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*FREEDOM OF INFORMATION IN THE GLOBAL  
INFORMATION SOCIETY – THE QUESTION  
OF THE INTERNET BILL OF RIGHTS*

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## § 1 ASPECTS OF INTERNET FREEDOM – THE FREEDOM OF INFORMATION

It is trivial to state, that freedom has been the very core of the human existence since its very beginning. Its notion however has been altered to mean various things through the centuries. In the XX century the most predominant sense of the word freedom has been associated with the freedom of speech, meaning free press and free media. Traditionally the freedom of speech has been regulated or limited within the national legal systems, with exceptions resulting from international documents including the Universal Declaration of Human Rights or the European Convention on Human Rights. The mechanisms, upon which the above mentioned documents rely, are based on the accordancy of each and every party, meaning a country, where the nation is represented by its government. The very understanding of freedom has been noticeably changing not only since the cultural revolution of the 1970s, but also because of an invention dating back to that very same time (1969) but of a very different nature – the Internet.

First reserved only for a very scarce group of intellectuals at American universities, the Internet has been hailed as the only truly free forum that ever existed. Part of the Internet mythology consists of its image as an unique Hyde Park above any national control, where thought and speech may be freely exchanged among representatives of all nations and all cultures. This might have been true as long as the Internet did actually remain a forum for that limited group of scientist. With its swift growth came the rapid increase of impact that the exchange of speech and thought over the Internet grew to have. Many governments around the world associated the freedom of speech with Internet itself and became afraid of the consequences that such an uncontrolled exchange of potentially rebellious ideas might have. It was in the mid-1990s, where even countries commonly recognized as democratic, such as Germany, restricted access to certain Internet newsgroups (case *Compuserve*).<sup>1</sup> At the same time countries which still today exercise the “filtering” policy, such as China, were the first to order measures limiting the access to the net, such as an request for potential Internet users to

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1 **CompuServe**, LG München, Nov. 17, 1999, 20 Ns 465 Js 173158/95, available March 13, 2008 at: [http://www.netlaw.de/urteile/lgm\\_12.htm](http://www.netlaw.de/urteile/lgm_12.htm).

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register with the police<sup>2</sup> or Saudi Arabia, which limited the access of the Internet to universities and hospitals only. The freedom of speech was the very first common freedom to be limited on the Internet, as it was the very first to gain a new dimension thanks to the scale and power of the global net. As new facets of the electronic exchange entailed, other rights and liberties have been shown in a new light, new perspective, specific for the net and not possible to regulate with the legal measures and means known so far. The traditional freedom of speech on the Internet became very broad, including everything from pornography to defamation, through racism, copyright or discrimination, touching upon nearly every branch of law. Trying to regulate the freedom of speech on the Internet, in its unavoidably wide scope, would mean analyzing all that is available on the net and deciding on behalf of the global community, whether it wishes to or if it should be able to access those contents. It is without a doubt the most difficult task the national and international authorities will have to face – they would have to consider the interests of all the communities, that they represent. Issues such as the multi-faceted freedom of speech in their traditional respect have rarely been the subject of international debate, as their limits are very closely bound with culture and national tradition. In the international context the legal assessment of electronic content is related to social, cultural, moral and religious issues. It is because of the international marketplace of ideas, that is the Internet, that the question of a common scope of liberties allowed in cyberspace will have to be negotiated.

The laws regulating the scope of information allowed in a community differ from country to country, as the individual communities differ in their values. The question of allowed by law Internet content is however not of what those liberties should be but whether and how a common ground for their regulation can be found. The answer to that question is of great importance, as it may shape the future of the net itself. The key to answering that question naturally lies with the limits of power of each and every regulating state and in how those states agree to shape their common competences. Theoretically the ideal situation would be to have an internationally coherent legal regulation, commonly exercised in all jurisdictions. In the present situation, where each national government has to decide on its own on how far to

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2 **Human Rights Watch**, *Freedom of Expression and the Internet in China, A Human Rights Watch Backgrounder*, 2001, available March 13, 2008 at: <http://www.hrw.org/backgrounder/asia/china-bck-0701.htm#rules>.

