition of the role of libraries and information services in the information society.
- Commitments from governments to try to create an equitable information society which will benefit all.
- Identification of key factors to be monitored to show progress in creating that information society.

We also learnt much more about how to conduct advocacy at high governmental levels. And we formed some strategic alliances with civil society organisations and some governments which will benefit libraries and information services in the future.

Recognising that success and the need to continue to promote our concerns, including those of FAIFE and CLM, the IFLA Governing Board has decided to establish a permanent advocacy function within our headquarters in The Hague, Netherlands. It will work in partnership with our members associations and institutions, with individual colleagues and many other organisations in our sector and beyond. It will build on the partnerships developed during the World Summit on the Information Society to continue to raise the issues of importance to the role of libraries in society.

Towards a just and fair information society for all

Remembering Franz Kafka's haunting novels and the horrors of the twentieth century which they presaged, we are inspired to work to create a just and fair information society for all in this new century. But what hangs on that phrase, 'a just and fair information society for all'? 'For all', as agreed by the governments of the world in Geneva and Tunis, means for all the people of the world, from the poorest to the richest, from the technologically sophisticated to those in traditional villages. It means a global society in which children don't have to die because of polluted water, in which crops can be grown bountifully and in which all can obtain the information they need to improve their lives. It means a world in which the challenges of the United Nations Millennium Declaration are surmounted so that all have opportunities and none are in dire need.

For those of us in the information professions, this global focus on the information society presents an unprecedented opportunity. The global community has recognised the importance of information for changing lives. It is our time to step up and make our contribution. We can no longer do this by passively saying that we have made information available. If we are to contribute effectively, we have to work with our clients to assist them to recognise their information needs and to locate, obtain and use needed information. We have to be part of building the just and fair global information society for all. This means extending our commitment to information literacy, addressing the challenges of linguistic and cultural diversity and using our skills to provide information solutions when and where needed. It requires us to show in practice our full commitment to intellectual freedom and respect for the rights of all in our daily practice and in the ways we structure and administer our libraries and information services. If we do this effectively, we will make our contribution to overcoming poverty, redressing greed and corruption, and creating that just and fair information society for all.

References

1. IFLA (2001), *IFLA Statement on Terrorism, the Internet and Free Access to Information*, Media Release Thursday 4 October 2001, The Hague.
2. Gore, A (2006) *An inconvenient truth*, film directed by Davis Guggenheim.
3. IFLA and A. Byrne (2004a). *Promoting the global information commons: A commentary on the library and information implications of the WSIS Declaration of Principles "Building the information society: a global challenge in the new millennium"* (Document WSIS/PC-3/DT/6). The Hague, IFLA, <http://www.ifla.org/III/wsis070604.html>.
4. IFLA (2005) *The Alexandria Manifesto on Libraries, the Information Society in Action*. Alexandria, Egypt, IFLA, <http://www.ifla.org>.