

New Scrutiny on Censorship Issues for U.S. Companies in China

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BEIJING — On the surface, Amazon.cn resembles its global siblings, selling everything from Harry Potter books to sex toys. But a few searches of what the Web site proclaims is “the world’s largest Chinese online bookstore” reveals limits to this literary universe.

A query for Zhao Ziyang — the former Communist Party leader who was stripped of power for supporting the 1989 democracy demonstration in Tiananmen Square — returns no matches. The Dalai Lama? A list of books that portray him as a dangerous “splittist” or that refer to the Chinese government’s hand-picked spiritual leader of Tibetan Buddhism, who goes by the same title. A search of the words “censorship” and “China” comes back with “censorship” crossed out and three Sino-themed suggestions, including a book called “When China Rules the World.”

Amazon’s U.S. headquarters declined to comment on the issue of censorship, saying only that the company was obliged to abide by the laws of the countries it which it operated. It does not, for example, sell Hitler’s “Mein Kampf” in Germany, where the book is banned.

But Amazon and other U.S. companies doing business in China are coming under new scrutiny from politicians and human rights groups since Google’s recent announcement that it planned to stop adhering to government demands that it censor search results in China and perhaps would pull out of the country. Google complained that the accounts of dissidents who use the company’s Gmail service had been infiltrated, apparently by Chinese hackers.

The No. 2 leader in the U.S. Senate, Richard J. Durbin, has scheduled hearings for Tuesday on the issue of global Internet freedom. Mr. Durbin sent letters to 30 American information and technology companies, including Amazon, Apple, eBay and Verizon, requesting information on their business conduct in China and human rights practices.

Representatives from Google and McAfee are among those scheduled to appear at the hearing.

The senator also plans to focus on the Global Network Initiative, a coalition of Internet companies, human rights organizations, investors and higher education institutions. The organization’s members have agreed to a set of guiding principles on human rights, including protecting “the freedom of expression rights of their users when confronted with government demands, laws and regulations to suppress freedom of expression, remove content or otherwise limit access to information and ideas.”

The Global Network Initiative, which was begun in 2008, has also created evaluation and accountability mechanisms through which to judge companies’ participation.

So far Microsoft, Yahoo and Google have signed on to the voluntary code of conduct, but whether they will adhere to it remains uncertain. It is unclear, for example, how search engines can censor results in China and yet uphold the initiative’s principles.

“We have done business in China for more than 20 years and we intend to stay engaged, which means our business must respect the laws of China,” Microsoft’s chief executive, Steve Ballmer, said in a recent blog post. “That’s true for every company doing business in countries around the world: we are all subject to local laws.”

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But now that Google has so publicly thrown down the gauntlet, American companies may find such arguments do not offer blanket protection from questions about their conduct.

In a recent speech in which she condemned restrictions on Internet freedom, Secretary of State Hillary Clinton said "censorship should not be in any way accepted by any company from anywhere," adding that American companies should take a principled stand.

"This needs to be part of our national brand," she said.

Rights groups hope that the Global Network Initiative will encourage companies to act more responsibly, even as U.S. legislation making it a crime to enable censorship in other countries has stalled. Human Rights Watch, a member of the Initiative, says that the framework is an important step toward shifting the debate from whether to engage in censored markets to more adept promotion of free access to information in places like China and Iran.

Arvind Ganesan, director of the business and human rights program at Human Rights Watch, said, "Our ultimate goal is to see an open and unfettered Internet everywhere in the world, but that won't succeed if a company's first option is to leave those countries where this is not the case."

He conceded, however, that the Global Network Initiative would be meaningless if companies cited their participation in the framework but failed to push actively for a more open Internet while expanding operations in countries like China.

Mr. Ganesan noted that Western companies had gotten China to reconsider some censorship efforts. He pointed to lobbying by Western technology companies last year that helped move Beijing to abandon a plan that would have required manufacturers to pre-install filtering software, known as Green Dam Youth Escort, on all new computers in China.

While the government said the software was aimed at pornography, experts said it could be used for political censorship and monitoring users' Internet activities.

Other members of the initiative cite this victory in rejecting assertions by Microsoft, Amazon and other U.S. corporations that doing business in China legally compels them to abet government censorship efforts.

"Anyone who makes that claim is being dishonest," said Rebecca MacKinnon, a visiting fellow at Princeton University's Center for Information Technology Policy, who helped draft the Initiative.

Ms. MacKinnon said that companies had a range of legal options in China that allowed them to operate in the country without aiding censorship or monitoring. Google, for instance, kept its Gmail servers outside China and thus beyond Chinese jurisdiction. Yahoo, in contrast, left itself and others, including a Chinese journalist, open to prosecution because it kept servers in China, she said.

Ms. MacKinnon also said that rather than submit to informal pressure — as Microsoft did when it took down a blog at the behest of a bureaucrat — companies could demand that the government follow legal precedents.

"Once you engage, you don't have to roll over and play dead the moment you get a call from a government official," she said. "There is respect for law and then there is complicity in lawlessness."

For now, the landscape remains murky, leaving even U.S. customers with questions about how companies do business

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in China.

Maochun Yu, a professor of East Asia and military history at the U.S. Naval Academy, recently ordered three books about China's counter-revolutionary purges in the 1950s from Amazon's Chinese Web site, Amazon.cn, which is called Joyo Amazon. But a day after his \$64 purchase was scheduled to arrive, Mr. Yu discovered that all traces of his order had disappeared from the site, although his credit card had been charged. Efforts to resolve the problem with Amazon's customer service center failed.

Amazon's U.S. headquarters did not respond to requests for comment. Other customers, both in China and abroad, have reported no problems buying politically delicate literature from Amazon.cn.

But the episode left Mr. Yu wondering whether someone in China had disapproved of his historical interests and barred his order.

"Operationally speaking, the site is either very awkward or very controlled," said Mr. Yu, who is the author of two books about China, both of which are for sale on Amazon.com. "I guess it's a case of one Amazon, two systems."