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ABSTRACT

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INTERNET CENSORSHIP & ONLINE FREEDOM MAY 2008

- *The free flow of information is what makes the Internet so valuable and revolutionary. Filtering or regulation by private carriers or by governments curtails the democratic impact of the Internet. CCIA encourages 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 strong-arm U.S. businesses regarding censorship or possible facilitation of human rights violations. Government-to-government engagement will prove more effective than punitive measures against U.S. businesses.*

Background: CCIA is deeply concerned about various governments' attempts to censor the Internet. As an organization dedicated to the promotion of open markets, open systems, open networks, and full, fair and open competition, CCIA believes deeply in the free flow of information and ideas. More than anyone, we value the ability of the Internet to facilitate this flow.

CCIA's Position: The Internet's capability for widespread dissemination of 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. However, it is difficult for private companies to induce large-scale political and social reform in countries that would restrict Internet freedom. That is why the Global Online Freedom Act, HR 275, is so problematic. CCIA calls on our government to support freedom of the Internet by making it a top priority in foreign policy.

Key Players: Major technology companies such as Yahoo!, Microsoft, Google and Cisco Systems have come under harsh criticism from human rights organizations and from members of Congress for allegedly collaborating with Chinese government efforts to monitor and censor Internet activities. Yahoo! has been 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 as well. Rep. Howard Berman (CA), as the new Chairman of the Foreign Affairs Committee, will be a key policymaker on these issues. In the Senate, the Foreign Relations Committee, under Chairman Joseph Biden, has jurisdiction.

Within the administration, the State Department has 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. GIFT is now working with industry on a voluntary code of conduct for doing business in countries with repressive political regimes. However, the Executive Branch needs to 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. Such activity might include the filing of WTO trade complaints, and the recognition of censorship as a trade barrier.

Current Status: In late 2007, the House Foreign Affairs Committee passed legislation sponsored by Mr. Lantos and Rep. Christopher Smith (R-NJ) to discourage U.S. companies offering online communications services from doing business in Internet-restrictive countries. H.R. 275, the Global Online Freedom Act of 2007, states that it is the policy of the U.S. to promote freedom of the Internet and to use all instruments of U.S. influence to support, promote and strengthen the free flow of information. CCIA supports this statement, which rightfully places Internet freedom at the top of U.S. policy priorities. However other provisions in the bill, such as prohibiting the maintenance or transfer of any personally identifiable information ("PII") in "Internet restricting countries" (IRCs) would as practical matter prevent U.S. Internet companies, financial services firms, and even consumer goods retailers from doing business at all in countries such as China. We are now working with a broad and diverse coalition of American business interests, launched by CCIA in late 2007, to explore alternatives to this approach.