

GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION
Transparency and accountability online



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Introduction: The new omnipresence

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A tale of two bribes

The first time I paid a bribe in Mexico City I was caught by surprise. Admittedly, I had broken the law. In 1989 the Mexico City government passed legislation¹ which required that on every second Saturday of the month all vehicles with licence plates ending in 7 were not allowed to circulate. And here I was, a newcomer to the city, a licence plate ending with 7, and driving in unintended defiance of the law.

Two weeks earlier I had started a new job with Omidyar Network, the philanthropic investment firm of eBay founder Pierre Omidyar. I was hired to help build the movement of open government in Latin America; to give support to entrepreneurs who use new technologies to strengthen civic participation and government accountability. The likelihood that I would now bribe a police officer to evade my warranted sanction seemed preposterous.

I rolled down the window, handed the police officer my driver's licence, my car registration, and awaited my citation. If only it were so easy. The officer informed me that, due to the gravity of my infraction, not only would I have to pay a fine of around 5,000 pesos (USD 380) but my car would also be impounded for 24 hours. Like a practised salesman, the officer went on to list the many ways I would be inconvenienced if I were to go by the book rather than to "work out a deal." Still, I refused to pay the bribe, and was made to follow the police officers to what was allegedly the nearest police station, some 30 minutes away in the middle of an abandoned industrial area. I began to fear for my safety. I was now sitting in front of the desk of what was clearly a higher-ranking officer, who began to make increasingly aggrandised claims while I silently punished myself for not having my cell phone to record his every word. By the end of our protracted and surreal negotiations I was left with two choices:

1) pay a USD 200 bribe and return home to enjoy the rest of my Saturday afternoon, or 2) surrender my car until Monday morning when I could begin a lengthy bureaucratic nightmare involving multiple trips to government offices, banks, and the tow pound. Such is the story of my first bribe in Mexico City, which taught me several lessons.

First I learned that Mexico City's civil society was still not as coordinated and innovative as the city's corrupt police officers. Upon leaving the police station I was awarded a stamped card that looked more official than anything I had seen from the Mexico City government. "If any police officer pulls you over on your way home," I was told, "just flash them this card and they'll leave you alone." Various police units across multiple jurisdictions had coordinated to produce a system of illicit cards to register those who had already paid a bribe. Indeed, a motorcycle-mounted police officer pulled up to my window, eagerly awaiting his own bribe, and then sped off in disappointment when I showed him my I-paid-a-bribe card.

Second, I learned that corruption flourishes with poorly designed laws, no matter how benevolent their intentions. Mexico City's "Hoy No Circula" legislation, which prohibits vehicles from circulating on select days depending on the last digit of the licence plate, was implemented just before the United Nations declared² it the most polluted city in the world. In theory the law removes 20% of cars from driving on city streets any given day, which has contributed to Mexico City's impressive reduction³ of air pollution over the past 20 years. But the poorly designed incentives (why impound the vehicle for 24 hours?) have led to a culture of enforcement in which local police officers do little more than constantly scan the last digits of all licence plates, certain that the forgetful offender will infallibly pay the hefty bribe rather than endure the bureaucratic nightmare to legally resolve the infraction.

Finally, I was reminded that information is power, and that corrupt public officials depend on

1 en.wikipedia.org/wiki/Hoy_No_Circula#History

2 www.idrc.ca/EN/Resources/Publications/Pages/ArticleDetails.aspx?PublicationID=740

3 www.washingtonpost.com/wp-dyn/content/article/2010/03/31/AR2010033103614.html

information asymmetries to extract bribes from uninformed citizens. The police officer pulled out from his back pocket a well-worn, dog-eared booklet of transit laws to assure me that there was indeed a law prohibiting cars from circulating on select days. But the booklet included no information about the cost of the infraction, nor the significant detail of vehicle impoundment for 24 hours. In fact, even now, sitting at my computer with access to every single government website, I can find no official information about the cost of violating the Hoy No Circula programme. It is only on Yahoo Answers that I'm able to finally find the information, thanks to the contribution of a helpful, anonymous volunteer who clarifies⁴ that the official cost of the infraction is "20 times the daily minimum wage plus 120 pesos for the 'parking' at the tow pound." All in all, the official infraction costs roughly 1,250 pesos, not 5,000 as I was repeatedly told by multiple police officers.

