

Examining the Causal
Relationship Between Global
Communications Technologies
and Internationally Recognized
Freedom of Speech

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**Examining the Causal Relationship Between
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Marc E. Szafran

A popular government without popular information or the means of acquiring it, is but a prologue to farce or tragedy or perhaps both.

James Madison

The Internet cannot be regulated . . . It's not that laws aren't relevant, it's that the nation state is not relevant. This is the next discussion we will have. Cyberlaw is by its nature global and we're not very good at global law.

Nicholas Negroponte

Advances in the technology of communications have proved an unambiguous threat to totalitarian regimes: Fax machines enable dissidents to bypass state-controlled print media; direct-dial telephone makes it difficult for a state to control interpersonal voice communication; and satellite broadcasting makes it possible for information-hungry residents of many closed societies to bypass state-controlled television channels.

Rupert Murdoch

Introduction

On December 10, 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights.¹ Article 19 of that declaration proclaims that: "Everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."²

¹ *Universal Declaration of Human Rights*, U.N. GAOR, Resolution 217A (III), Dec. 10, 1948 opening section states in part:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

Id.

² *Id.* at Article 19. Although read by itself, Article 19 appears to grant the unrestricted right to receive information across national boundaries, Article 19 should be read

Since the adoption of that Declaration, the emergence of global communications technologies (GCT)³ has radically altered the way societies think, interact, and express themselves.⁴ As a result of the convergence of computers, multimedia, advanced telecommunications, and interconnectivity, the political, cultural, and economic dimensions of communication -- particularly the way humans speak, gather information, and disseminate that information -- are all confronting dramatic universal changes. These changes carry with them extraordinary power: the power to dismantle traditional political orders, to reconstruct existing social systems, and to tumble or create governmental regimes. Novel communications technologies such as electronic transmission systems, fiber optic cables, and broadcast satellites have all facilitated the free availability and transfer of information at an

in conjunction with Article 29:

In the exercise of his rights and freedom, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Id. at Article 29.

³ For the purposes of this paper, global communications technologies (GCT) consist of all media transmission, communication, and information dispersion and exchange systems including, but not limited to: electronic messaging systems (i.e., the Internet), electronic data interchange systems (EDI), satellite systems, cable broadcast systems, electromagnetic broadcast systems, radio broadcast systems, facsimile machines, computer networks, telephones, teletex, video conferencing systems, televisions, and fiber optic cable technology.

⁴ *See generally* JEFFREY ABRAMSON, F. CHRISTOPHER ARTERTON, AND GARY R. ORREN, *THE ELECTRONIC COMMONWEALTH: THE IMPACT OF THE NEW MEDIA TECHNOLOGIES ON DEMOCRATIC POLITICS* 5 (1988).

unprecedented level.⁵ In doing so, these technologies have afforded individuals access to theories and ideology that can challenge (and in some instances, break down) traditional governing orthodoxies.⁶

Whether this is a positive or negative consequence, however, is relative to each

⁵ See PATRICK M. GARRY, SCRAMBLING FOR PROTECTION: THE NEW MEDIA AND THE FIRST AMENDMENT 44 (1994) stating:

Computer networks and bulletin boards are creating, in essence, electronic editorial pages on which people can register their viewpoints. Fiber optic cable, capable of transmitting electronic, voice, and video messages over the same cable, promises to bring customized news and information into the home over the telephone. News and information ordered over the telephone lines, or perhaps direct broadcasting from satellite systems will leapfrog the present cable and emerging fiber-optic technologies as a means of providing video programming and other information services.

Id.

⁶ For example, one theory goes as far as to postulate that the crumbling of the Berlin Wall and disintegration of communism were a direct result of the international broadcasting of the popular '80's television show "Dallas." See Shari Graydon Vansun, *Media mergers mean more for a few, less for the many*, VANCOUVER SUN (August 5, 1995) stating:

Shortly after the fall of the Berlin Wall, Larry Hagman made a remarkable observation. J.R. Ewing's real-life alter ego credited the international popularity of his television show, Dallas, with the destruction of communism. He claimed that weekly exposure to the lifestyles of the rich and famous had more impact on the Cold War than any of Mikhail Gorbachev's policies.