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exercise the power it holds on the international arena, the question of freedom of information on the Internet brings two basic questions. First of all one should ask if it is possible to harmonize national (or regional) laws, so different from one another, on a global scale - the scale of the Internet. The second basic question is whether the search for such a harmonization is at all justified.

## § 2 Internet Governance Forum

The United Nations have promptly recognized the growing problem of the lack of a platform for international debate on the scope of the above mentioned issue. Thanks to the work of **World Summit of Information Society (WSIS)**, an UN agenda responsible for the further development of information society,<sup>3</sup> based on the WSIS Tunis Declaration of 2005, the **Internet Governance Forum (IGF)** was called to life. The joint work of WSIS and the **UN Working Group on Internet Governance (WGIG)**,<sup>4</sup> assisted by an independent group of researchers whose joint efforts are published under the name **Internet Governance Project (IGP)**,<sup>5</sup> were the stepping stones for the work of the IGF. The scope of its activity was drafted during the WSIS Tunis meeting in November 2005 as the Tunis Agenda for the Information Society.<sup>6</sup> According to pt. 72 of the Agenda, the IGF is an unique, "*new forum for multi-stakeholder policy dialogue*", whose mandate includes:

- a. *Discussing public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet.*

3 *The UN General Assembly Resolution 56/183 (21 December 2001) endorsed the holding of the **World Summit on the Information Society (WSIS)** in two phases. The first phase took place in Geneva from 10 to 12 December 2003 and the second phase took place in Tunis, from 16 to 18 November 2005. The objective of the first phase was to develop and foster a clear statement of political will and take concrete steps to establish the foundations for an Information Society for all, reflecting all the different interests at stake. The objective of the second phase was to put Geneva's Plan of Action into motion as well as to find solutions and reach agreements in the fields of Internet governance, financing mechanisms, and follow-up and implementation of the Geneva and Tunis documents.* Following the WSIS webpage, available March 28, 2008 at: <http://www.itu.int/wsis/basic/about.html>.

4 *The first phase of World Summit on the Information Society (WSIS) agreed to pursue the dialogue on Internet Governance in the Declaration of Principles and Action Plan adopted on 12 December 2003, with a view to preparing the ground for a decision at the second phase of the WSIS in Tunis in November 2005. In this regard, the first phase of the Summit requested the United Nations Secretary-General to establish a **Working Group on Internet Governance (WGIG)**. The WGIG was asked to present the result of its work in a report "for consideration and appropriate action for the second phase of the WSIS in Tunis 2005." It was asked, inter alia, to develop a working definition of Internet Governance, to identify the public policy issues that are relevant to Internet Governance and to "develop a common understanding of the respective roles and responsibilities of governments, existing international organizations and other forums as well as the private sector and civil society from both developing and developed countries." Following the WGIG webpage, available March 28, 2008 at: <http://www.wgig.org/>.*

5 [www.igp.org](http://www.igp.org)

6 *World Summit of Information Society Tunis Agenda, WSIS-05/TUNIS/DOC/6(Rev. 1)-E, 18 November 2005, available March 20, 2008 at: <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>.*

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- b. *Facilitating discourse between bodies dealing with different cross-cutting international public policies regarding the Internet and discussing issues that do not fall within the scope of any existing body.*
- c. *Interfacing with appropriate intergovernmental organizations and other institutions on matters under their purview.*
- d. *Facilitating the exchange of information and best practices, and in this regard make full use of the expertise of the academic, scientific and technical communities.*
- e. *Advising all stakeholders in proposing ways and means to accelerate the availability and affordability of the Internet in the developing world.*
- f. *Strengthening and enhancing the engagement of stakeholders in existing and/or future Internet governance mechanisms, particularly those from developing countries.*
- g. *Identifying emerging issues, bringing them to the attention of the relevant bodies and the general public, and, where appropriate, making recommendations.*
- h. *Contributing to capacity building for Internet governance in developing countries, drawing fully on local sources of knowledge and expertise.*
- i. *Promoting and assessing, on an ongoing basis, the embodiment of WSIS principles in Internet governance processes.*
- j. *Discussing, inter alia, issues relating to critical Internet resources.*
- k. *Helping to find solutions to the issues arising from the use and misuse of the Internet, of particular concern to everyday users.*
- l. *Publishing its proceedings.*

