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The Green Dam Phenomenon

Governments everywhere are treading on Web freedoms.

By REBECCA MACKINNON From today's Wall Street Journal Asia.

The Chinese government may be backing down from its plan to install new "filtering" software, Green Dam, on all Chinese computers. But it would be naïve to think that scrapping the Green Dam mandate means the end of headaches for computer- and device-makers world-wide. More and more governments -- including democracies like Britain, Australia and Germany -- are trying to control public behavior online, especially by exerting pressure on Internet service providers. Green Dam has only exposed the next frontier in these efforts: the personal computer.

First, some context: China currently has the world's most sophisticated and multi-layered system of Internet censorship. Objectionable content on domestic Web sites is deleted or prevented from being published, and access to a large number of overseas Web sites is blocked or "filtered." Decisions about what to censor are based on the Chinese Communist Party's desire to maintain power and legitimacy. There is no transparency or accountability in the censorship system, no public consultation in developing block lists or censorship criteria, and no way to appeal the blockage or removal of Web content.

Green Dam purports to take censorship to a whole new level. A report by the Open Net Initiative, an academic consortium dedicated to the study of censorship and surveillance, finds the Chinese government's mandate of censoring software at the PC-level "unprecedented." Companies installing the software risk becoming part of the existing opaque extension of regime power, at the other end of the chain that already includes Internet service providers, Web hosts and Web content companies.

But Green Dam is only an extreme example of a global trend: The Internet censorship club is expanding and now includes a growing number of democracies. Legislators are under growing pressure from family groups to "do something" in the face of all the threats sloshing around the Internet, and the risk of overstepping is high.

In Germany, Internet users and civil liberties groups are fighting proposed legislation mandating a national censorship system. The Bundestag votes today on a bill authorizing German police to establish and maintain a list of Web sites that Internet service providers would be required to block. In a petition against the bill, German civil liberties groups call it "untransparent and uncontrollable, since the 'block lists' cannot be inspected, nor are the criteria for putting a Web site on the list properly defined." These concerns aren't unfounded: Some German politicians have already suggested extending the block list to Islamist Web sites, video games and gambling Web sites, while book publishers have suggested it would also be nice to block file-sharing sites too.

Since 2007 Australia's Labor government has advocated a policy of mandatory national filtering. In the face of fierce public criticism the censorship plan may be downgraded to a voluntary industry initiative. But critics remain concerned the block list will not be selected and maintained in a transparent or accountable way -- and that the process for appeal is very unclear, making it likely that some Web sites will be blocked in error or that "mission creep" could take place without adequate public supervision.

In Britain, a "block list" of harmful Web sites, used by all the major Internet Service Providers, is maintained by a private foundation with little transparency and no judicial or government oversight of the list. At least one British family protection group, Mediamarch, has already spoken out in support of the Green Dam concept of moving censorship from the network down to the device level.

Back in China, the silver lining of the Green Dam mandate is that it has unleashed a passionate nationwide debate over the appropriate role of the government, the IT sector, media, parents and educators in protecting children from real threats. While some argue that the threat requires national mandates and tougher enforcement, others counter that draconian crackdowns and technical "auto-parent" solutions are no substitute for good parenting and teaching -- and that decisions about what children can or can't do and see must be left to individual families and schools. Sound familiar?

There are no easy answers. The argument will never end, but the right to keep arguing is an essential component of a functioning democracy. In a world that includes child pornographers and violent hate groups, it is probably

not reasonable to oppose all censorship in all situations. But if technical censorship systems are to be put in place, they must be sufficiently transparent and accountable so that they do not become opaque extensions of incumbent power -- or get hijacked by politically influential interest groups without the public knowing exactly what is going on.

Which brings us back to companies: the ones that build and run Internet and telecoms networks, host and publish speech, and that now make devices via which citizens can go online and create more speech. Companies have a duty as global citizens to do all they can to protect users' universally recognized right to free expression, and to avoid becoming opaque extensions of incumbent power -- be it in China or Britain.

A new multi-stakeholder initiative called the Global Network Initiative aims to help companies do the right thing. Founded by Google, Yahoo! and Microsoft in conjunction with human-rights groups, socially responsible investment funds and academics, the initiative centers around a set of core principles for protecting users' right to free expression and privacy around the globe and helps companies to uphold those principles. Participating companies agree to develop robust human-rights policies, conduct human-rights impact assessments and be held accountable. While the initiative supports efforts to protect children and fight crime, they should "be narrowly tailored and subject to the rule of law" to prevent infringement of users' rights.

It is very encouraging that a coalition of industry groups has pushed back publicly against the Green Dam mandate, calling on the Chinese government to reconsider. But the Green Dam incident is yet another example of why it behooves companies to think ahead about how they are going to uphold their larger responsibility to society. Industry has a choice: be reactive -- and be forced into growing complicity with government censorship and surveillance around the globe. Or be pro-active, develop robust human-rights policies, and consider how to responsibly handle the inevitable pressures by all kinds of governments to serve as national auto-parent, if not auto-cop.

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