Asian cyberactivism: freedom of expression & media censorship

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Freedom of expression, censorship and democracy

The expansion of freedom of expression and the decline of censorship has often been associated with the movement towards democracy. While some argue that in Asia there has been some movement towards democracy (AMIC, 2000), it is unclear whether this involves a decline of censorship and an increase in freedom of expression. With regard to the history, much of the law and methods of government control of media in the region were enacted by the colonial authorities and later adopted and refined by postcolonial regimes. Strict regulation of the media, especially with regards to political content, has been the consistent feature. Patterns of containment of freedom of expression include the use of legislation to restrict access, proscribing content, exercising influence through ownership and inducing self-censorship.

When the Internet first emerged in Asia in the early 1990s, there was hope that an open space would emerge whereby public discourse can take place without the mediation of licensing authorities, and the gate keeping and agenda setting of the mass media. Since, technically, individuals could communicate with each other across geographical and political boundaries without restriction and once a text is posted on the Internet the ability to control its movement is minimal, the notion of censorship that was so strongly present in traditional media was viewed to have an uncertain future on the Internet. Many were confident that any attempt by authorities to protect data or censor information could be circumvented by choosing to re-route or taking avoidance measures. In this regard, there were expectations that freedom of expression would increase and help further democratic development in the region.

Several studies have concluded that the initial euphoria concerning the democratic potential of the Internet was misplaced. Such studies show that information technology alone cannot introduce democracy (Kalathil and Boas, 2003), hence, the Internet is not necessarily a threat to authoritarian regimes. Other writers point to issues such as social engineering, de-politicisation and self-censorship as being responsible for a politically apathetic and fearful citizenry that is reluctant to use the Internet for its optimal political potential (Banerjee, 2003).

This book had its beginnings in two workshops that were planned jointly by the Journalism and Media Studies Centre at the University of Hong Kong and the Friedrich Naumann Foundation's East and Southeast Asia regional office in Bangkok to look into the use of the Internet by individual advocates, NGOs and political parties, and to record and evaluate the work of cyber activists in Asia.

The first meeting entitled 'New Communications Technology and Democracy in Asia' took place in November 2002 in Hong Kong and was held over three days. Leading academics, journalists, activists, politicians and representatives from non-governmental organisations came together to discuss the latest issues in communications and politics. The outcome of the meeting was an agreement by all those present to assemble a book on how Asian activists use the Internet to promote their causes.

A second and more streamlined follow-up meeting entitled, 'Internet and Democracy in Asia' was scheduled again in Hong Kong for March 2003 to discuss the work-in-progress manuscripts. The meeting was cancelled due to the outbreak of SARS in the region, however given that everyone was online, there was agreement to continue work on the book 'by remote'.

This book is based on some of the papers presented or planned for both workshops with additional papers commissioned for incorporation into the final publication.

Unlike other publications that focus on the technology, this book focuses on the human actors who use the technology to beat the various censorship regimes in Asia. It records political activism on the Internet and takes stock of the successes and failures of cyberactivists. It provides an insight into online political organising in Asia even as the technology and legal rules change. This volume contains activists' perspectives on the topic of new media and democracy and records their attempts to further the course of democracy. It supplements other works on cyberactivism that do not contain Asian case studies (Ayers and McCaughey, 2003) and seeks to provide a comparative yardstick.

The beginnings of Internet censorship in Asia

In Asia, in spite of the early optimism, in reality, many governments do try to control the Internet. Pornography and, later, gambling were early targets of web-based censorship and remain ongoing themes of concern for legislators in the region. Anti-spam legislation is the emerging area of concern.

1996 saw the Chinese authorities legislate against pornography on the Internet (State Council Order No.195 1 February 1996). Online pornography is also prohibited under Article 5 of the Computer Information Network and Internet Security, Protection and Management Regulations (December 1997), Article 57 of the Telecommunications Regulations Of The People's Republic Of China (25 September 2000) and the Measures For Managing The Internet Information Services (25 September 2000). ASEAN representatives discussed a possible common framework and regional body to respond to pornography on the Internet (Menon, 1999). Anti-pornography measures are often complicated by varying definitions of 'pornography' and what content the censorship regulations cover. According to an Internet content rating system introduced to Hong Kong in 2001, for

example, gay and lesbian websites are classified as 'harmful media', with the owner of the first and biggest gay website in the country being told to mark his site as a 'harmful site' and install filtering software to prevent youth access, or risk imprisonment. The legislation has come under heavy criticism by rights groups including Amnesty International (Amnesty International, 2002). Under the Indian Information Technology Act 2000, Chapter XI Para 67, the government of India also declared electronic publication of pornography an offence.

