



**New Media: The Press Freedom Dimension
Challenges and Opportunities of New Media for Press Freedom
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**Remarks of Leslie Harris
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My name is Leslie Harris, and I am the Executive Director of the Center for Democracy & Technology in Washington, D.C. Let me begin by thanking the World Press Freedom Committee, the World Association of Newspapers and UNESCO for inviting me here to participate in this important convening and offer a few observations.

The Center for Democracy and Technology (“CDT”) was founded more than a decade ago with the mission of protecting democratic values and civil liberties on the Internet. In 1994, we spearheaded a successful challenge against a U.S. law that would have greatly limited the breadth and availability of Internet content throughout the world. Ever since we’ve worked in the United States and in emerging democracies, through the Global Internet Policy Initiative (GIPI), a joint project with Internews, to promote a policy framework that supports the Internet’s essential freedom and openness.

It occurs to me that we will soon need to come up with a new name for the "new" media. In our increasingly networked, interconnected world, where both traditional media and "new" media have found a home, is fast becoming simply, "*the* media" for many millions of people. With that mass adoption -- a global phenomenon that has occurred faster than even the most optimistic early proponents could have predicted -- the Internet's unique, borderless nature has become the new global standard for mass communication.

It has been almost sixty years since the Universal Declaration of Human Rights first articulated a broad human right to free expression regardless of borders. Now many years later, we have begun to fulfill that vision through a global information network which supports a diverse marketplace of information, ideas, knowledge and cultural products. For those who do not yet have access to this powerful technology, or who live in countries which have captured the medium for their own ends, the promise remains illusive. We must therefore commit ourselves to ensuring that these powerful tools for free expression are available to all, without restrictions that violate human rights and diminish the potential of the medium.

Information networks have changed how we produce goods and services, create and distribute information and ideas, and participate in civic life. In a few short years, the global Internet has profoundly changed how we understand and

interact with the world. And more dramatic change is sure to come. In a perfect world, these changes should be embraced rather than resisted by the world's policymakers. That of course is not always the case.

The Internet is a highly disruptive technology. As it has become a central fact in the economic, political and social life of much of the world, it has disrupted , challenged and otherwise called into question well established legal principles, regulatory regimes and business models . Our new networked information culture favors a commons rather than a proprietary approach to knowledge and information. Production is often collaborative and distribution models are diverse. Equally important, economic gain is often not the key motivation for content production. This poses a challenge to incumbents who benefited from limited distribution channels and legal and regulatory regimes that favored strong intellectual property protection and respected borders.

At the same time, rapid globalization of the medium has fueled legal and public policy confusion for entities operating on the Internet. Content providers entirely located in one country, may be ordered to take down or block content in several others, under a confusing array of conflicting national content laws, many democratically enacted. Strong consumer privacy laws in some countries are balanced by weak protections in others.

Global terrorism has lead many democratic countries to drastically ease law enforcement access to the medium, often without maintaining a balance with civil liberties. Broad data retention laws, lower legal standards for access to information stored in digital databases, and legal mandates to make broadband networks more conducive to surveillance, have put privacy and ultimately free expression at risk.

Further, the rapid convergence of media platforms and products has migrated highly conflicting regulatory regimes into the Internet space. In the United States for example, regulators recently held that decades of common carriage rules that govern telephony--- rules that nurtured the growth of the dial up Internet--- do not apply to broadband providers. The number of Internet Service Providers has dropped significantly, and some network providers are contemplating charging select content providers a premium for enhanced quality of service, a premium that would likely be beyond the reach of most new media providers. Different policy choices elsewhere in the world have sparked fierce competition and many choices for consumers.

Finally, authoritarian regimes are remaking the Internet into a tool of control and repression. Sophisticated surveillance and censorship technology is being exported to likeminded countries, threatening to fragment the medium. These regimes are also demanding a greater role in international Internet regulatory bodies.

In sum, there is little doubt that policymakers around the world have begun to assert greater authority over the medium, and that they often approach the Internet as a problem to be solved rather than a unique and valuable resource to be nurtured.

In the Internet's infancy, there was a widely held view that the Internet simply could not be controlled or censored. We were told that "information want[ed] to be free," or that the Internet could not be censored. As one early Internet visionary put it, "the Internet interprets censorship as damage and routes around it." Under that Utopian vision, government efforts to exert territorial authority would fail and what little governance may be needed would emerge from the user community.

