

Nov 04, 2016 by [Monroe E. Price](#)

The Battle over Internet Regulatory Paradigms: An Intensifying Area for Public Diplomacy ^[1]

As global framing contests go, one of the most spectacular is the transnational effort to define proper regulation of the Internet (and in the process characterize China's information policy). In June, China's State Information Office issued a White Paper on the Internet. It could be seen as a response to another important text, Hillary Clinton's much acclaimed January Newseum speech on the same subject, called "Remarks on Internet Freedom."

These papers, especially the China White Paper, have not received the attention that they deserve. A variety of fairly uncritical comments have acclaimed the Clinton speech as a wholesale endorsement of non-regulation (without examining its carefully stated caveats) and, for the China exposition, there's a brilliant comment by Rebecca MacKinnon. But these documents deserve more.

Clinton's speech laid down the gauntlet: "Both the American people and nations that censor the Internet should understand that our government is committed to helping promote Internet freedom", and this means fighting for a global policy consistent with these views. The Bush Administration had already established a Global Internet Freedom Task Force (GIFT) in 2006. But the current Department has gone one better and has established a special bureau to make Internet a priority in bilateral and multilateral discussions and to develop programs to further the achievement of the goal. Alec Ross, the technology and free expression guru in the State Department, has vowed to keep this issue on the front burner. On the Hill, Congressional leaders keep finding Internet Freedom a popular issue around which to draft legislative requirements. What's now added is China's own effort at international persuasion—an effort that furnishes and advocates—as might well be expected—a differently stated model of national regulation and control.

Each text couched its vision in something that might be called principle (rule or sovereignty for China, international norms of freedom of expression for the United States—though both invoke each principle in part. The differences of course are marked. The American speech is personal and wrapped in the heroism of individual presentation: given by Hillary Clinton, symbolic as a fighter herself. It is delivered in the Newseum, symbol of the First Amendment. For China, the document is more impersonal, a product of a bureaucracy. Yet, for a document issuing from China, it is especially polished, clearly manicured and presentable for a substantial international audience.

Clinton gave the usual introduction marking the glories of the Internet in her January talk: "The spread of information networks is forming a new nervous system for our planet....Now, in many respects, information has never been so free. There are more ways to spread more ideas to more people than at any moment in history. ...And even in authoritarian countries,

information networks are helping people discover new facts and making governments more accountable.”

Clinton’s speech asserts a potential international “right to connect”: “On their own, new technologies do not take sides in the struggle for freedom and progress, but the United States does.” At the heart of the U.S. position is this architectural point: “We stand for a single Internet where all of humanity has equal access to knowledge and ideas.”

Translating the right to connect into political realities means that the Internet should not be splintered into many national Internets, each with its own rules of entry and conduct by national publics. What is desired is “One Internet” with overwhelming access. And this, of course, pits the U.S. position directly in contrast with that of China.

The China Internet White Paper is a response. It, too, is tailored to an international audience. Obviously, it does not trumpet the indivisible Internet as a principle required under international norms, though it makes obeisance to freedom of expression. China’s argument is based rather on the important role of the state, on the significance of sovereignty. Only because of its own management of the Internet in China, the White Paper claims, is the government responsible for bringing the Internet to its present state of extensive technological superiority in China, for its reach and what it details as, in fact, its widespread use.

For China’s White Paper, the country’s record with respect to the Internet is one of pride, not shame. This is a document that heralds Internet accomplishment and denotes the volume of citizen use. The White Paper celebrates industrial policy. It highlights the achievement of goals in successive Five Year Plans.

Here, then, is the essence of China’s international pitch: “To build, utilize and administer the Internet well is an issue that concerns national economic prosperity and development, state security and social harmony, state sovereignty and dignity, and the basic interests of the people....” Administration and management are the key to making the Internet successful in the society, not autonomous free market growth.

Of course, legal regulation is warranted: “The Chinese government has from the outset abided by law-based administration of the Internet, and endeavored to create a healthy and harmonious Internet environment, and build an Internet that is more reliable, useful and conducive to economic and social development ... China advocates the rational use of technology to curb dissemination of illegal information online. Based on the characteristics of the Internet and considering the actual requirements of effective administering of the Internet, it advocates the exertion of technical means, in line with relevant laws and regulations and with reference to common international practices, to prevent and curb the harmful effects of illegal information on state security, public interests and minors.”

This is the formulation—and one written, I would argue, to appeal to other states. It makes a contention with which many leaders might concur for their state: “Within Chinese territory the Internet is under the jurisdiction of Chinese sovereignty. The Internet sovereignty of China should be respected and protected. Citizens of the People’s Republic of China and foreign citizens, legal persons and other organizations within Chinese territory have the right and freedom to use the Internet; at the same time, they must obey the laws and regulations of China and conscientiously protect Internet security.” But this is different from the “one Internet” aspiration as articulated by Secretary Clinton.

Finally, the China White Paper makes this pitch to the international community, a call for “the establishment of an authoritative and just international Internet administration organization under the UN framework through democratic procedures on a worldwide scale.” This is presumably antithetical to the U.S. position—but it has its diplomatic advantages.

Over the next years versions of these competing ideas will be marketed by the two powers. Already, the debate has had its innings at the World Summit for Information Society (WSIS). Google is investing to develop a supportive perspective for the U.S. position. The Aspen Institute Communications and Society Program recently launched a year-long forum drawn from public, private and government sectors “to suggest new ways to preserve the values and potential of the global Internet.” The project would address ways “to guarantee the freedom to connect, the need for open, end-to-end networks, and the free flow of data and communications across borders on a unified Internet.” At the OECD, the future of the Internet is being framed in terms of innovation and the capacity to drive economic growth. The ITU may become a theater for engagement.

The players are sharpening their arguments and lining up support—and the stakes are large. The Clinton speech and the China Internet White Paper will be important monuments as the diplomacy and public diplomacy battles unfold.