More recently, governments in the region have moved to control or restrict online gambling, with some looking to supplement existing legislation prohibiting gambling with specific measures to combat online gambling. On 18 Feb 2003 prosecutors and police raided the offices of a Taiwan advertising company that had helped promote business for British Internet sports betting company Sportingbet, and a Taipei prosecutor recently indicted Dai Chi-feng for helping to transfer local gamblers to casinoluxy.com through a super link. Both actions were based on existing regulations in the Criminal Code that penalise people who instigate others to commit crimes or make profits by gathering people to engage in gambling (China Post, 2003). In 2002 China announced restrictions on Internet cafes under which customers will be banned from looking at websites which offer prostitution, adult entertainment or gambling (Gambling Licenses Online, 2002). Legislators in South Korea were discussing law revisions, to be introduced to the National Assembly sometime in 2003, which would prevent PC rooms and Internet cafes from providing gambling or other betting services (Korea Times, 2003).

There have also been attempts to restrict websites that promote hatred of ethnic and religious groups. Section 4(2)g of the Singapore Internet Code of Conduct prohibits material that 'glorifies, incites or endorses ethnic, racial or religious hatred, strife or intolerance.' Article 5 of the Chinese Computer Information Network and Internet Security, Protection and Management Regulations, December 1997, purportedly

protects "nationalities". In September 2002 a website in Australia was ordered by the Federal Court to remove material that casts doubt on whether the Holocaust occurred. Judge Catherine Branson ruled that Dr Toben vilified Jewish Australians when he published documents that cast doubt over the Holocaust on the Adelaide Institute site (The Australian, 2002).

An emerging issue is spam. Asian countries are looking towards countering it, with front runner Singapore considering specific anti-spam legislation to guard against unsolicited e-mail. Currently, spammers who do not stop their activities after their ISPs receive complaints will be 'given the boot'. In cases like a deliberate and malicious 'mail-bombing' campaign, the spanner can be charged under the Computer Misuse Act and fined up to S$10,000 with a three-year prison sentence (Computer Times, 2003). While on the surface it would seem to most that such legislations are directed to unsolicited commercial e-mails, there are also political implications. Many NGOs and political parties use mailing lists to reach out to people in restrictive environments. Spam legislation presents governments the option to criminalise people or organisations that send out e-mail notices to individuals who claim that they had not specifically asked to be put on mailing lists from such organisations.

Overall the impact of this kind of legislative development vis-à-vis the Internet on the political work of cyberactivists was minimal, as such laws did not directly restrict the use of the Internet for political advocacy. The first serious repercussions for cyberactivists emerged when governments began to respond to online political activism.

Censoring online political content

Authoritarian governments in Asia have from early on been interested in managing the greater political space the Internet could provide activists and democracy advocates. While it is true that governments

in Asia were interested in the economic dimension of the Internet and sought to develop it (Ho et al., 2003), at the same time these very governments were also mindful of the political challenge that the Internet might pose.

Singapore has seen the most comprehensive efforts by an Asian government to restrict civil society Internet space, and authoritarian regimes in China and Vietnam have also implemented numerous restrictions on cyberspace, utilising firewalls and arresting cyber-dissidents (see Neumann, 2001). The military junta in Burma has effectively barred all Internet activity by civil society (Lintner, 2001) and is only now beginning to allow access to a limited package of approved websites, referred to as the Intranet. Other countries such as the Philippines and Indonesia, as we will see in Part 2 of this book, are preparing legislation to exercise control.

It has taken some countries longer to introduce specific cyber-legislation and impose restrictions. It was not until 2000 that the Indian government passed the Information Technology Act. Authorities in countries such as Cambodia have so far made no efforts to regulate or restrict the Internet, and Malaysia stands by its promise not to censor Internet content. The lack of restrictions in these countries stems from either indifference due to a low level of Internet penetration and access making the medium irrelevant as a tool of political dissent, or, as in the case of Malaysia, a desire not to deter foreign investment.

The absence of specific regulations governing the Internet has not prevented many governments from using other legislation and intimidation to control Internet content and cyber-dissidents. In many Asian countries the new possibilities for free expression that accompanied the advent of the Internet still carry the old risks of persecution (Menon, 2001). The repressive practices of media control, from the colonial era to post-colonial and contemporary governments, have now been adapted and applied to the Internet. As of mid-December

2002, 3 cyber dissidents were incarcerated in Vietnam (Reporters Sans Frontiers, 2002) and 36 in China (Committee to Protect Journalists, 2002).