The ideas behind the composition of the IGF consist of multilateralism, multi-stakeholderism, democracy and transparency.<sup>7</sup> To achieve its aim the IGF is obliged to:

- a. *Build on the existing structures of Internet governance, with special emphasis on the complementarity between all stakeholders involved in this process – governments, business entities, civil society and intergovernmental organizations.*

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<sup>7</sup> "The Internet Governance Forum, in its working and function, will be multilateral, multi-stakeholder, democratic and transparent.", World Summit of Information Society Tunis Agenda, pt. 73.

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- b. Have a lightweight and decentralized structure that would be subject to periodic review.
- c. *Meet periodically, as required. IGF meetings, in principle, may be held in parallel with major relevant UN conferences, inter alia, to use logistical support.*<sup>8</sup>

The mission of the IGF, in its present form, as a result of the Tunis compromise, is strictly of an advisory nature, although one might imagine strengthening its position if the international politics allow<sup>9</sup> and the IGF proves to be a feasible solution for the growing problem of an authorized Internet governance. The first IGF Meeting took place in Athens at the beginning of November 2007. Over 1,500 delegates and representatives of not only national authorities, but also of the information society, met to discuss openly the issues lying at the core of a proper and representative Internet governance. The main objective of the IGF was to find a satisfactory solution to the growing problem of internationally representative Internet governance. The best way out would be to give the already existing bodies a clearly defined, supplementary competences and to give them international authorization. Hopefully this task will be fulfilled in the 5 year term the IGF has received.

The IGF meeting was the first to deal with the issue of Internet rights, embodied in the proposal to commence work on a unique *Internet Bill of Rights* – a document (or a set of documents) to list all the traditional and innovative rights, that each member of a 21<sup>st</sup> century information society should be in disposition of.

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8 *Ib. id.*

9 More on the issue e.g.: **R. Cornwell**, *The battle over Internet*, *The Independent*, November 15, 2005; **C. Boyd**, *More talk on net's future*, November 16, 2005, available March 27, 2008 at: <http://news.bbc.co.uk/1/hi/technology/4442336.stm>.

### § 3 Internet Bill Of Rights

The idea of the *Internet Bill of Rights* is aimed at applying the so-far known rights and liberties onto the members of the cyberspace and their activities. What it means, is that the liberties known to real-life citizens should find their application in "cyber-life", if at all possible, applicable and reasonable. The *Internet Bill of Rights* may also be identified as a "Dynamic Coalition that has set out to make Rights on the Internet and their related duties, specified from the point of view of individual users."<sup>10</sup> The most predominant meeting of the Coalition took place during the second IGF Meeting on November 13<sup>th</sup>, 2007 in Rio de Janeiro. During this session a summary of the so-far made conclusions was made. The Coalition have decided to create as a result of their work a set of documents, rather than a single statement and treat the *Internet Bill of Rights* rather as an on-going process, than a static document, which might bring the risk of becoming out-dated far too quickly. The Coalition are willing to base their work on the progress made so far by other institutions active in the field of Internet governance, including human rights as well as Internet governance organisations. The idea is not to try and redefine the rights that already exist but rather to build on them. The work of the Coalition shall also focus on the preparation of additional documents to the already existing ones, which should specify the existing rights in the aspect of their applicability to the Internet environment, making sure they're considered while drafting future policies and showing the way they should be comprehended in the new, electronic background. The true challenge for the Coalition is to define and characterize the new rights and liberties to be protected, specific for the cyber-realm, such as network neutrality or interoperability.<sup>11</sup>

For the drafted goals to be met during the Rio meeting, an initiative of the Italian government to discuss the issue of new era of Internet rights took place in **Rome** under the

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<sup>10</sup> *Statement at the IGF Consultations in Geneva*, 26 February 2008, The Internet Bill of Rights, A Dynamic Coalition of the Internet Governance Forum, available on March 20, 2008 at: [http://Internet-bill-of-rights.org/en/stmt\\_20080226.php](http://Internet-bill-of-rights.org/en/stmt_20080226.php).