Hagman's egocentricity aside, the already frustrated citizens of Eastern Europe and the former USSR may well have been mobilized into revolutionary action by their exposure to the televised pleasures of capitalism. At the very least, Western news media played a significant role in providing residents of communist countries a diversity of opinions and a range of world views contrary to those portrayed in and by their own state-run media.

Id.

society's mores and goals.⁷ While some view this social development as a leap towards universal democracy, freedom, and an expansion of the marketplace of ideas, others view the change as a threat to stable social and political structure and rule. Thus, although an undeniable result of the proliferation of communications technologies is the rapid and expansive dissemination of information, negative repercussions still abound. Just as Huxley⁸ and Orwell⁹ predicted decades ago, those with the desire and the wherewithal, can utilize technology to create virtual police states consisting of powerful, controlling, and intrusive governmental entities. In addition, in an attempt to prevent the spread of "dangerous" or "subversive" content, certain governments may suppress the development and proliferation of technology to restrict internationally recognized free expression¹⁰ and deny access to information.

This paper seeks to examine the impact global communications technologies have on the internationally recognized right to free speech and on domestic speech policies in certain European and Asian countries. Specifically, it explores how GCTs expose the policies and attitudes that the governments of China, Singapore, Vietnam, Germany, France and Turkey

⁷ See CHARLES ESS, *INTRODUCTION: THOUGHTS ALONG THE I-WAY: PHILOSOPHY AND THE EMERGENCE OF COMPUTER-MEDIATED COMMUNICATION*, in *PHILOSOPHICAL PERSPECTIVES ON COMPUTER-MEDIATED COMMUNICATION* 1 (1996)(commenting that "enthusiasts and critics see everything promised by the rise of computer-mediated communication and its virtual communities -- from the radical expansion of democracy in a uniquely libertarian cyberspace to the enslavement of whole populations via a perfected technology of deception and surveillance.).

⁸ ALDUOS HUXLEY, *BRAVE NEW WORLD*.

⁹ GEORGE ORWELL, 1984.

¹⁰ *Supra* note 2.

harbor about the free exercise of internationally recognized freedom of speech, the spread of new technology, and the free dissemination and exchange of information. In doing so, it attempts to dismantle the unsubstantiated assumptions that underlie the growth of technology and its subsequent universally "positive" impact on society.¹¹

Part I examines the circumstances and subsequent governmental policies surrounding the proliferation of GCTs in China, Singapore, and Vietnam. Part II focuses on the same issues as Part I, but examines European policies, specifically focusing on Germany, France, and Turkey. Part III first puts forth the argument based on the preceding two sections that a strong, ongoing relationship exists between technology and basic human freedoms. It then argues, specifically, that a causal relationship exists between new GCTs and the free practice of freedom of speech.

I. Asian Domestic Speech Policies and the Spread of GCTs

Nowhere is the causal relationship between global communications technologies and domestic speech policy more striking than in Asia.¹² For many Asian countries, the paradox

¹¹ See ESS, *supra* note 7 at 2 ("[Computer mediated communication is a] technology that appears to promise everything -- from the realization of Enlightenment democracy to the demise of print, literacy, and civilization as we know it."). See also ITHIEL DE SOLA POOL, TECHNOLOGIES OF FREEDOM: ON FREE SPEECH IN AN ELECTRONIC AGE (1983).

¹² See Leslie Helm, *Asia Wary of Being Wired*, L.A. TIMES, Feb. 3, 1996, at A1 stating:

[F]ear of what the Internet makes possible runs much deeper in Asia, where traditional cultures place a high value on a strict moral and economic order. Governments stand ready to enforce those values, even when it requires the kind of heavy-handed regulation and monitoring that would, at the very least, cause an uproar in many Western countries.

of GCTs lies in the understanding that technology is the key to successfully competing in today's global economy, yet realizing that those same technologies enable individuals to gain access to theories, information, and ideas that may fall outside of the "party-line." From the point of view of a government that operates on the notion that political and social stability depend on governing rules that prevent dissent, repress "dangerous," unbridled thought and expression, and restrict the dissemination of certain information, technology is a threat.

