

China's Burgeoning Internet



What Internet
Businesses Can Do To
Protect Human Rights

Feb. 10, 2010

Overview

- Google's recent public battle with China
- History of China's Internet and methods of control
- Different legal approaches to Internet regulation
- Business and social considerations

Google v. China

- On January 12, Google announced it was a victim of cyber-attacks from within China and threatened to stop censoring Chinese search results and even pull out of China altogether
- The Gmail accounts of several Chinese human rights activists were hacked. Some were set to forward e-mails to strange addresses.
- Other US technology companies were also victims, but there has been no unified response

Google v. China

- Secretary of State Clinton gave a speech denouncing cyberattacks and censorship, specifically naming China
- China is arguing that the issue is commercial and that the US is making it political
- China and Google are continuing discussions

Google.com

tiananmen - Google Search - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.google.com/search?q=tiananmen&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a

tiananmen - Google Search

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yutian.ling09@gmail.com | Settings | Sign out

Google tiananmen Search Advanced Search

Web Show options... Results 1 - 10 of about 2,330,000 for tiananmen. (0.14 seconds)


Tiananmen Square protests of 1989 - Wikipedia, the free encyclopedia
The **Tiananmen Square protests of 1989**, referred to in most of the world as the **Tiananmen Square massacre** and in the People's Republic of China (PRC) as the ...
[Naming of incident](#) - [Background](#) - [Protest development](#)
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Tiananmen Square - Wikipedia, the free encyclopedia
Tian'anmen Square (simplified Chinese: 天安门广场; traditional Chinese: 天安門廣場; pinyin: Tiān'ānmén Guǎngchǎng) is the large plaza near the centre of ...
[History](#) - [Features](#) - [Events](#) - [Images from near and in the square](#)
en.wikipedia.org/wiki/Tiananmen_Square - [Cached](#) - [Similar](#) - [Print](#) - [Close](#)

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Tiananmen Square - 360-degree Virtual Tour - Beijing, China
Tiananmen Square is a modern creation, China being a land where large public ... Previously
Tiananmen Square was occupied by imperial offices which were ...
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Google.cn

The screenshot shows a Mozilla Firefox browser window with the address bar containing the search URL: <http://www.google.cn/search?hl=zh-CN&source=hp&q=tiananmen&btnG=Google+搜索&aq=8&oq=tiananmen>. The search bar contains the text "tiananmen" and the search button is labeled "Google 搜索".

Below the search bar, the results section indicates that approximately 2,620 results were found for "tiananmen". The first two results are:

- [天安门](#) 百度百科
天安门坐落在中华人民共和国首都北京的市中心，故宫的南侧，与天安门广场隔长安街相望，是明、清两代皇城的大门。1949年10月1日，中华人民共和国在这里举行了开国 ...
baike.baidu.com/view/2394.htm - 网页快照 - 类似结果
- 电影《天安门》 影音娱乐 新浪网
2009年9月9日 ... 专题摘要: 叶缨(叶大鹰)执导国庆献礼影片《天安门》将于9月登陆院线。影片反映1949年为迎接开国大典，华北军区抗敌剧社舞美队紧急受命，对天安门进行 ...
ent.sina.com.cn/m/tiananmen/index.shtml - 网页快照

The section titled "tiananmen的查询结果" (Search results for tiananmen) displays a grid of four images related to Tiananmen Square and the Tiananmen Gate. Below the images, there is a link: [天涯来吧-看电影: tiananmen全集在线观看](#).

China's Netizens

- By December 2009, there were approximately 384 million Chinese Internet users, a growth of about 1500% since 2000
- Internet penetration is about 23% in China, compared with an 80% penetration in the US
- The demographics of Internet users skew towards young, urban, and educated

Legal Controls Over the Internet

- Theoretically, the Chinese Constitution protects free speech and privacy
- In reality, there are many government agencies responsible for monitoring information and publication
- Internet hosting services and cafes must retain user records for 60 days
- Criminal charges based on national security and state secrets laws



Technological Controls Over the Internet (“Great Firewall”)

- Most Internet traffic funneled through state-controlled corporations
- Methods of control include IP address blocking, DNR hijacking, interception of information packets, cyber-attacks and espionage
- Government’s latest attempt to increase control was the Green Dam Youth Escort software

Social Controls over the Internet

- Tendency to over-censor by both citizens and businesses (Internet Society of China)
- A 2007 survey of Chinese citizens had interesting results
 - 80% of respondents believed that Internet should be controlled or monitored
 - Most people believe that the government should be responsible for Internet monitoring, followed by Internet companies
 - Subject matter to be monitored: pornography and violence (85%), politics (41%)
 - Less than the majority believed that the Internet gave them more political power

The Chinese Internet Market

- In the US, Google, Yahoo and Microsoft account for 93% of the search market
- In China, Baidu accounts for 61% of the market while Google accounts for a 27% share (as of Sept. 2008)
- Interestingly, a survey showed that a majority of Chinese believed that Google is of superior quality to Baidu
- More market share -> more influence in China?