<sup>11</sup> Based on the Report from the Coalition workshop at the Rio IGF, 13 November 2007, by **V. Bertola**, "Towards an Internet rights framework: a work in progress", available on March 20, 2008 at: [http://www.Internet-bill-of-rights.org/en/report\\_20071113.php](http://www.Internet-bill-of-rights.org/en/report_20071113.php).



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name of *Dialogue Forum on Internet Rights*.<sup>12</sup> During the conference statements by academics, politicians and representatives of the Internet society organisations were held. As the main conclusion of the conference the participants stated the existence of “*a clear fracture between principles and reality*”. They concluded, that the many existing conventions and declarations do not safeguard effectively the protection of rights stated therein, as in reality the every day reality is shaped by the strongest players. A clear example of lack of democracy in the very Internet governance itself may be the power held by Internet Corporation for Assigned Names And Numbers (ICANN), a U.S. legal entity, which controls the basic protocols for net interoperability and operates based upon the agreement with US Department of Trade.<sup>13</sup> This very basic for the Internet imbalance clearly shows, that the strongest stakeholders pursue their own business or political objectives, rather than social and international ones, as V. Bertola puts it in his report: “*the Internet is ruled by an effective but “un-principled” governance system, often tending to the law of the jungle*”.<sup>14</sup> Introducing a well-balanced system of Internet governance and protection is of highest importance if the real (not only a declared one) goal of the international community is the creation and development of a global information society. In order to achieve that aim it is of vital importance to equalize the existing disproportion with proper international instruments protecting the rights of the less powerful stakeholders, including developing countries and individual users.<sup>15</sup> Only thanks to a proper international governance can the forever widening

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12 Conference „*Dialogue Forum on Internet Rights – Italy 2007*”, 27 September 2007, as reported by V. Bertola at: [http://Internet-bill-of-rights.org/en/report\\_20070927.php](http://Internet-bill-of-rights.org/en/report_20070927.php) (available March 26, 2008). The official document resulting from the Conference and summarizing its goals is the *Joint Declaration on Internet Rights by the Minister of Culture of Brazil and the Undersecretary for Communication of Italy*, done in Rio de Janeiro on November 13, 2007, available on March 20, 2008 at: [www.Internet-bill-of-rights.org/file/pdf/Joint%20Declaration%20Brazil-Italy.pdf](http://www.Internet-bill-of-rights.org/file/pdf/Joint%20Declaration%20Brazil-Italy.pdf).

13 The presently binding agreement: *Joint Project Agreement Between The U.S. Department Of Commerce And The Internet Corporation For Assigned Names And Numbers*, from September 29, 2006, available on March 26, 2008 at: [http://www.ntia.doc.gov/ntiahome/domainname/agreements/jpa/ICANNJPA\\_09292006.htm](http://www.ntia.doc.gov/ntiahome/domainname/agreements/jpa/ICANNJPA_09292006.htm); more on the issue of the battle over Internet governance influence e.g.: R. Cornwell, *The battle over Internet*, The Independent, November 15, 2005.

14 Conference „*Dialogue Forum on Internet Rights...*”.

15 *Ib. id.*

"digital divide" be patched<sup>16</sup> and the needs of both: the developing countries as well as the well developed ones, be met.