How does a country compete in a global economy without allowing and training its citizens to become experts in the use of technology? How does that same government prevent the further spread of technology when that technology has fostered the dissemination of unwanted ideas and values and the practice of, in the view of the government, unacceptable speech? In places such as Singapore, China, Vietnam, and Hong Kong¹³ the correlation between governmental attitudes and domestic speech policies and the right of citizens to freely express themselves bring to the fore the causal relationship between global communications technologies and the policies instituted to contain and control their effects.

I.A China

The ruling Chinese Communist Party (CCP) of the People's Republic of China (PRC) is no stranger to allegations of human rights abuses. While the Chinese Constitution delineates that freedom of speech is a fundamental right enjoyed by all citizens, the CCP's

Id.

¹³ For example, in 1995, Hong Kong police raided the offices of seven Internet providers, arrested eight people, and disconnected online service to over 5,000 business and residential users because of alleged concern about "hackers."

role as governing authority responsible for the welfare of the state has been construed to take precedent over these rights. In just the past year, widespread violations of internationally accepted norms concerning basic human freedoms have been well documented against the government. The government continues to impose severe restrictions on the practice of free speech, the press, religion, and privacy.¹⁴ Citizens are forbidden from disseminating, in any form, criticisms of Party doctrine or authority figures.

In terms of policy concerning global communication technologies, over the past year China's ruling party has instituted a number of regulations that restrict the use and proliferation of technology, and subsequently, the free exercise of internationally recognized free speech. China's use of the Internet has spread rapidly over the past three years and the government has made no qualms about their attitude towards its containment. In June 1995, China's telecommunications minister publicly announced in response to the Internet's unprecedented growth in that country, that "as a sovereign state, China will exercise control on the information" [that crosses its border via the Internet . . . and that] by linking with the Internet, we do not mean the absolute freedom of information."¹⁵ In March 1996 the Chinese government issued rules that placed a moratorium on new Internet accounts and effectively granted the government the power to strictly regulate content on all electronic messaging systems.¹⁶ Among the new regulations instituted, the government now has the

¹⁴ See China Human Rights Practices 1995, U.S. DEPARTMENT OF STATE (March 1996).

¹⁵ See Robert Kimzey, Human Rights Watch, Panel: The Potential Impact of Global Computer Networks on the Protection and Evolution of Human Rights.

¹⁶ *Id.*

power to officially filter out antigovernment political matter, the dissemination of economic information, pornography, and offensive material. The government has also instituted technical means that prevent access to information from "dissident" groups abroad. Finally, all interactive networks are subject to cabinet approval and the government exercises the right to screen and keep tabs on individuals who have Internet access. Currently, users have access to information coming in from areas outside of China, but only after that information has been screened by the Hong Kong based China Internet Corporation (CIC). The CIC forbids content considered to be "smut, politics, or decadent Western culture."¹⁷

In general, the regulations are designed to restrict electronic communication in the same way the government currently restricts traditional public discourse. State Department reports suggest that the government is most fearful of the ability these technologies have to foster political dissent, antigovernment rhetoric, and social rebellion.¹⁸ The government's recent moves to initiate strict limitations on Internet access and the new ability to now sever the Chinese portion of the Net from the rest of the world (i.e., in the event of a political uprising similar to 1989's Tianamen Square riots) lend themselves to support these conclusions.

Communications regulatory controls, however, do not begin and end with the Internet; the use of satellite dishes is also strictly controlled and rules concerning sale and distribution are stringently enforced. In addition, the government exercises rigid supervision over broadcast media and penalizes the news media when certain political and social content

¹⁷ *Id.*

¹⁸ *Supra* note 15.

is not "self-censored." According to recent press reports, authorities also employ state-of-the-art technical devices to monitor and record telephone conversations and intercept and censor both domestic and international mail. The government also uses technology to jam¹⁹ Chinese radio broadcasts of the Western foreign broadcast station "Voice of America."²⁰

IB. Singapore

Like China, the Singaporean governmental attitude towards the emergence of new communications technologies and the exercise of free speech is reflected in the policies the government institutes to contain information that flows into the country via the Internet. The Singaporean government's predicament is similar to that of the Chinese: the obvious

¹⁹ See MICHIGAN YEARBOOK OF INTERNATIONAL LEGAL STUDIES, *Regulation of Transnational Communications* (1984):

Jamming involves the deliberate effort by a state to prevent a potential radio audience from hearing certain broadcasts. The jamming state transmits signals at the same frequency as the broadcast. Interference generated by jamming can be directed at either of the two components which comprise a broadcast signal: the 'skywave' or the 'groundwave.'