Central to the success of control over Internet content is state ownership or regulation of ISPs, technologies that enable Internet users to be traced to their computers, and the increased inter-state pooling of surveillance information. Attempts to regulate the Internet include legislation - some specifically targeted at the Internet as a form of communication - as well as policing and suppression activities that serve to restrict the Internet and its usage, such as surveillance, filtering, website closures and shutting down of cyber-cafés.

Contributions to this book will outline some of the challenges cyberactivists face in the region. The period between 1998-2000 was the time much online political activity emerged and grew. However, by the year 2000 there were signs that efforts to contain political cyberactivism was about to emerge and this became the dominant trend when effects of September 11 swept into the region.

Post September 11 online legislations

Developments since the terrorist attacks of September 11, 2001 (911) have speeded up efforts to control the previously free space provided by the Internet and to keep political cyberactivists in check. A slew of anti-terrorism laws have been adopted in Asia drawing upon the UN Resolution 1373, the USA Patriot Act and various European laws.

Reporters Sans Frontiers (RSF) asserts that the Internet has suffered 'serious battering' since 911 and is 'collateral damage' in the war against terror (5 September 2002:1). The threat of 'terrorism' has been used in many countries as a justification for increased security measures,

including surveillance, and a reining-in of civil liberties such as freedom of expression. Following the Bali bombing in October 2002, for example, the Indonesian government was able to pass anti-terrorism regulations, increasing police powers and allowing for detention without trial, which had previously been rejected by parliament. The Electronic Privacy Information Center (EPIC) and Privacy International report Privacy and Human Rights 2003 identified global trends in legislative surveillance measures taken by governing authorities following 911 as: increased communications surveillance; weakened data protection regimes; increased data sharing; and increased profiling and identification.

RSF and EPIC & Privacy International are in agreement that 'None of the above trends are necessarily new; the novelty is the speed in which these policies gained acceptance, and in many cases, became law' (EPIC & Privacy International, 2002:27). The asserted need to track terrorists, whose primary use of the Internet appears to be the same as us 'non-terrorists' - for communication and discussion - increased the apparent urgency of cyberspace tracking. Ultimately, 'the presumed use of the Internet by members of the terrorist commando to contact each other and prepare the operation handed a victory to advocates of very tough security measures and strict regulation of the Internet.' (Reporters Sans Frontiers 2, 2002:4)

The popular assertion often made by Internet advocates that the Internet cannot be controlled - that content control, a primary characteristic of the traditional state-media relationship, cannot be as successful or far-reaching when applied to the Internet - is indeed not true. In Asia since 911, governments have tabled or passed legislation that will enable them to track and monitor content that is put out online (Privacy International, 2003).

Capacity building to counter cyber criminals has also been stepped up in the region through a series of cyber security conferences that are often supported by the United States but jointly organised with

various local partners. One example was a conference on strengthening international law enforcement cooperation to deal with cybercrime that was held in July 2003 by the Asia-Pacific Economic Cooperation's (APEC) e-Security Task Group. The three primary objectives of the conference were: assisting countries to develop legal frameworks necessary to combat computer crime; to promote the development of law enforcement investigative units with the training and equipment needed to investigate and deter computer crime; and to enhance understanding and cooperation between industry and law enforcement in order to better address the threat of computer crime (APEC, July 25, 2003). Another APEC initiative is the 'Cybersecurity tool kit' which is to be developed jointly with several business organisations including Microsoft. This 'kit' will enable businesses to implement appropriate security measures to protect their systems. Businesses are also being encouraged to work with law enforcement agencies to investigate cybercrime (APEC, Oct 8, 2003). Such measures although aimed at cyber criminals, hackers and virus authors, can be used to prosecute pranksters and legitimate cyberactivists.

These developments have raised concerns at the international level that the first World Summit on the Information Society (WSIS), to be held in Geneva in late 2003, would prompt some countries to use this 'cyber summit' to place restrictions on the Internet and other information technologies (Shashi Tharoor, 2003). The desire of governments to extend restrictions against the Internet continues unabated.

While much of the above discussion centres on managing the technology in order to counter terrorist threats, it is also important to bear in mind that the legislations are aimed at cyberactivists in general. It provides governments the option to take action against all those who might use the Internet for political activism.