During the discussion many "traditional" rights were addressed, such as **freedom of expression, right to privacy, cultural diversity, right to development, right to education and access to the communication media**, including the Internet, as well as the need to re-identify them in the context of Internet. These well-grounded rights must however be recognized as the very stepping stones for any further governance activities for the Internet and their application in the traditional sense should serve as the blueprint for any further activities. *"The Bill of Rights process should facilitate such application by bridging the fracture between principles and reality"*.<sup>17</sup>

The second fundamental recognition, upon which the Bill of Rights shall be based, is the initial enumeration of the new, "innovative" rights, which might demand more activity from the parties involved. As such the following were named: **network neutrality, interoperability, global reachability of all Internet codes, the use of open formats and standards, public access to knowledge, the right to innovation and compliance with the market-orientated principles, such as the right to fair and competitive online market and a new approach to consumer rights**. The recognition and protection of these new rights is just as important, as the proper application of the traditional rights, done in tact with their functioning so far.

Naturally the response to the demand for representative and fair bill of Internet rights may nor be met without answering the most important question of them all – who is entitled to laying upon the international information society that kind of obligation. There is no answer to that question so far, it seems however clear, that – based on the human rights practise so far

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<sup>16</sup> More on the „digital divide” issue e.g.: S. Nanthikesan, Trends in Digital Divide, Harvard Center for Population and Development Studies, November 2000, available March 28th, 2008 at: [http://hdr.undp.org/docs/publications/background\\_papers/nanthikesan.doc](http://hdr.undp.org/docs/publications/background_papers/nanthikesan.doc). The issue has also been discussed in the UN Human Development Report 2005 International cooperation at a crossroads: Aid, trade and security in an unequal World, UNDP, 2005 r., available March 28th, 2008 at: <http://hdr.undp.org/reports/global/2005/>, p. 115 as well as in World Employment Reports of the International Labour Organization, eg.: World Commission on the Social Dimension of Globalization, a Fair Globalization: Creating Opportunities For All, April 2004, available March 28, 2008 at: <http://www.ilo.org/public/english/wcsdg/docs/report.pdf>, p. 29.

<sup>17</sup> V. Bertola, Conference „Dialogue Forum on Internet Rights... “.

- only the international community itself, probably through the representation of its governments – may introduce such changes or modifications.

All the above mentioned rights, which dawned upon the international society with the development of Internet, may be summarized in short as resulting from only one right – the right to knowledge. It is the right to information – accessing it, transforming it or – ultimately – broadcasting it, that lies at the very root of each and every human right in the information era.

Another initiative, serving the very same purpose of identifying and protecting human right in the digital era, is the **Access-to-Knowledge and Freedom of Expression (A2K) Dynamic Coalition**. As declared by the Coalition itself, "*The purpose of the A2K (...) is to support and expand Access to Knowledge (A2K) and promote freedom of expression in the realm of information and communication technology.*"<sup>18</sup>

The A2K initiative takes on a more focused approach and concentrates on a particular aspect of Internet liberty – freedom of information and the new perspectives on copyright law, as essential for the electronic information exchange. As the initiative itself defines its actions: "*The movement's stance on intellectual property rights owes as much to the quest for free and open source software as to public health activism around patents and medicines. (...) While the A2K movement is concerned about fairness and access to knowledge, it also is supportive of creative and inventive communities. To reconcile these interests, we promote new paradigms for the creation and management of knowledge resources.*"<sup>19</sup> This initiative points to new views on intellectual property, unique for the electronic sphere, such as the **Creative Commons** movement, promoting new licences and an alternative scope of copyright protection for literary and artistic works available on-line.<sup>20</sup> The motivation behind this very new look onto accessing knowledge is motivated as allowing the equality of right of all the societies: "*the rich and the poor can be more equal with regard to knowledge goods than to*

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18 As stated on the A2K IGF website: <http://www.a2k-igf.org/>.

19 *Ib. id.*

20 More on the Creative Commons initiative at: <http://creativecommons.org/>.

*many other areas.*<sup>21</sup> This movement, just as the Internet Bill of Rights Coalition, attempts to build on the already existing achievements in the domain of free information exchange, it aims however to reach a widest possible social consensus, involving not only the already active bodies, but all the subjects involved, especially the average Internet users.