The fact is that the Internet as a "public policy" free zone is a myth. The Internet has not become a powerful global medium for free expression and civic dialogue in a legal or regulatory vacuum. It is fair to say that the success of the Internet and of the new media that it has given rise to, is in no small part due to early policy choices that emphasized openness, innovation, competition, end-to-end user control and free expression. From the very beginning, when government funded the research that yielded the TCP/IP protocol, the Internet's development has benefited from a thoughtful, light-touch regulatory regime that managed to foster its growth without artificially steering its development in any specific

direction. This is not to say there weren't missteps. Early on CDT and other civil liberties groups successfully challenge a US law that would have censored a vast quantity of Internet content. But a decade ago, policymakers approached the nascent Internet with more caution. That caution is all but gone.

As the Internet has emerged as mission-critical infrastructure for government, industry and interpersonal communications, it is not unexpected that governments would seek to play greater a role in its day-to-day operation. That involvement is not illegitimate. But the Internet is not now and may never be a "finished" product. Misguided policy choices now could easily stifle the Internet's growth and diminish its value as a global platform for free expression. The question that must be asked as regulators and policymakers engage with the medium is will the essential elements of the Internet be preserved ?

Let me be clear here. The Internet is no so fragile that it cannot withstand any policy innovation. Policies must evolve to meet new challenges. But we must all make clear that some things are non- negotiable because they are part of the essential Internet and thus essential to free expression.

First, the Internet must remain Global. There is only one Internet and we must oppose the actions of governments to build walled gardens that limit free expression and access to information , and to develop a separate set of standards that will surely be deployed to enclose the medium. The term

"Internets" has become an amusing malapropism in the U.S. because of its regular use by our highest ranking elected official. It should never become an accurate description of the global online environment.

Second, the Internet must remain an open platform. The Internet was by design a decentralized medium, with very little intelligence at its core. This permits innovation to take place at the edges of the network and ensures that no one need seek permission from anyone along the way before attaching a device, launching a new application or posting content. This key characteristic must be preserved.

Third, we must not permit or require gatekeepers, whether governments or network providers. I noted before that business models are arising that seek to monetize gatekeeping and discriminate among bits. This challenge to the Internet's neutrality must be resisted. But there is also a trend for democratic countries to require service providers to serve as gatekeepers. to police content in various ways. In the U.S., for example, there is a policy debate about whether to require social networking sites and other interactive services, including perhaps blogs to consult a database of email addresses and screen names of convicted sex offenders before permitting postings. This is of course a laudable aim, but the implications of such a policy approach are far reaching.

Fourth , the barriers to entry must remain low. The Internet is an abundant medium and unlike any other, the costs for new entrants are extraordinarily low. There would be no citizen journalism if participation required more than access to a computer and an Internet connection. Policies that limit competition, seek to license Internet content providers or register users raise the bar to entry and must be resisted. Those that favor deployment, new entrants , innovation and competition should be supported.

Finally, users must continue to have primary control over the Internet experience. No other form of mass media allows users to tailor their experience to their own values and tastes. With voluntary filters, user control tools, RSS feeds and other customization options, Internet users are empowered to make choices for themselves and their children. Public policy must support user education and empowerment over direct censorship or indirect restrictions such as mandatory content blocking and filtering or government labeling of Internet content.

Notwithstanding the extraordinary challenges facing the global Internet , I remain optimistic about its future. There are powerful forces driving the open Internet forward that bad public policy alone may be unable to defeat. Those forces are not merely technical or even economic. They are --- above all--- human. It is human ingenuity, innovation and collaboration that have given rise to new forms of information production and distribution. It is the human desire for connection, freedom and self expression that has created what we call new citizen media.

And it must be a human commitment from all who understand the promise of the Internet to build more just and democratic world, to help to shape global public policy that supports this vision. In the end , the early Internet visionaries were at least half right. We may in fact have the tools to “ route around the damage” caused by censorship and bad policy choices. Together, we must work to ensure that sound policy choices at the local, national and global level continue to support the open Internet so that its promise of free expression and greater democracy can be realized everywhere.

Again, I'd like to thank the World Press Freedom Committee, the World Association of Newspapers and UNESCO for welcoming me here today and the Knight Foundation for it support for this important and timely conference. I look forward to participating in the conversation and learning from you all.