

Digital Rights and Governance in Asia

A Couple of Provocations

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<http://www.rogerclarke.com/II/DRG> {.html, .pdf*}*

Uni of Sydney – 13 April 2018

Facebook is subject to:

- some constraints in the US
- even more constraints in Europe



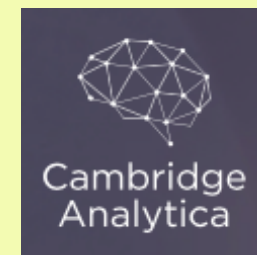
Cambridge University is sued by Facebook

Aleksandr Kogan:

- is sued by Facebook
- ...'s company is sued by Facebook
- is sacked by Cambridge University
- is de-reg'd by his professional ass'n



Cambridge Analytica is seriously harmed



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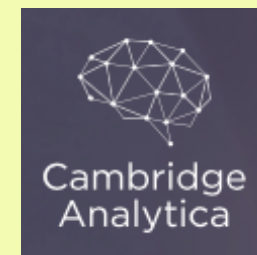
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Aleksandr Kogan:

- 1. None of this will happen!!**
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Why it Won't Happen

Many legislatures are weak and compromised

Many regulators are under-empowered, under-resourced

Many regulators are subject to capture

Only the intelligentsia are upset

Normal people don't care

The media will have fun

The snowball won't roll very far

2. Legal, Organisational and Technical Measures need to be Combined

- L Weak laws and their implications need to be exposed, with concrete (preferably heart-rending) examples
- O Self-regulation needs to be studied in detail, and its inadequacies clearly documented
- T The gaps in protections need to be addressed by making tools available to protect activists:
- Obfuscate and falsify data, messages, identities, locations and social networks
 - "Avoid, distort, block and break surveillance"

3. Civil Society Needs to Capture the Moral High Ground

NGOs are marginalised by Standards-setting processes

NGOs need to promulgate **Public Standards**, to compete with business and government Standards

NGOs need to then evaluate technologies, applications, practices and laws against those Public Standards

Examples: A proper process for impact assessment



An individual can't complain about leakage of Aadhar data



4. Relevant Academic Research is Challenging and is continually challenged by opponents

- Emergent phenomena are unstable, so reliable empirical data is impossible to attain
- Contexts are complex, Attitudes are contingent
- 'What people say they do is not what they do'
- Research that addresses the interests of people is deprecated as 'agenda-driven', biased, unreliable
- Research that reflects current values / the *status quo* is perceived to be appropriate and responsible