

**What principles should guide policy-makers in designing local and international approaches for internet intermediaries in the evolving communications environment?**

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## **Introduction**

Web delegates assume a significant part in securing opportunity of articulation and admittance to data on the web. A web go-between is an element which offers types of assistance that empower individuals to utilize the web, falling into two classifications: channels, which are specialized suppliers of web access or transmission administrations; and has, which are suppliers of substance administrations, like online stages (for example sites), reserving suppliers and capacity services. Quite possibly the most difficult inquiries identifying with web delegates is whether they establish distributors in the customary feeling of the word. Is an Internet Service Provider (ISP) obligated for the substance it has for other people? Progressively, courts are tracking down that an ISP doesn't "distribute" more than the provider of newsprint or the producer of broadcasting gear.

A few nations in Africa have laws accommodating the impediment of middle person risk, for example, Ghana and Uganda. To shield themselves from obligation even in situations where such enactment doesn't exist, mediators frequently foster agreements that determine their duties and those of their customers. Other nations in Africa have laws that expressly make delegates responsible for their activities in regards to content posted utilizing their services. The High Court of Tanzania managed in 2017 in *Jamii Media v The Attorney General of Tanzania* and Another that administration demands for the revelation of client data from a web go-between were supported, and that the law overseeing such exposures was not illegal, in spite of an absence of guidelines to administer the authorization of the Act.(7)

Also, web mediators are progressively being utilized by states to police the web through direct demands to bring down content or meddle with web access, choices which are regularly made outside of formal legitimate and administrative systems and need straightforwardness and public scrutiny. The Democratic Republic of Congo, for instance, states in article 50 of the Framework Law No. 013/2002 on Telecommunications that the refusal to concede the solicitation of the authority may prompt the impermanent or authoritative withdrawal of the working permit or to other penalties. After fights the public authority in Zimbabwe in mid-2019, the top of a significant media communications supplier, Eco net, was real in disclosing to clients that constraints in network access were an immediate reaction to a mandate from the Zimbabwean government. This, obviously, has genuine ramifications for opportunity of articulation on the web.

## **What is digital intermediary?**

The implicit meaning of the word intermediary is that it is located between or among two or more parties, and although they help in the transmission/dissemination process, intermediaries do not initiate decisions to disseminate the content, products or services that transverse their networks or servers. Intermediaries bring together or facilitate transactions between third parties on the Internet. They give access to, host, transmit and index content, products and services originated by third parties on the Internet or provide Internet-based services to third parties. Examples of internet intermediaries are: Network operators, Network infrastructure providers Internet access providers, Internet service providers and social networks, such as Facebook, Twitter and LinkedIn.

## **The unbecoming of intermediaries**

It has been well established that information technology (IT) has had significant effects on organizations. Companies are changing the way they operate due to significant reductions in the cost of obtaining, processing, and transmitting information. Information links make radical changes possible in management practices, which in turn affect market structures and firm configurations. On the one hand, data processing and telecommunications infrastructure have supported the development of extended global enterprises.

On the other hand, electronic information links have also resulted in de-integration of industrial structures, thus resulting in virtual corporations or networked organizations. This implies continuous evolution of a firm's value chain, as IT transforms not only the way activities are performed, but also the nature of linkages between them. The system of interdependent activities through which a firm produces a good or service and distributes it to the final consumer, terms the value system, is in an ongoing state of flux in part due to advancements in information technology.

These radical transformations of organizations and markets have taken place in an era where electronic links mainly existed in the domain of businesses. Interorganizational information systems, electronic data interchange networks, shared databases, and other forms of electronic links mainly connected firms. Today, on the other hand, information infrastructures are extending to reach individual consumers. The potential for transformations in the value systems of many firms is thus far greater now than it has been in the past, as technology begins to enable producers to directly interact with consumers. One fundamental question, therefore, is to what extent producing organizations would take advantage of direct electronic links with consumers, and whether in the process, intermediaries will be eliminated from the value system.

It has been noted that intermediaries add significant costs to the value chain, which are reflected in a higher final price of products or services. Thus, it has been argued that in their search for competitive advantages, manufacturing firms will use other means to

### **Communication in a changing world**

Innovation keeps on reshaping organizations and surprisingly the manner in which we speak with our friends consistently. 10 years prior, terms, for example, 'wearable innovation' would appear to be a fantastical thought at this point today, we don't consider anything it. With innovation assisting with pushing for development, man-made reasoning (AI) has ascended from the woodworks and current robots are looking and receiving practices that more take after people than fiendish machines from the Terminator establishment.

Utilizing innovation has gotten unavoidable in our everyday exercises and it has particularly upset how individuals impart. Correspondence innovation has ended an unmistakable overflow of energy, having advanced from texting on a work area to video calls we make on our get-away to Europe. While we are progressively more on target for a world with more prominent digitization, it stays hard to precisely anticipate the fate of correspondence. We have, nonetheless, chose three regions that we accept best outline the advancement of human collaboration because of innovation and the eventual fate of correspondence in every situation.

