

The right to benefit from Big Data progress

Another argument for Universal Basic Income

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Recent developments in the United States and Europe have focused attention on the possible obligation of Big Data-powered technology companies like Google and Facebook to share some of their corporate profits to users of their service. During the US Democratic Party presidential debates leading to the 2020 elections, candidate Andrew Yang, a proponent of a Universal Basic Income scheme for the US, [argued](#) that every American should get a check in the mail from Google and Facebook. Likening the flow of users' data to oil and mineral resources, Yang opined that profits obtained from mining and monetizing data should also benefit the users who generated those data flows. Eric Posner and E. Glen Weyl are proposing reforms to treat users' [data as a form of labour](#), and therefore subject to compensation from companies who make use of this data/labour. Heralding the advent of the digital workers' union or "data union", a campaign has launched in Germany styling itself as a labour [union of YouTubers](#) (users who upload content into YouTube). Under the aegis of IG Metall, the world's largest labour union headquartered in Frankfurt, it is pushing for recognition by, and negotiations for labour rights, with YouTube, a company owned by Google.

The burgeoning debate over whether Facebook and Google should treat users and their data more justly by sharing the benefits they derive from users' data is summoning into action a long-slumbering provision of international human rights law. Article 27.1 of the Universal Declaration of Human Rights and Article 15.1 (b) of the International Covenant on Economic Social and Cultural Rights, which Eibe Reidel has called the "[Sleeping Beauty of International Law](#)", enshrine the right of everyone to benefit from scientific progress for decades. But this right has never really taken off. As [Audrey Chapman](#) notes, states have on the whole ignored the right in the articulation of intellectual property regimes. Good or bad, it's a grandly worded human right with big ambitions.

Advocacy and scholarship on the right of everyone to benefit from scientific progress, foremost in the fields of medicine and agriculture, have argued for some form of benefit-sharing between corporations and people. The right should find application as well in facilitating the articulation of some kind of benefit-sharing between corporations and people in the scientific field of Artificial Intelligence.

I sketch here an argument that takes off from Andrew Yang's "data checks". There is a growing recognition, including [within the human rights movement](#), that a simple but necessary way to address extreme material inequality is to adopt Universal Basic Income (UBI). The right of everyone to benefit from scientific progress can

underscore human rights advocacy for a benefit-sharing arrangement between Big Data-powered corporations and ordinary people that takes the form of a UBI scheme.

Benefit-sharing in Medicine and Agriculture

The right of everyone to benefit in scientific progress can flounder in insignificance when “benefit” is given a vague and insubstantial meaning. Fortunately, human rights advocacy and scholarship around the right to benefit from scientific progress have laboured to give the word “benefit” meanings that have concrete and practical implications for sustaining and uplifting ordinary people’s lives. In the field of medical science, advocates and scholars have [argued](#) that the benefit of scientific progress refers to things like vaccines and critical medicines which should be free or easily accessible to even the poorest of the poor. Advocacy around the HIV pandemic and the World Health Organization (WHO) were instrumental in getting states to recognize access to critical medicines and vaccines as rights pertaining to everyone especially the poor in least developed countries, rights which are superior to intellectual property interests. Proposals, like the [Health Impact Fund](#), associated with Thomas Pogge and colleagues, take benefit-sharing even further, by incentivizing medical research and development of drugs against diseases in developing countries. It puts benefit to people in the front and centre of scientific production, instead of as it were in the back or as an afterthought.

In the field of agricultural research, [Olivier de Schutter](#) has taken the benefit of scientific progress to mean not only access to corporation-developed high-yielding seeds and food production techniques, which were often unecological. Instead, in his proposal for a benefit-sharing scheme underscored by art. 27.1 UDHR and art. 15.1(b) ICESCR, he emphasised recognition and material reward for ordinary and traditional farmers who perpetuate and cultivate plant genetic resources through their labours.

The field of Artificial Intelligence (AI) should be an even more obvious area of scientific progress to which advocates and scholars ought to articulate some form of benefit-sharing that help people in concrete and practical ways. AI has developed into the powerful technology that we know it today only by being trained on massive flows of data that are generated by billions of users of information technology. It still does. As [Shoshana Zuboff](#) has argued, Google and Facebook have propelled themselves in such a short span of time to become among the most valuable companies in the world by subjecting users to more and more intrusive forms of surveillance and then converting people’s data into information products. The “benefit” that users have so far derived from Google and Facebook are insubstantial, nay, onerous, i.e., free use of their service in exchange for free use by Google and Facebook of users’ data. Increasingly frequent litigation over Google’s and Facebook’s breaches of privacy laws in Europe and the US are starting to produce [payments](#) to some litigants. But these are largely a symbolic vindication of privacy rights, one-off, and do not benefit users in jurisdictions with weak privacy rights protections.

Human Rights Advocacy for Universal Basic Income

The power and attraction of Universal Basic Income (UBI) lies in its simplicity: free cash, no conditions imposed, paid to every person on a regular or monthly basis. Straight out of Thomas More's novel *Utopia*, it's an idea whose time has probably come, if we go by Philip Alston. As [Alston](#) recommends, our time, an era of great material inequality, demands not patching but bold new measures from human rights advocates. The former United Nations' special rapporteur on extreme poverty came out strongly to advocate UBI, alongside a slew of other structural measures, as tools to address extreme material inequality.

In Alston's proposal, human rights advocacy for UBI is associated with the reform of social security systems which still largely consist of contributory, means-tested welfare schemes dominated by workfare. Social security systems fail to protect increasingly precarious workers and the unemployed. They are already the target of reform by the United Nations' initiative on social protection floors.

Another human rights argument for UBI that I urge here is based on the application of the right to benefit from scientific progress to the field of Artificial Intelligence. That is to say, UBI should be funded from the economic value created by users' data; this will constitute a simple yet meaningful implementation of the right to benefit from scientific advancement in the field of AI. Thus, the debate over whether Google and Facebook should pay "data checks", can be yet another venue for challenging inequality.

This UBI advocacy revitalizes the right to benefit from scientific progress, allowing it to become a centrepiece of political struggles with redistributive implications that it was meant to have. It rests on the idea that ordinary people already contribute to and should own the fruits of scientific progress, an idea that challenges the hegemony of corporate ownership of science.

Moreover, the right to science has strong resemblances with the principle of ["common heritage of mankind"](#) in the international law governing resources in the deep sea and outer space. A deeply communitarian/communist principle, Third World movement-inspired actors implanted it in international law at around the same time that they gained recognition for the right to benefit from scientific progress. It is another long-slumbering legal principle which is in much need of attention given the increasingly realistic prospects of a few corporations and states mining the resources of the deep sea and outer space. The revitalisation of the right to benefit from scientific progress can provide impetus for the reactivation of the "common heritage of mankind" principle in mainstream legal-political struggles.

Conclusion

The link between the call for a UBI and users' claims for fairer benefit-sharing from Google and Facebook should be supported by human rights advocates based on the right to benefit from scientific progress. It is an exciting possibility with potential implications for other areas of international law where a deep communitarian sensibility has been preserved. The right to benefit from scientific progress may yet illustrate that another human rights advocacy is possible, different from the classical liberal version that has been dominant since the 1970s. It may yet usher in

an ambitious kind of advocacy that facilitates maximalist and redistributive demands fit for those eager to remake the world's political economy.

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