My next experience with Mexican bribery would come several months later when I was driving along the outskirts of Toluca, a mushrooming commuter town outside of Mexico City. Again, I must admit that I had broken the law, driving some 15 kilometres per hour above the posted speed limit. However, in my defence, I am compelled to add that I was driving slower than five cars that passed by in plain view of the police officer who decided to pull me over after noticing my foreign complexion.

Unlike my previous run-in with Mexican police, this time I was much better prepared. I had downloaded a USD 2 application for my iPhone called Antimordidas⁵ (anti-bribes), which contains the entire legal code and the cost of every infraction imaginable. I also had downloaded the Ustream iPhone application,⁶ which allows me to record and broadcast video at a moment's notice. Ustream integrates with my social networks, immediately notifying my friends and followers when I begin broadcasting.

Before the police officer could even walk up to my window, I was already covertly recording the event. I was also searching my anti-bribes application for the exact cost of my infraction before the police officer could assert his own inflated claim. Confident that the cost of the citation was no more than USD 30, I happily requested that the police officer punish my infraction, but he resisted. In desperation he returned to his car, explaining that he needed to verify my immigration status with the authorities to ensure that I wasn't breaking any further

laws. Minutes later his partner approached the car, offering his best imitation of the good cop/bad cop routine. When he was made aware that I was recording our interactions, he immediately became defensive and aggressive. As I listen back over the recording now, I can hear the slight tremble in his voice as he tells me that it is illegal to record a police officer, a claim I have neither been able to prove nor disprove despite various consultations with legal experts. Once again, I began to feel fearful for my safety; the police officer was clearly agitated and unsure of how to react. I imagine he was considering the security of his job, even the threat of legal action were the video to reach his supervisor. Still, for some reason, I felt more secure knowing that my cell phone was recording our every interaction than I did a few months back without it.

The two officers were nearly yelling when they told me to drive on, and to never record a police officer again. Emboldened, I responded that I wanted to be cited for my infraction, but they refused. Shaking my head in a mixture of relief and irritation, I drove off and tried to enjoy the rest of my day.

Pocket-sized accountability

I am not alone in discovering the utility of a pocket-sized global video broadcaster (that is, a modern cell phone) to hold corrupt police officers accountable. The power of the personal video recorder as a protector of civil rights first entered the mainstream in 1991 when the police beating⁷ of Rodney King was recorded by casual bystander George Holliday.⁸ The incident and subsequent trial gave rise to a movement of police accountability (or "copwatch")⁹ organisations around the US. The following year rock star activist Peter Gabriel, inspired by the Rodney King trial, formed WITNESS,¹⁰ a global organisation that uses video to empower human rights organisations to hold the powerful to account.

As camcorders became embedded in cell phones, human rights and civil liberties organisations were presented with a powerful new ally, but also unprecedented challenges (more about those later). From Puerto Rico¹¹ to Phnom Penh¹² to Cairo¹³

4 mx.answers.yahoo.com/question/index?qid=20100107103031AAO2gNt

5 www.eluniversal.com.mx/notas/684291.html

6 www.ustream.tv/everywhere

7 en.wikipedia.org/wiki/Rodney_King#Incident

8 articles.nydailynews.com/2012-06-19/news/32321421_1_symbol-of-police-abuse-george-holliday-famous-home-video

9 en.wikipedia.org/wiki/Copwatch

10 www.witness.org/about-us

11 blog.witness.org/2011/09/video-advocacy-example-police-violence-in-puerto-rico

12 blog.witness.org/2011/09/video-captures-police-destroying-homes-beating-locals-in-phnom-penh

13 www.youtube.com/verify_controversy?next_url=/watch%3Fv%3Da8KG5N_yq15

to New York,¹⁴ there is no shortage of graphic examples of police brutality documented by regular citizens on their mobile phones. A quick search on YouTube reveals multiple videos of police officers requesting bribes in Thailand,¹⁵ India,¹⁶ and the US.¹⁷

Advocacy organisations like the American Civil Liberties Union of New Jersey and New York have developed smart phone applications (called Police Tape¹⁸ and Stop-and-Frisk Watch)¹⁹ to encourage constituents to document their interactions with police officers. A similar application, called the Emergency Alert and Personal Protection app,²⁰ was developed in Arizona to inform immigrants of their rights and to send out alerts when they have been stopped by a police officer. With or without these new smart phone applications, we can only expect more citizens to publish more videos of police intimidation, bribery and brutality at an increasingly frenzied pace as smart phones decrease in price and expand in penetration.

