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## FACEBOOK IN THE REST OF THE WORLD

**John G. Ruggie**  
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Last week was a bad one for Facebook. Thanks to the New York Times, now everyone knows the lengths to which Facebook's leaders went to 'deny, delay, deflect' responsibility for its role in attempts to undermine America's 2016 presidential electoral process.

At least no one died – which is more than can be said about the carnage associated with Facebook in countries where the press and other social institution are weaker than in the US.

Consider Myanmar. On the eve of the recent closely watched US mid-term elections Facebook released a human rights impact assessment of its possible role in the ethnic cleansing of that country's Muslim Rohingya population. Some 700,000 have fled or been forced out of the country into Bangladesh, many raped and robbed by the Myanmar military along the way. Perhaps as many as 25,000 have been killed while another 400,000 remain behind in desperate conditions.

A Facebook blog announcing the report states that "we weren't doing enough to help prevent our platform from being used to foment division and incite offline violence." Yet press reports had warned about these risks for some time.

Unfortunately the Myanmar tragedy is not unique. We find comparable Facebook involvement in murderous incitement and misinformation in other countries, including Egypt after the Arab spring, India, Philippines, Sri Lanka, and Ukraine. In each case Facebook had credible warnings from people on the ground to which it was unresponsive.

What has Facebook said in its defense? Echoes of if not identical talking points to what we heard from CEO Mark Zuckerberg at a US Senate hearing on US electoral 'meddling': "it's clear now that we didn't do enough to prevent these tools from being used for harm."

Here are other Facebook officials on some of the cases noted above (quoted from the transcript of Public Broadcasting System's "Frontline: The Facebook Dilemma"): "we've been too slow to act" (Tessa Lyons, Facebook Product Manager for News Feed Integrity); "I think we were too slow" (Monika Bickert, Facebook Vice President of Global Policy Management); "We didn't see it fast enough" (Nathaniel Gleicher, Facebook Head of Cybersecurity Policy); "We were too slow" (Guy Rosen, Facebook Vice President of Product Management); "I regret that we were too slow, that it wasn't our priority" (Naomi Gleit, Facebook Vice President of Social Good). In the blog announcing the Myanmar report, Alex Worka, Policy Product Manager states: "We agree that we can and should have done more."

In committing to do more, Facebook has indicated that in future its practices will be “consistent with” the UN Guiding Principles on Business and Human Rights. Those Principles, which I developed as UN Special Representative for Business and Human Rights, were endorsed unanimously by the UN Human Rights Council in 2011. They constitute the global standard in this space and have enjoyed widespread uptake by businesses, governments and other stakeholders (including FIFA, which now has human rights criteria that future World Cup bidders must meet). The Guiding Principles require two things of companies.

First, before entering a new market or creating a new product or service, the Principles call for a company to conduct adequate human rights due diligence in order to determine how it might become involved in human rights harm. It is then expected to act on the findings by avoiding or mitigating risks to people, beginning with the most severe. Because situations on the ground may change (the human rights risks in Myanmar, for example, escalated over time), this process must be repeated periodically.

Second, if a company has caused or contributed to human rights harm it also has a remedial responsibility, the extent of which is situationally determined.

When can we say that a company like Facebook is ‘contributing to’ human rights harm? Isn’t it simply a platform on which others can share views? Unwittingly getting even severely consequential cases wrong once or twice is one thing. But persistent refusal to substantially change what the company does to reduce its role in others’ promotion of social strife and violence makes the attribution of ‘contribution’ inescapable. I welcome the steps Facebook has announced, including promising conduct consistent with the UN Guiding Principles. But much will have to change at the company, beginning with its business model.

At a time when Facebook barely had twenty employees Mark Zuckerberg was interviewed on camera at an unknown gathering. He was asked about his vision for taking Facebook forward. He responded: “a lot of times people are just, like, too careful. I think it’s more useful to, like, make things happen and then, like, apologize later than it is to make sure that you dot all your i’s now and then, like, just not get stuff done.”

That answer seems a better guide to Facebook’s mode of operation to-date than the more idealistic and self-delusional mission statement of building community and bringing the world closer together. Upton Sinclair may have had the foundational challenge right when he wrote: “It is difficult to get a man to understand something when his salary depends upon his not understanding it.”

*John G. Ruggie, former UN Special Representative for business and human rights, is the Berthold Beitz Professor in Human Rights and International Affairs at Harvard’s Kennedy School of Government, and Affiliated Professor in International Legal Studies, Harvard Law.*