Structure of the book and the chapter outlines

The book is divided into seven parts. Part 1, Political Frameworks and New Technology, outlines the debate surrounding the Internet's potential to realise democracy in Asia. In Democracy and new communication technology: the Asian struggle, Judith Clarke maps the historical tensions between technology and its application in the promotion of democracy in Asia. She argues that, like other past technological innovations such as the radio, television, fax machines and satellite broadcasting, the Internet represents a new type of medium that governments, as always, are keen to control. However, it is naive to expect that new media technologies can achieve democracy - this is the premise of Indrajit Banerjee's paper, Cyber democracy in Asia: issues, challenges and prospects. He argues that the crucial ingredients for establishing a full and functioning democracy are an active and politicised citizenry, a vibrant civil society and a state that is attentive to human and civil rights. By contrast, in Why the Internet still matters for Asia's democracy, Geoff Long argues that the Internet is continually re-inventing itself and its role in bringing about democratic change has only just begun. By plotting the trends arising from the Internet's inherent characteristics of collaboration and information sharing, as well as how wireless technology and the growth of 'blogging' reflect the democratic principles that led to the Internet's creation, he makes a case for its significance as an instrument in bringing about democratic change in Asia. Collectively, these chapters provide the theoretical backdrop against which to view the work of the cyberactivists as recorded in the ensuing chapters.

Part 2 on Regulations & Control provides an insight into events as they unfold with regard to Internet legislation in the region following September 11. Alecks Pabico's New media as big brother: the Philippines after September 11 looks at the uncertain state of Internet regulation

there, including legislation proposed to deal with cyber crimes and the initiatives of civil society groups who oppose these proposals. Manufacturing control: new legislations threaten democratic gains in Indonesia by Lukas Luwarso highlights the tensions between legislations that may pull the country in opposite directions. He suggests that the Internet still offers space for civil society groups to push forward the democratic agenda, however, security legislation might undermine this potential. Singapore's unique model of Internet regulation is explored in Terence Lee's Emulating Singapore: towards a model for Internet regulation in Asia. Lee considers the efficacy of applying the Singapore model of Internet regulation in Asia in view of different socio-cultural, economic and political environments in the region. He concludes that the legislation used in a city-state such as Singapore may not be effective in larger Asian countries. The chapters paint the contemporary framework within which Asian cyberactivists increasingly find themselves in - as they use the Internet, the rules of the game are also changing.

In Part 3: One Party States, the impact of the Internet in a centrally controlled economies is discussed. Drawing from the experiences in Vietnam and China, the section shows how these one party states that embraced the Internet for economic reasons are managing the political aspects. Robin van Koert's The Internet in Vietnam: party propaganda or infotainment? describes the Internet's development in Vietnam in the context of the struggle between the telecommunications lobby and conservative hard-liners within the party and state apparatus. By and large, he shows that in Vietnam, 'politics' has been successfully kept out of the Internet. ICT and the demise of propaganda: China's Internet experience is Li Xiguang's piece in which he argues that China is seeing an end to classic Communist propaganda because the tightly-controlled state media is losing its audience. New communications technologies that have been introduced for economic benefits are being harnessed by the public for the purposes of freedom of expression. Public access by way of Internet shops and chat rooms are providing

this opportunity. This is what make the Internet such a powerful too. Even in closed regimes such as Vietnam and China, there is room for cyberactivists to manouevere. It shows that in spite of the legal risks and conservative political culture, the Internet does provide a means to beat the system for those who are willing to use it.

The two papers in Part 4: Alternative Media tell the story of contrasting experiences in using the Internet as alternative mass media - one from the well-known online news provider Malaysiakini in Malaysia, the other from a Malay/Muslim community news website, Fateha.com in Singapore. Tong Yee Siong, a former journalist with the online news site discusses in Malaysiakini: threading a tightrope of political pressure and market factors the socio-political and economic contexts in which Malaysia's first online daily and other web-based publications operate. He is of the opinion that the highly professional Malaysiakini's long-term survival is essentially undermined by the difficulty of keeping the online venture economically viable rather than by political threats from the government. In contrast, Fateha.com is run by a set of volunteers to discuss vigorously Malay/Muslim issues in Chinese majority Singapore. Zulfikar Mohamad Shariff, the site's former editor in Fateha.com: challenging control over Malay/Muslim voices in Singapore puts to paper the context in which the site emerged and how the ruling People's Action Party government took steps to silence him and indirectly the site. His experiences shows that although alternative media can be deployed using the Internet with minimum costs, their operations are still vulnerable if governments take political and legal actions to cripple them. Both these examples show that cyberactivists in the Asian region face challenges both on the economic and legal fronts.