The current social media age. Individuals share as long as they can remember occasions via online media. Web-based media stages help individuals share pictures, recordings, and nearly everything on the web. It is the most recent method of correspondence in the computerized world. Advanced cells have made this more helpful. Online media applications can be downloaded into PDAs. Clients of web-based media in this age are fixated on these stages. They share the day by day smear of their lives on these applications. Online media has reformed the manner in which we convey. We can perceive what others are doing through their web-based media profiles. It is currently simple to determine the status of your companions who live far.

Correspondence has been made significantly simpler. Distance isn't an issue any longer. You can converse with any individual you need, either living far or close. Better correspondence has assisted us with acquiring better friendly abilities. From verbal discourse to our instant messages, we impart about existence every day. An element of protection through start to finish encryption has been added to our day by day

correspondence through cells and different devices. We cannot deny the fact that communication is an essential core system of our lives. We understand and perceive the world through communication. Life would feel incomplete without interacting with others. The older methods of communication were cave paintings, smoke signals, symbols, carrier pigeons, and telegraph. The latest and modern ways are more convenient and efficient. For example, Television, Cell Phones, Internet, E-mails, Social media, and Text messaging. Evolution of communication technology has made progress over thousands of years. This evolution will continue to grow so with the changing world.

### **Role of Policy bodies and the formulation**

Strategy Formulation remains at the highest point of the vehicle arranging measure. It's anything but an essential arranging measure prompting an overall idea, typically a Transport Master plan. Such a master plan is a political choice. It's anything but a bunch of measures focused on the future improvements of the vehicle framework. An agreement must be found on which situation or gathering of apportions of various situations and heaps of measures is adept to satisfy the proposed objectives in the most ideal manner. This generally idea regularly is a legitimately restricting system for more nitty gritty plans and ideas for a longer timeframe. In this case, the policy bodies are centered on the regulators, respective boards that censor communication in a given geographical area.

Current regulation and a case in point is India's intent to regulate social and digital media platforms has been known for a while, the timing of the New IT Rules, nevertheless, aligns well with (and works as a logical corollary to) the already mounting global pressure (spearheaded by top social and digital media markets such as US, the UK and Australia) on digital media and social networking giants to take more responsibility for the content that is published on their platforms. The compliance heavy regime for 'significant social media intermediaries' will definitely have a cost implication (given the requirement of setting up of a physical presence in India along with deployment of additional resources and employees) let alone other commercial and tax implications which are inherent in establishing a place of business in India.

At the same time, an active compliance of the New IT Rules will require the social media intermediaries to deploy significant resources to revamp their existing end-to-end encryption technologies, without compromising on user confidence and comfort. It would be interestingly to see how the changes to these technologies will play out and balance out (if at all) the users' concerns around privacy.

Separately, while many players in the industry do concede to the fact that online content must adhere to some prescribed rules and ethics so as to remain unbiased and (given the ubiquitous outreach of the internet) some filtration of online content is also justified; however, in the same breath, concerns are also being raised that the Government's push for a soft-touch oversight over the social and digital media sector should not morph into overregulation (with time) and stifle the freedom of speech and expression that has become synonymous with this medium.

While what will become of the New IT Rules (particularly from an enforcement perspective) is something that remains to be seen, however, the recent observation by the Supreme Court in an ongoing litigation involving a political show on an OTT platform manifests that the New IT Rules "lack teeth" which in turn could trigger the Government to introduce more specific liability provisions for the breach of these rules by the industry players.

### **Underlying Considerations for policy bodies.**

The following considerations are applicable for international and local bodies in their quest to find approaches in regulating the digital intermediaries.

### *The outcome principle.*

One of the aspects to analyze is the feasibility of the intended gain. The committee of technocrats should be able to understand and outline what are the intended policy aims and state the extent. Information today travels like wild fire. Using several platforms e.g. Facebook, Twitter etc. to communicate reaches multitudes of people in different locations. Ghana and Uganda regulation bodies came up with revised policies to censor content providers, distributors etc. There is still no algorithm to censor what is legal or illegal content to upload and distribute over digital platforms

### *The risk(s) involved*

Risk management involves identifying, assessing and judging risks, assigning ownership, taking actions to mitigate or anticipate them, and monitoring and reviewing progress. Good risk management helps reduce hazard, and builds confidence in the team. This aspect might be further demystified further to security. This aspect encompasses the consumer, content provider and online platform. Several governments have been threatened on information on these internet intermediaries and these have been taken down by owners of these online platforms. In this social media age, there is a group of minors who consume any information. The integrity of online users is also an aspect that cannot be left out. With a regulator or policy maker in place, policies are supposed to be tailored to protect all stake holders.