The use of new technologies to hold the powerful to account is not limited to the police. In India, the website I Paid a Bribe²¹ has collected over 20,000 reports of bribery to determine “the market price of corruption”. In Dehra Dun an anonymous reporter paid²² 500 rupees for a passport. In Chennai a new resident paid²³ 9,500 rupees to get personal goods through customs while another paid²⁴ 1,000 rupees to bribe the registrar’s office to change the name on his property title. All reports on I Paid a Bribe are anonymous,²⁵ which protects the safety of the users, but also prevents authorities from investigating their claims. That will soon change when video camera-enabled smart phones become affordable for the majority of Indians, enabling the anonymous publication of videos that clearly identify corrupt officials. (It is estimated²⁶ that 200 million Indians will have smart phones by 2015.) We can see glimpses of this future today in the investigative reporting

of citizen journalist Mukesh Rajak who in 2010 recorded testimonies²⁷ of students and parents complaining of the bribes they were forced to pay teachers. Two weeks later the school’s headmaster was removed²⁸ and all teachers were sternly warned by the district auditor not to continue soliciting bribes.

In the UK, former Conservative Party co-treasurer Peter Cruddas was forced to resign when an anonymous observer uploaded secretly filmed footage that revealed²⁹ Cruddas offering access to Prime Minister David Cameron for a political donation of £250,000. But not in all cases does the publishing of such videos lead to justice and accountability. Weeks before Mexico’s 2012 national elections, an online video surfaced³⁰ of a local Mexico City politician requesting sexual favours from an employee who sought her end-of-the-year promotion. Weeks later he was elected in a landslide vote to a more prominent position. Despite protests and petitions, he still remains in office.

Cameras everywhere and the transparent society

While concealed cameras can capture a politician or police officer demanding a bribe, they can also lead to a young man’s suicide. This is what happened in September 2010 when a Rutgers University student secretly filmed and published³¹ Tyler Clementi, his gay roommate, kissing another man. Three days later Clementi grabbed some food, walked to the George Washington Bridge, published his last update to Facebook (“Jumping off the gw bridge sorry.”) and ended his life. Clementi’s suicide is an extraordinary example of an increasingly ordinary activity, cyber bullying – intolerance in the networked age.

In 2011, nearly 20 years after its founding, the video advocacy organisation WITNESS published a significant report titled “Cameras Everywhere”.³² In the words of co-founder Peter Gabriel: “Technology is enabling the public, especially young people, to become human rights activists. With the global distribution of mobile phones, our original dream of getting cameras to the world is being realised and with that come incredible opportunities.” But, while recognising those opportunities, the report is also a

14 www.huffingtonpost.com/2008/07/30/nypd-officer-beats-man-wi_n_115819.html

15 www.youtube.com/watch?v=2zx3ilhAH1Q

16 www.videofy.me/u6jt8j3r/513844

17 www.youtube.com/watch?v=mKmx6X2XnF8

18 play.google.com/store/apps/details?id=org.aclunj.policetape&feature=search_result#?t=W251bGwsMSwxLDEsImlyZ5hY2x1bmoucG9saWNldGFwZSld

19 mashable.com/2012/06/14/nyclu-stop-and-frisk-app

20 www.voxxi.com/smartphone-app-for-immigrants-protection

21 ipaidabribe.com

22 www.ipaidabribe.com/bribe-central/bribe-liu-police-verification

23 www.ipaidabribe.com/bribe-central/paid-bribe-chennai-customs-releasing-goods

24 www.ipaidabribe.com/bribe-central/registration-change-owner-property

25 ipaidabribe.com/content/privacy-policy

26 www.zdnet.com/blog/india/after-airtel-chairman-google-india-chief-wants-cheaper-phones/976