Part 5 on Civil Society assesses how different civil society groups have exploited the Internet to promote their causes and the challenges they face. Digital advocacy & the women's movement: global success, grassroots challenge by Susanna George and Luz Maria Martinez

outlines how the women's movement has used information and communications tools for organising, networking and awareness-raising. They argue that the Internet's limited penetration at the grassroots or national level, especially in the 'South', means that women's activists will have to continue to use a range of communication technologies and methodologies to bridge the gap. Prangtip Daorueng's Thai civil society and government control: a cyber struggle? explores Thai civil society's approach to media. She elaborates on the post-Thaksin changes in Thailand's political landscape that have resulted in a government clampdown on press freedom. She asks if the Internet can be an option for civil society groups to circumvent increasing media censorship in Thailand. In Pakistan, the Internet was an option for the Islamic jihadi groups. Zafarullah Khan's Cyber jihad: fighting the infidels from Pakistan looks at how the different radical groups put their views out on the Internet, prior to the world-wide clamp down on alleged "terrorist" groups. He shows that legislation and prosecution were able to very quickly deny these groups their platforms in cyberspace. These example show cyberactivists exploiting the Internet in various ways, but in all three cases the Internet is useful only up to a point.

Part 6, Diaspora Communities, analyses the use of the Internet by political groups in exile or operating outside their countries who are struggling for a separate home land or regime change. Against the backdrop of one of the world's longest and bloodiest civil wars, A virtual Eelam: democracy, Internet and Sri Lanka's Tamil struggle by Kasun Ubayasiri discusses how the Internet provided an alternative voice to the pro-Sinhala mainstream media. For the Liberation Tigers of Tamil Eelam (LTTE) and pro-liberation supporters the Internet is a more democratic vehicle allowing them to express their views. The paper identifies the reasons for, and observes the successes and flaws of, web-based pro-Eelam media and how it contributed towards LTTE's struggle for a separate homeland. The role of the Internet in the context of the Burmese struggle for democratisation is examined in Zaw Oo's

Mobilising online: the Burmese diaspora's cyber strategy against the junta. Zaw Oo highlights an array of state laws and decrees restricting public access to the Internet in Burma. On the other hand, the exile community overseas faces no such restrictions. Instead, the Internet has become the single most important medium among Burmese exiles for lobbying work and attempting to change the power balance. It is unclear how much longer such exile cyberactivist groups will have the space to operate on the Internet. Over the years, the LTTE has found it harder to operate overseas because of the legislations outlawing it in various countries, while at the time of writing exile Burmese groups in Thailand were under pressure from the Thaksin government to cease their advocacy work in Thailand or leave the country.

Part 7 on Political Parties provides an insight into how political parties are embracing the information technology. Seetha in Incompatible systems: information technology and politics in India identifies and examines the political culture in India as the main barrier in the use of information technology (IT), where the transparency offered via the Internet runs counter to a political culture that thrives on secrecy. This paper attempts to shed some light on the under-utilisation of IT in Indian politics, an irony in a country that is one of the leading software outsourcing destinations in the world. Online opposition: the Sam Rainsy party website in Cambodian politics by Men Kimseng traces the development of political party websites, particularly the leading opposition Sam Rainsy Party and how it uses its website for political leverage. He shows that the website is useful for reaching out to overseas Cambodians and pulling votes in Phnom Penh during the 2003 general elections. Eun-Jeung Lee's E-democracy@work: the 2002 presidential election in Korea looks at how the Internet has become essential in the formation of public opinion in South Korea. The openness and speed of the Internet helped to mobilise the younger generation's participation in politics and beat the conservatism of the traditional mainstream media. Lee argues that this form of Internet-based mobilisation, so significant in the development of

democracy in Korea, could be easily transferred to other countries in the region. Political parties in Asia do have the option to exploit the Internet, but presently online cyberactivism by political parties is limited.

Conclusion

Despite the differing levels of successes, various Asian cyberactivists have effectively used the Internet to 'push the envelope' of free expression in the region. As a result, the Internet has itself become a target for censorship, regulation and control. Political expressions that blossomed with the arrival of the Internet on many occasions and in many ways are being brought under legislative control. It remains to be seen if further innovations in information technology would allow cyberactivists to by-pass such legal control. Failing which, cyberactivists like other media activists still posses the option, in spite of the risks that punitive legislations pose, to use the Internet to put the word out.

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