

Center for Democracy & Technology Transition Memo

Theme: Preserving Free Speech on the Internet

Issue: Promoting Global Internet Freedom Through Government Leadership

★ **Issue/Problem.** In the past decade, the Internet has been transformed into a global communications medium that can fuel economic growth, the free exchange of ideas and democratic reforms. However, an open Internet is particularly threatening to authoritarian and anti-democratic regimes. Such countries want to harness the Internet's economic power while limiting the freedoms it bestows. A number of countries are aggressively working to remake the Internet into a tool of government control; they are filtering unwanted content, closely monitoring cyber dissidents and citizen journalists, and in some cases jailing them for their online activities. In the last five years, the number of countries engaged in state-sponsored Internet filtering has increased from a handful to two dozen. These countries often seek the cooperation of Internet service providers, including U.S. companies offering services globally.

★ **Policy History.** The U.S. government has shown some, albeit weak, leadership in this area. The State Department launched its Global Internet Freedom Task Force in early 2007, but President Bush has not taken high-profile actions since then to promote global Internet freedom.¹ In the 110th Congress, both houses of Congress considered legislation that would have addressed the problem, in part, by regulating U.S. companies doing business internationally. Recognizing that the intent of the legislation was noble, CDT argued that it might not be effective and could in fact be counter-productive.² Similar legislation has been proposed in Europe.³

In October 2008, a diverse group of American technology companies, investors, academics and civil society organizations (including human rights and press freedom groups) agreed to a set of principles intended to guide technology companies and other stakeholders in responding to the censorship or surveillance demands of governments. The group launched the **Global Network Initiative** to help technology companies and other stakeholders push back on repressive governments that seek to censor citizens' communications or access their personal information. CDT helped coordinate the privately-funded Initiative. Corporate participants include Google, Yahoo, and Microsoft.

¹ <http://www.state.gov/g/drl/rls/78340.htm>

² The Global Online Freedom Act (GOFA) [H.R. 275] was favorably reported by the House Foreign Affairs Committee in December 2007. Senators have considered introducing similar legislation. CDT has expressed concerns with some of GOFA's provisions: <http://www.cdt.org/international/censorship/20080505gofa.pdf>. CDT has instead advocated for the development of tools to allow companies to identify and mitigate human rights risks when entering new markets or introducing new products and services. See CDT testimony on "Global Internet Freedom: Corporate Responsibility and the Rule of Law" (May 20, 2008): <http://cdt.org/testimony/20080520harris.pdf>.

³ European Union Global Online Freedom Act (EU GOFA): <http://www.julesmaaten.eu/uploads/EU%20GOFA.htm>.

★ What the Obama Administration Should Do. (1) President Obama should set a positive example for the rest of the world by promoting here at home freedom of expression and privacy in digital communications. United States innovation created the Internet and the world continues to look to the U.S. for leadership on Internet policy. When the U.S. government, either through executive action or legislation, impinges on online free speech or lowers or evades standards for surveillance, it undermines efforts to improve Internet freedom around the world. Our domestic actions must match our global human rights rhetoric.⁴

(2) President Obama should actively promote Internet global freedom using all tools at the government's disposal. President Obama should promote global Internet freedom in unilateral negotiations and multilateral forums such as the United Nations, Internet Governance Forum, World Trade Organization and International Olympic Committee. The President should also make Internet freedom an explicit part of international trade and foreign aid policies, directing the Departments of State and Commerce to push nations seeking favorable trade deals or U.S. financial assistance to adopt sound Internet policies.

(3) President Obama should support the Global Network Initiative, encourage participation in the Initiative by U.S. Internet and telecommunications companies, and seek endorsement by other democratic governments. U.S. technology companies are increasingly faced with government demands to assist with censorship and to turn over personal information about users, putting free expression, privacy and liberty at risk. The Global Network Initiative, a private collaborative, has developed a set of global principles to guide technology companies when faced with laws, policies and practices that compromise free expression and privacy worldwide.

★ Campaign Platform. Promoting global Internet freedom is consistent with President Obama's campaign commitment to renew American diplomacy⁵ and to protect the First Amendment right to free speech and the right to privacy on the Internet.⁶

★ Other Voices. Many other organizations are promoting global Internet freedom. Freedom House and Internews, for example, are launching global Internet freedom programs. The Open Net Initiative, a joint project of the universities at Harvard, Toronto, Cambridge and Oxford, monitors censorship and surveillance around the world.⁷

★ For More Information.

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⁴ See CDT blog post "Aligning Words and Deeds With Human Rights" (Aug. 18, 2008): <http://blog.cdt.org/2008/08/18/aligning-words-and-deed-with-human-rights/>

⁵ http://origin.barackobama.com/issues/foreign_policy/

⁶ <http://www.barackobama.com/issues/technology/#open-internet>

⁷ <http://opennet.net/>

Resources:

- Global Network Initiative: <http://www.globalnetworkinitiative.org/>
- “Global Internet Freedom Through Government Leadership,” CDT blog post (Nov. 3, 2008): <http://blog.cdt.org/2008/11/03/global-internet-freedom-through-government-leadership/>
- CDT resources on global Internet freedom: <http://www.cdt.org/international/censorship/>

November 13, 2008