

INTERNATIONAL CONTEXT – REGULATORY MODEL IN CHINA

China's view on internet governance

Whereas the US advocates for a rather open model of the internet with open access and availability across borders, China has shut itself off from the world wide web with a so-called "Chinese firewall". Most of the basic internet service providers, which internet users in the US and Europe are familiar with - such as search engines like Google, social media platforms like Facebook, shopping platforms like Amazon and communication services such as Twitter - are not available in China. Rather, they are replaced by Chinese home-grown counterparts, such as Baidu, Alibaba, QQ, Weibo, etc.



On a global level, China calls for democracy (in Chinese understanding: one country, one vote in global fora) and sovereignty in global internet governance, namely, the right of every state to formulate their own internet policies and regulations and to do so independently from the rest of the world. This has led to Chinese criticism of internet governance principles, such as the role of ICANN.

There seem to be different motives behind Chinese internet regulation: On the one hand-side, the Chinese government is strengthening home-grown innovation. On the other hand, and probably not less important, the Chinese ruling party has a strong interest in keeping full control over the discourse on the internet and to block any challenges to their leadership early on. Interestingly, Chinese politicians and scholars refer to "cultural security" (文化安全), i.e. the "protection of the basic societal structure, national language, history, intellectual tradition, indigenous knowledge, and religious beliefs from erosion, destruction, and subversion by internal and external hostile forces" as an argument for internet regulation. However, this concept supports the rule of the Communist party and could critically be interpreted as an intellectual backing to authoritarian rule of the party.

China's media regulation landscape

According to an assessment of Fell (2017), China has a comprehensive legal framework of internet regulation. In the respective article, it is stated that since the "Interim Regulations on the Management of International Networking of Computer Information" in 1996 were put into force, China has enacted more than 13 statutes and regulations directly concerned with the management of the internet. Further to that, following the new Chinese Cybersecurity Law, the Cyberspace Administration of China (CAC) is regularly publishing new rules and guidelines – about one very two days in 2017.

Chinese authorities frequently get involved in the conduct of Chinese social media platforms. According to Freedom House, the freedom of the internet in China is very limited. For instance, the Cyberspace Administration of China recently ordered Sina Weibo, a Chinese social media platform similar to Twitter, to temporarily shut down several portals. According to Deutsche Welle, the shut down was ordered for "spreading content that allegedly contradicts Chinese values". The article further states that, "since last year, China has increased pressure on native social media platforms to censor content of wrong public opinion orientation, including obscenity, low taste, and ethnic discrimination."

China's new cybersecurity law

In 2017, the new Chinese Cybersecurity Law came into force. According to the digital rights organisation called "Access Now", many provisions in the Chinese law have a direct negative impact on the exercise of human rights in China. Namely, Article 50 allows "the government the authority to cut off access to media platforms overseas that disseminate information that is broadly banned under Chinese laws and regulations". Article 58 on the other hand, "empowers the government to limit internet connections when authorities see the need to safeguard national security and social public order." While some of these provisions per se could also be seen in democratic and open societies, one may wonder if the necessary safeguards in terms of legal means of redress by affected users or the platforms themselves are available in China.

Article 24 of the Chinese Cybersecurity Law introduces an obligation to register users with their real name on network operators. According to Xinhua News, the policy is intended to ensure a safe, good-faith environment online since publishing under their own names would make Chinese netizens more cautious about what they say. Article 37 introduces a requirement on critical information infrastructure operators to store personal information and important data domestically. According to Access Now, while data localization might seem like a way to provide security, in practice it has typically been used to increase government monitoring of people's online activities.

We can see a very distinct model of internet governance and social media regulation stemming from China: on the one hand side, the model fosters innovation and a thriving digital eco-system. On the other hand, the main features seem to enhance security and regulation, which could lead to more censorship and stronger government control. Further in-depth analysis would be needed to understand in detail which of the provisions may be driven by which motives and how they impact internet freedom and social media behaviour of internet users.



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