The Sins of Silicon Valley

- Yahoo: censoring Chinese search engine, giving Chinese government user account information of Chinese journalist Shi Tao
- Microsoft: censoring Chinese search engine and blog service
- Google: censoring Chinese search engine
- Cisco Systems: providing Chinese government with servers that are used in the Great Firewall

YAHOO!

Microsoft®

Google™

CISCO SYSTEMS
The Cisco Systems logo graphic consists of a dark blue rectangular bar with a white bar chart pattern of vertical lines of varying heights. A registered trademark symbol (®) is located at the bottom right of the graphic.

Response by US Government

- The four companies were hauled before Congressional Sub-Committees in 2006 and 2008
- The Global Online Freedom Act (GOFA) was proposed but never passed
 - Companies cannot locate any hardware in Internet restricting countries
 - Forbids censorship of content or searches
 - Must report all foreign requests for restriction to US agency responsible for overseeing the Act
 - Criminal and civil penalties

International Human Rights Law

- UDHR Articles 12 (privacy) and 19 (freedom of expression)
- ICCPR Articles 17 (privacy) and 19 (freedom of expression)
- The UN has applied these rights to the Internet
- ICESCR Articles 8 (right to join trade unions), 13 (the right to education), 14 (right to take part in cultural life and right to enjoy the benefits of scientific progress and its applications)
- China has ratified the ICESCR, but not the ICCPR even though it signed it

UN Efforts to Regulate Businesses

- Global Compact (GC)
 - 10 universal principles for companies to follow
 - Voluntary learning network meant to increase awareness of corporate social responsibility
- UN Norms on Responsibilities of Transnational Corporations
 - Voluntary norms meant to govern business behavior in relation to human rights

Corporate Codes of Conduct

- Voluntary code created by one or more companies that can govern internal situations like whistle-blowing or external situations like human rights
- Not legally binding, but more flexible
- Industry-wide codes can be very influential
- Bottom-up, not top-down

The Global Network Initiative (GNI)

- A CCC created in Oct. 2008 by Yahoo, Microsoft and Google after the Congressional hearings
- Governs censorship and surveillance situations in the information and communications sector
- Currently has 23 participants, mostly academic institutes, NGOs, and socially responsible investing groups. No other Internet companies have joined.

GNI Principles and Guidelines

- When faced with a government restriction, participants must:
 - Ensure governments follow established domestic law and get request in writing
 - Request clarification if request seems overbroad or contrary to domestic or international law
 - Challenge certain government requests that are unlawful
 - Disclose restrictions to users
- Be subject to independent assessment
- Engage in dialogue with governments, NGOs and other companies to promote the values of the GNI

Weaknesses of the GNI

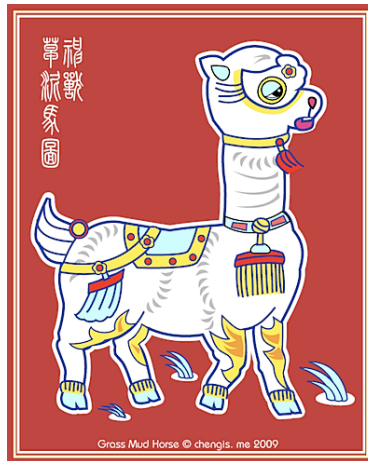
- Vagueness of some of the principles
- No additional participants have committed, especially from non-US companies
- Lack of unity – see Google's recent conflict with China

What Internet Companies Can Do

- Continue to provide improved services and try to gain market share
- Innovate around censorship and provide more platforms for Chinese users to utilize
- Be aware of Chinese culture and what the Chinese Internet users want
- Cooperate in forming a strong CCC
- Engage in dialogue with states (?)

Online Subversion

- The Grass-Mud Horse



- “Jia Junpeng, your mother wants you to go home to eat”

Conclusion

- The connection between economic freedom and political freedom
- China's long history