27 indiaheard.videovolunteers.org/mukesh/pay-bribetake-education

28 indiaheard.videovolunteers.org/mukesh/indiaheard-impact-corruption-ends-in-school

29 www.bbc.co.uk/news/uk-politics-17503116

30 www.jornada.unam.mx/2012/06/16/capital/033n2cap

31 en.wikipedia.org/wiki/Suicide_of_Tyler_Clementi

32 www.witness.org/cameras-everywhere/report-2011

sober examination of the new challenges that have arisen along with the new opportunities.

Activists in Myanmar, Iran, Egypt, Syria, Bahrain and Tunisia have famously used mobile phone cameras and social networks to distribute videos of human rights abuses. But the *Cameras Everywhere* report warns that some authoritarian governments have reacted by searching through those very videos to identify dissidents who are later detained and tortured. In a far less severe example of the lasting consequences of online video, an entire generation of young people is now struggling to enter adulthood – and the workplace – in the face of embarrassing photos and videos from their first interactions with alcohol that remain irreversibly in the ever-expanding public sphere. Some potential employers are even asking³³ job candidates for their Facebook passwords before offering them a job. “Revenge porn”³⁴ websites solicit nude photos and videos of ex-girlfriends and ex-boyfriends, leading to several lawsuits and a new sub-genre of commercial porn where professional adult actresses pretend they are everyday ex-girlfriends.

Though it can often seem otherwise, a ridiculously small percentage of daily reality is now recorded on video, and an even more minuscule percentage of that video is shared online. Soon that will change. Already the USD 179 Looxcie camera³⁵ is about the size of a Bluetooth earpiece and records up to 10 hours of continuous video, which can be streamed instantly to Facebook at the click of a button. But the Looxcie pales in comparison to what will be possible when Google launches its much-awaited augmented reality glasses³⁶ that not only record everything you see, but also provide you with real-time information about the individuals and objects in your field of vision.

The glasses aren’t expected to be available to the public until late 2013, but already Google is publishing videos³⁷ of its employees using the glasses while skydiving, or to record special moments with their children. The Google videos are markedly different in tone and content from a thesis project by two Israeli art students, Eran May-raz and Daniel Lazo. Their seven-minute video³⁸ explores a world where everything we see is mediated through layers of information and gamification. The protagonist is awarded points for properly cutting a cucumber and

is given some much-needed tips to help recognise the body language of his blind date.

Google’s augmented reality glasses will undoubtedly help parents preserve memories of their children, and they will also help empower citizens who otherwise may be victims of corruption or even police brutality. But we should not be so naïve as to believe that these Google glasses will only be pointed at infants and powerful authorities. They will also be used to spy on roommates, upload intimate exchanges with former lovers, and identify human rights activists and whistleblowers who will be punished by repressive governments and corporations.

Reciprocal accountability and the new omnipresence

By 1998 science fiction writer David Brin had already foreseen the coming world of radical transparency, what he called “The Transparent Society”.³⁹ Along with Canadian augmented reality researcher Steve Mann,⁴⁰ Brin coined the term “sousveillance” as an antidote to surveillance. While surveillance is derived from the French, meaning “watching over”, sousveillance means “watching from below” and represents a kind of peer-to-peer reciprocal accountability where citizens are empowered to “watch the watchmen”.

The powerful, Brin asserts, will always use their power to surveil the powerless. Parents surveil their children, employers surveil their employees, and governments surveil their citizens. However, rather than fighting against such surveillance, which Brin sees as inevitable, he encourages us to fight for our right to sousveil.