### *Sensitization principle for Ex-ante and Ex-post.*

Digital intermediaries are fast changing and need also fast tracking information about them. It is incumbent upon the regulators under their mandate to move awareness campaigns to masses on the use, dos and don'ts while online. When masses are sensitized on the behavior, the policing is easy while enforcing. The Ex-ante will inform the anticipatory part and Ex-post carry on while these intermediaries are at play. Policy and the plans for its communication should be developed in parallel rather than sequentially, planning should be made at the start and awareness made to the intended parties. The merits should be made clear to the masses and avenues for criticism should be made available so this can be smooth. Target audiences should be the end goal.

### *Collaboration/Engagement principle.*

The work of the policy makers is to regulate and form policies. There exists many players in the chain of communication for these policies to come to life. There has been cases in Africa on these social media platforms and ruling governments on posts against and for social affiliation groups. With the right interaction and involvement with the online platform owners, providers, this can streamline policy for and against. Before a policy is coined, there is need to look at the existing evidence that is how other countries handling this case. The policy also should be able to address and be in line with the international cause. The forward looking aspect is the ability to address the future issues.

### *Geographical Rights*

In any geographical area, there are rules that bind a group of people. The right of the respective stakeholders are supposed to be clearly outlined so as to stipulate the extent of boundaries. Each country has divergent laws binding their citizens of their mandate and rights. Policy that works in the US might not apply to another geographical area hence all the constitutional rights are supposed to be put in context. This principle can further be described in the form of existing policies and plans that exist in a geographical area e.g. in Uganda there is the Broad Band policy which outlines a 2-4Mbps target, fully accessible internet for underserved and not served areas. When an approach is being developed it is supposed to be in line with the government policy or plan.

### *Funding principle*

Ensuring that necessary resources are available is key to making policy happen. When developing a policy you must always be aware of the cost implications of policy implementation and the need to achieve best value for money. Where policies do not involve significant public expenditure, there may still be implementation costs for the administration and compliance costs for individuals and organizations, which need to be considered and justified. Costs might be administrative, etc. There process should also be able to address the need to have external funding.

### *Accessibility visa-vie usability*

The Digital era has given access of internet and social media platform to a diverse group of people ranging from the young to old, illiterate to semi-illiterate, deaf to blind. All these have been taken up by the ever changing social media landscape and thus the choice and justification for any platform should be able to relate with the target audience. For example TIKTOK is more relevant if you're targeting people who are able to see what is being communicated. LinkedIn on the other hand will appeal more to the professional/literates.

### *Health Vs Implementation of internet infrastructure*

The question to raise under this consideration is, are the consumers safe health wise? What are the short and long term effects on the policy of 90% deployment a case in point of Uganda?

As network access suppliers convey framework across various local regions in a country and across water bodies, various approaches ought to be executed and followed while laying the foundation with the goal that the strength of people, sea-going life or creatures isn't imperiled. In actuality data over the web voyages genuinely as electromagnetic waves or optic waves. Base stations ought to be set up in an assigned span away from human action to limit long haul wellbeing perils, same applies to laying of fiber optic link under the ocean or satellite dispatching destinations

### *Profitability or loss of the service principle.*

Network providers or Internet service providers and all Mobile Virtual Network Operators (MVNOs) enter a market with different aims and objectives. The policy bodies in those respective geographical areas are required to respond accordingly in the criteria required while on registration. The ISPs and MVNOs are profit making entity and this aspect should be looked at in respective to trade laws and those binding the area. The taxing body can now proceed to confirm if this service can be taxed or not. There are services

meant to benefit the population hence a common good is supposed to be kept. The converse is important to note that if a consumer's right is at risk then there is need to develop a policy around that.

## **Conclusion**

Advanced rights is a rising and dynamic field. Securing advanced rights includes a large group of new entertainers that didn't exist in past ages of the media like web go-betweens. The web is an unfathomably integral asset for social advancement and the more full acknowledgment of human rights, yet it likewise leads to specific difficulties. In any case, worldwide law is clear that the very rights that apply disconnected apply on the web, and keeping in mind that those difficulties may be colossal, the advantages of hitting the nail on the head — a free and reasonable web open to all — are as well significant not to view computerized rights appropriately.

While the right of admittance to the web doesn't yet discover express acknowledgment in global law, it is broadly considered as an empowering influence of the right to opportunity of articulation and, likewise with all basic freedoms, must be reasonably restricted if a three-section test is met. Also, limitations to the web may unduly encroach on opportunity of articulation and related rights. In a quickly creating advanced world, the web is progressively turning into a challenged space and it is utilized similarly by those looking to shield central rights and those trying to restrict them. The appropriate downplaying of ideas like web closures, the obstructing and separating of content, internet fairness and delegate risk are progressively important to completely secure and elevate the right to opportunity of articulation on the web