There are also other projects dealing with protecting civil liberties on-line. Among those one should mention **IP Justice**, which is an international civil liberties organization that promotes balanced intellectual property law.<sup>22</sup> To shortly present the scope of interests of the organisation, focusing around IP protection system adjustments to the digital age, a quote from the IP Justice homepage should suffice: *The organization's focus is on international treaties, directives, and other trade agreements that address intellectual property rights or impact freedom of expression guarantees. IP Justice's mission is to:*

- advise policy makers from around the world on the impact of intellectual property rules on traditional rights and innovation;
- build international coalitions and networks between independent organizations working to protect freedom of expression;
- promote laws and technologies that encourage further creativity and innovation, and fairly compensate creators;
- raise global public awareness on the threat to individual freedoms posed by expanding legal rights and technological restrictions to control intellectual property;
- encourage individuals worldwide to advocate for balanced intellectual property laws that preserve traditional consumer rights such as private copying, the public domain, and reverse engineering.<sup>23</sup>

Another initiative, concerned strictly with the protection of free speech is the '**Free Expression Online**' (FOEonline) **Dynamic Coalition**, which was established as a follow up to the first Internet Governance Forum (IGF) in Greece in November 2006. *It aims to further freedom of expression and the media on the Internet. It will provide an open platform to*

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21 A2K IGF website.

22 As presented at the IP Justice homepage at: <http://ipjustice.org/wp/about/mission/>.

23 Ib.id.

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*exchange information, advance initiatives in the field of Internet governance and freedom of expression and serve as an informal community to organize meetings and other initiatives.*<sup>24</sup>

As shown above, there is quite a lot of activity taking place in the cyber-societies, aimed at protecting civil rights on-line. It is quite clear, that all those efforts must be focused in one direction – a change of the present internet governance scheme, with the goal to protect newly defined rights in the cyber-realm. Below is briefly described the direction, those changes might take.

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24 As presented at: <http://foeonline.wordpress.com/>.

#### § 4 NEED FOR CHANGE

It is quite clear, that the developing information society needs a new approach towards the issue of human rights. Existing rights need to be redefined, new ones – identified and applied in an uniform manner. The fact that social initiatives, such as the two above mentioned Dynamic Coalitions, are acting eagerly on the international arena to foster those causes, is very important and should be appreciated on the global scale. It will however not succeed without the national input of local societies. As pointed by the Bill of Right Coalition, “*The issue of a better recognition and enforcement over the Internet of human rights, both existing and innovative, should be recognized as (...) one of its main themes for the future.*”<sup>25</sup> Without recognizing this need we might not be able to prevent the danger neglecting it might bring – either an anarchy on the Internet or its particularization.

Achieving these important goals is however not possible solely by an active social participation, if the communities are not supported by national and international authorities. It is of vital importance to use the internationally representative forum, which is the IGF, to find a new formula for internationally authorized Internet governance system, which will, among others, truly act for the protection of human rights on-line. The presently existing scheme, as mentioned before, is based on the power of a U.S. private body (ICANN), which is under a strong influence of U.S. government (represented by the Department of Trade).<sup>26</sup> While officially the composition of ICANN and the delegation of its competences was done in the name of democratization of Internet and protecting all aspects of cyber-freedom from

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25 V. Bertola, Conference „*Dialogue Forum on Internet Rights...*“.

26 More on this situation e.g.: Internet Governance Project, Statement opposing political intervention in the Internet’s core technical administrative function, ver. 2, 2005, available May 5th, 2008 at: [www.internetgovernance.org/pdf/political-intervention-statement.pdf](http://www.internetgovernance.org/pdf/political-intervention-statement.pdf); G. Huston, ICANN, the ITU, WSIS, and Internet Governance, *The Internet Protocol Journal*, vol. 8, nr 1, available May 20th, 2008 at: [http://www.cisco.com/web/about/ac123/ac147/archived\\_issues/ipj\\_8-1/internet\\_governance.html](http://www.cisco.com/web/about/ac123/ac147/archived_issues/ipj_8-1/internet_governance.html); Internet Governance Project, a Framework Convention: An Institutional Option for Internet Governance, 2004, available May 14th, 2008 at: [http://www.intgovforum.org/Substantive\\_1st\\_IGF/igp-fc.pdf](http://www.intgovforum.org/Substantive_1st_IGF/igp-fc.pdf); Internet Governance Project, The Future US Role in Internet Governance: 7 Points in Response to the U.S. Commerce Dept.’s “Statement of Principles”, 2005, available May 14th, 2008 at: [www.internetgovernance.org/pdf/igp-usrole.pdf](http://www.internetgovernance.org/pdf/igp-usrole.pdf); Internet Governance Project, The State of Play, 2004, available April 14th, 2008 at: <http://www.internetgovernance.org/pdf/ig-sop-final.pdf>; Internet Governance Project, What to do About ICANN: a Proposal for Structural Reform, 2005, available May 4th, 2008 at: <http://internetgovernance.org/pdf/igp-icannreform.pdf>.