Most civil liberties organisations were outraged by the signing of the Patriot Act in the US because it granted the government new powers to secretly search private homes, monitor online activity, and request records from public libraries that reveal individual reading habits. Brin, however, asserts that the real crime of the Patriot Act is that it makes it more difficult for citizens to request information from their government. The George W. Bush administration became the most secretive US government in modern US history, and Barack Obama, though he has made high-profile claims of tech-enabled openness, has done little to reverse the culture of official secrecy. According to a recent report⁴¹ by the Washington Post, “by some

33 www.telegraph.co.uk/technology/facebook/9162356/Facebook-passwords-fair-game-in-job-interviews.html

34 www.salon.com/2011/02/28/exgirlfriend_porn

35 www.looxcie.com/overview

36 en.wikipedia.org/wiki/Google_glasses

37 plus.google.com/111626127367496192147/posts

38 vimeo.com/46304267

39 en.wikipedia.org/wiki/The_Transparent_Society

40 eyetap.blogspot.ca

41 www.washingtonpost.com/world/national-security/obama-administration-struggles-to-live-up-to-its-transparency-promise-post-analysis-shows/2012/08/03/71172462-dcae-11e1-9974-5c975ae4810f_print.html

measures the [Obama] government is keeping more secrets than before.”

Such over-classification of government information, argues⁴² former New York Times executive editor Bill Keller, has contributed to an increasing number of leaks and an increasingly hysterical reaction by government authorities. US Senator Dianne Feinstein, a notable congressional leader herself,⁴³ has introduced a bill that, in the words of Keller, “would forbid background briefings on intelligence matters by anyone except an agency’s director, deputy director or public-affairs spin doctors – thus cutting out the officers with firsthand knowledge and silencing those who question the party line. It should be dubbed the Keep Americans in the Dark Act.” Even if such paranoid legislation is passed, it won’t prevent the continued growth of anonymous leaks. Much like the programmers of piracy platforms are always a step ahead of the media industry⁴⁴ that tries to shut them down, technologists behind sites like WikiLeaks and the dozens of copycats are always a few steps ahead of the slow-moving authorities that attempt to silence them.

New technologies like mobile phones, bribe-reporting platforms, social networks, and Google glasses are important additions to the toolkit of rights activists, whistleblowers, and everyday citizens subjected to corruption and official misconduct. But we should not overestimate their importance in the context of the long struggle for political accountability. Throughout all civilisations historians have documented leaders ruling with impunity and injustice. More than 300 years ago, John Locke anonymously published his *Two Treatises of Government*, which acknowledges that humans are disposed to become corrupted

by power, but that civil society – armed with free association, public protest, and the law – can mitigate such corruption with accountability. Locke’s ideas would later influence the US Declaration of Independence, the US Constitution, the French Revolution, and Social Contract Theory. Today unjust rulers, such as former Argentine dictators Jorge Videla and Reynaldo Bignone,⁴⁵ are increasingly held to account for their crimes. New technologies will help hold current and future leaders to account, but their effectiveness is dependent on a fair and autonomous legal system.

New technologies also present new challenges, as the suicide of Rutgers University student Tyler Clementi so painfully demonstrates. But let us be clear: the death of Clementi was not caused by the invention of the web cam, or even the covert spying of his college roommate. No, the root of Clementi’s suicide was intolerance. After all, being recorded kissing someone on video is something that has happened to many of us, but few of us felt so disenfranchised as a result. Shortly after revealing his homosexuality, Clementi wrote to a friend that “mom has basically completely rejected me.” He didn’t end his life because he was caught on video kissing someone else. He ended his life because of gross, unjust discrimination against gays.

In an era of reciprocal accountability we are all inclined to fear omnipresent observation – not the divine judgement of the second millennium, but rather the constant, networked, live-streamed observation of the third millennium. It sounds exhausting, and often is, but if we aspire to our better selves, if we are tolerant of those who are different, if we always grant the benefit of doubt when lacking sufficient context, then reciprocal accountability might grant us all greater freedom and prosperity. ■

42 www.nytimes.com/2012/08/06/opinion/keller-the-leak-police.html?pagewanted=all

43 www.salon.com/2012/07/24/dianne_feinsteins_espionage

44 www.nytimes.com/2012/08/05/sunday-review/internet-pirates-will-always-win.html

45 www.csmonitor.com/World/Americas/Latin-America-Monitor/2012/0711/Argentina-takes-steps-to-bring-Dirty-War-era-criminals-to-justice-before-death