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UN FORUM SERIES – Competition, Collaboration, and Corporate Accountability Rankings

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This post was contributed by David Sullivan, an independent consultant specializing in technology and human rights.

Tech companies are in a tough sport when it comes to censorship and surveillance. Governments continue to demand new levels of access and control over their data, ostensibly to fight terrorism, even as public opinion polls [show](#) growing global support for Internet freedom.

In some cases, such as Tim Cook's strong stance on encryption or the launch of Microsoft's cloud services [from German datacenters](#), it appears companies are competing with each other to offer more privacy. But the industry is also collaborating, for example, collectively lobbying the U.S. government to pass the USA FREEDOM Act through the Reform Government Surveillance coalition.

How can users, consumers, and investors get a grip on which companies are doing the right thing?

The release of the [2015 Ranking Digital Rights Corporate Accountability Index](#) on freedom of expression and privacy put these questions at the forefront of the business and human rights agenda. Headlines emphasized the low absolute scores of the surveyed companies, or as Ranking Digital Rights Director Rebecca MacKinnon [put it](#), "If this was a test, nearly everyone failed."

But the rankings do offer some grounds for cautious optimism. In particular, they suggest that competition and collaboration are not mutually exclusive when it comes to respecting rights.

Many companies have a strong aversion to being ranked on human rights or other non-financial issues. I know this firsthand from my work with the Enough Project at the Center for American Progress, where we developed the first [ranking of progress](#) by electronics companies to address sourcing of conflict minerals from the Democratic Republic of Congo. Many companies were fiercely opposed to being ranked. One senior supply chain executive at a major U.S. tech company told us our methodology was "too focused on areas that do not result in real action and it could prevent the teamwork needed across our industry to drive real change."

In fact, our ranking was explicitly designed to accelerate company action across the industry. At the time, the conflict minerals issue was handled largely through an industry association, the Electronics Industry Citizenship Coalition/Global e-Sustainability Initiative, or EICC-GeSI Extractives Working Group. We were concerned that this industry-wide approach allowed companies who were not interested in taking action to hide behind the association, and as we wrote "absent sustained leadership from individual companies, industry-wide efforts can also lead to a lowest common denominator response incommensurate to the scale and urgency of the issue."

Similar to the RDR Corporate Accountability Index, our company rankings found across-the-board poor absolute scores on the part of the companies we surveyed. But the key to driving change was in the relative scores, which fired up the competitive instincts between the companies involved, as demonstrated by the major leaps in progress in a [subsequent 2012 ranking](#).

The Ranking Digital Rights index demonstrates the same potential for competitive collaboration on freedom of expression and privacy rights. It is not accident that the top three performing companies are the founding members of the Global Network Initiative (disclaimer, I served as Policy and Communications Director at GNI and continue to consult for them).

Importantly, these are the only ICT companies that have had their free expression and privacy policies and practices assessed by an independent, accredited third party. Moreover, seven companies in the index "have backed up their commitments to freedom of expression and privacy by disclosing concrete measures they have taken to implement those commitments," all of whom are members of GNI or the Telecommunications Industry Dialogue on Freedom of Expression and Privacy.

Multi-stakeholder initiatives like GNI—which combine industry action with outside academic, civil society, and socially responsible investor constituencies—provide a forum for shared learning backed by rigorous accountability mechanisms. They also receive criticism for insufficient transparency about the performance of their company members.

It is understandably frustrating to outsiders that GNI makes little information public about the relative performance of its members, even if some secrecy is needed to provide a forum in which companies like Google and Microsoft—the fiercest of

competitors—can collaborate on human rights. But not everything need be secret, and events like the upcoming (2 December 2015) [learning day](#) at the Stanford Center for Internet & Society offer an important opportunity for companies to learn from each other and the wider ICT and human rights community.

Rankings matter. There is no doubt that other companies will not be content to let Google retain the top score in future iterations of the RDR Corporate Accountability Index. We have already seen constructive competition among tech firms in offering new features and greater disclosures as part of [company transparency reports](#), and we can expect accelerating improvements along these lines going forward.

And rankings also help shine a light on unexpected strengths and weaknesses across a wider swathe of industry than the membership of collaborative initiatives. From the strong performance by South Korean company Kakao on disclosure of sharing user information to India-based Bharti Airtel leading the index on grievance and remedy, rankings help to raise the visibility of good practices throughout the ICT sector, and should encourage those companies to increase their participation in industry human rights initiatives.

As MacKinnon [said at the RDR launch event](#), “This is a test you take at the start of the class to figure out where everybody stands, and then we can all get to work and figure out how we can all improve.” Inculcating company respect for human rights requires a healthy mix of competition and collaboration. Few companies will enjoy being ranked, but firing up the competitive instincts of these tech titans on behalf of user rights will pay off in the end.

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