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governmental influences,<sup>27</sup> this structure has in fact proven to be a strong tool of the U.S. government to control the Internet and serve national and international policies, rather than protect international liberties.<sup>28</sup> Neither U.S. constitutional rules and constraints, nor international regulations bind ICANN as a non-public body, therefore it can be used as a tool for shaping international politics.<sup>29</sup> This situation holds a great risk of – primarily – restricting freedom of information on the net and - secondly – endangering the integrity of the first and greatest global network. If the ICANN Government Advisory Committee becomes an arena for protecting the interests of the strongest international players, without a proper counterweight from information society organizations, the freedom of information on the Internet shall cease to exist. The first goal to be achieved should be the elaboration of a list of rights to be protected (possibly in the form of the *Internet Bill of Rights*), followed by a consolidated effort to protect these rights and the interests of those protected during the upcoming debate on the future of Internet governance (having in mind the end of ICANN Joint Project Agreement with the Department of Trade in 2009). If the international community does not use the chance that the IGF creates for the democratization of the present Internet governance scheme, the global freedom of information might be in great danger.

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27 This argument is still being raised by opponents of any change to the present Internet governance system. The U.S. Congress subcommittee on Telecommunications and the Internet has expressed opposition to any move by the Commerce Department to alter its oversight of ICANN, naming the protection of free speech as the most important reason for protecting the status quo. Text of the official statement available May 14th 2008 at: <http://markey.house.gov/index.php?option=content&task=view&id=3342&Itemid=125>.

28 As mentioned by M. L. Mueller in his e-mail from 12 May 2008 on the IGP mailing-list, the Department of Trade has recently acted in the best interest of authoritarian governments, allowing prohibitions (unconstitutional in the US) to veto by the national governments any “new TLD proposals to make sure that they don’t contain ‘insensitive’ or ‘offensive’ words or violate ‘standards of morality and public order.’”, going even further than the original ICANN Governmental Advisory Committee in their proposal. The second recent example where ICANN did not act to protect free speech or free trade was the incident from 2005, where under pressure from the U.S. government it did not allow a new TLD, reserved for the pornographic industry (.xxx). See also: IGF, ICANN’s New MoU: Old Wine in a New Bottle, 2006, available May 14th, 2008 at: <http://www.internetgovernance.org/news.html>; H. Feld, , ICANN Internet Governance: Is It Working?, 2006, available May 14th, 2008 at: <http://www.mediaaccess.org/events/House%20Testimony%20Exec%20Sum%209-21-06.pdf>.

29 Preventing this danger is of particular importance, as the impact of the net on international politics has become of great interest to, among others, the Chinese government. If it is authoritarian governments like the Chinese, which will have their say in the way the net is run, there will be much change in the appearance of the cyberspace. Details of the origins of the Chinese Internet governance system and its filtering policy can be found here: Amnesty International, People’s Republic Of China, State Control Of The Internet In China, 2002, available May 14th, 2008 at: . If it is authoritarian governments like the Chinese, which will have their say in the way the net is run, there will be much change in the appearance of the cyberspace [http://web.amnesty.org/library/pdf/ASA170072002ENGLISH/\\$File/ASA1700702.pdf](http://web.amnesty.org/library/pdf/ASA170072002ENGLISH/$File/ASA1700702.pdf).