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ABSTRACT

Computer & Communications Industry Association

INTERNET CENSORSHIP & ONLINE FREEDOM

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- *The free flow of information is essential to freedom online. Filtering or regulation by private carriers or by governments curtails the democratizing effect of the Internet. CCIA encourages Obama Administration efforts to combat censorship, filtering and invasions of online privacy by foreign regimes.*
- *Businesses possess limited tools to combat government censorship and demands for information. A supportive U.S. Government response is essential when foreign regimes attempt to strong-arm U.S. businesses regarding censorship or possible facilitation of human rights violations. Government-to-government engagement and the Global Network Initiative (GNI) will prove more effective than punitive measures against U.S. businesses.*

Background: CCIA is deeply concerned about various governments' attempts to censor or eavesdrop on their citizens' Internet communications. As an organization dedicated to the promotion of open markets, open systems, and open networks, CCIA highly values the ability of the Internet to facilitate the free flow of information and ideas.

CCIA's Position: The Internet's capability to broadly disseminate information and ideas has been the greatest tool for freedom since the printing press. Safeguarding the free flow of information and ideas over the Internet should be at the top of our trade agenda, our human rights agenda, and our diplomatic agenda. Our industry takes great pride in the fact that technology has greatly expanded the scope and freedom of social interaction. The Global Online Freedom Act proposed during the last Congress was problematic for most of U.S. industry, because it is difficult for private companies to unilaterally induce large-scale political and social reform in countries that would restrict Internet freedom. The bill would have made it a crime to turn over personal information to Internet restricting countries where that information could be used to punish dissent, and would have effectively prevented U.S. Internet companies and others from doing business at all in China and other countries.

Instead of imposing punitive measures on U.S. businesses for the repression perpetrated by foreign states, CCIA calls on our government to partner with U.S. industry and make freedom of the Internet a top priority in foreign policy. To begin, the Executive Branch should initiate multilateral consultations to ensure that the United States actively participates in a family of nations acting to guarantee freedom of expression alongside peaceful development of the global economy. The Administration must also recognize censorship as a trade barrier, and, if necessary, utilize all resources for adjudicating trade disputes.

Key Players: Major technology companies such as Yahoo!, Microsoft, Google, and Cisco Systems endured harsh criticism from human rights organizations and from members of

Congress for allegedly collaborating with the Chinese government's efforts to monitor and censor Internet activities. Yahoo! was accused of providing information leading to the arrest and imprisonment of Chinese journalists. Microsoft and Google have been accused of censoring words such as "freedom" and "democracy". Cisco has been accused of selling routers and equipment enabling the Chinese government to monitor and censor communications. The companies have defended their practices arguing that they have no choice but to obey local laws if they are to remain active in the Chinese market. They contend that their presence in China does more good than harm, and that even a censored Internet is better than no Internet at all. Dealing with conflicting pressures and requirements can be difficult for companies, but the range of positive outcomes increases if the U.S. Government takes a diplomatic leadership role.

The late House Foreign Affairs Committee Chairman Tom Lantos (D-CA) was a courageous and prominent voice on human rights, and was highly critical of technology companies' operations in China. Human rights have been an issue of interest for House Speaker Nancy Pelosi (D-CA) as well. Rep. Howard Berman (D-CA), as the new Chairman of the Foreign Affairs Committee, and Rep. Chris Smith (R-NJ), a senior Republican, will be key policymakers on these issues. In the Senate, the Foreign Relations Committee has jurisdiction, but Senator Dick Durbin (D-IL) of the Judiciary Committee has been most active on this subject thus far. Durbin believes that Congress has a role because governments, not companies, must be the primary protectors of Internet freedom.

Over the past two years, Internet companies, human rights organizations, academics and journalists embarked on a series of groundbreaking discussions under the auspices of the Center for Democracy and Technology (CDT) that culminated in the late 2008 announcement of the Global Network Initiative (GNI). CCIA members Microsoft, Google, and Yahoo! are among the founding members of GNI. GNI is dedicated to protecting freedom of expression and privacy in information and communications technologies by providing a framework to chart ethical and accountable business responses of growing threats to online freedom and privacy rights. The idea is to enable companies to stand up for their customers while respecting the rule of law. GNI is currently engaged in organizational efforts, including membership expansion in the U.S. and internationally - notably in Europe - to build a global identity.

In the Bush Administration, the State Department established the Global Internet Freedom Task Force (GIFT) to identify and protect against abuses of Internet freedom by governments that seek to pervert technology to limit the flow of information and/or invade personal privacy online for repressive purposes. However, the Executive Branch in the new Administration must also make Internet freedom a subject of multilateral consultations and recognize censorship as a trade barrier.

Current Status: For years President Obama has made clear his support of the full and free exchange of information through an open Internet, and its importance for democracy and commerce. We are confident this Administration will apply these principles to its international relations as well as domestic policy. We are working with a broad and diverse coalition of American business interests, originally launched by CCIA in late 2007, in support of the Global Network Initiative. CCIA will be working with State Department and USTR officials as they develop new policies on Internet freedom.