Skywave jamming requires powerful transmitters which are located as far from the intended audience as is the broadcaster. The jamming signal is radiated into the ionosphere, which reflects it back to earth across the path of the broadcast skywave. This technique is effective to block out broadcast signals over large areas.

Groundwave jamming requires a cluster of less powerful transmitters located in the vicinity of the intended audience. The jamming signal is radiated directly at the audience. This technique is effective for blocking out broadcast signals to urban areas.

Id.

²⁰ The Voice of America (VOA) is administered by the United States Information Agency and has been broadcasting since 1948. Its stated objectives are: "to serve as a reliable, objective source of news, to present U.S. policy, and to portray American Society." See D. ABSHIRE, *INTERNATIONAL BROADCASTING: A NEW DIMENSION OF WESTERN DIPLOMACY* 48-49 (1976)

economic benefits and social value of communications technologies are vital to the state's continued growth and development, yet those same technologies can undermine the country's value system, foster dissent, and threaten stability. Unlike the Chinese fear of the potential for GCTs to instigate social and political rebellion, however, Singapore is primarily concerned with the potential these technologies have to "undermine morality."²¹ As a result, they have taken a number of prophylactic measures to minimize that threat. In 1995 the government reported that it had searched individual Internet accounts to identify those who had downloaded pornography. In addition, it is commonplace for the government to read and censor private e-mail.

As opposed to China's hard-line policy towards electronically outspoken political critics, however, Singapore combats Internet antigovernment dialogue with an intimidating state presence on-line.²² In fact, although the government has made clear their intention to censor obscenity on the Net, they have demonstrated a different attitude toward online political criticism. Rather than censoring it, a watchdog agency, the Singapore Broadcasting Authority, has been set up to confront online political "misinformation." The committee will seek to "provide 'correct' information and rebut 'inaccurate' information"²³ by the use of a government sponsored Web site called "Singapore Infomap." This policy reflects the government's realization of the inevitability of the spread of and use of technology, and the difficulty and potential repercussions involved in trying to strictly censor it. It also reflects

²¹ *See supra* note 13.

²² *See* CAROLYN NIZZI WARMBOLD, *World's Governments Studying, Regulating Cyberspace Content*, ATLANTA JOURNAL AND CONSTITUTION'S DAILY ONLINE GUIDE (1996).

²³ *Supra* note 16.

the Singaporean uncharacteristic willingness and desire to embrace the Internet and utilize it in a constructive and positive way without dramatically impeding on the right of free discourse and exchange.

Since Singapore gained autonomy from the United Kingdom in 1959, the city-state of over 3 million has been governed by the hard-line People's Action Party (PAP). Adhering to a "tight-control" governing philosophy, the Party relies on security legislation (i.e., Internal Security Act) and the Internal Security Department (ISD) for suppressing a wide-range of behavior. The government is notorious for traditionally repressing freedom of speech and the Constitution grants broad powers to restrict any form of expression that may incite violence, threaten national security, undermine established morals, compromise national interests, or criticize governing policies.

Unlike the Internet, the PAP's fear of the impact of foreign television on the populace has caused the government to strictly regulate and, in some cases, repress the proliferation of satellite and cable technology. Satellite dishes are generally banned thereby preventing citizens from directly accessing international broadcasts. Instead, the government forces international broadcasters to sign up with and operate through Singapore CableVision, the exclusive authorized cable television provider in the country. The government happens to be that corporation's major shareholder.

In spite of the restrictive nature of many of the government's policies, however, Singapore has taken an aggressive stance towards utilizing communications technologies for the state's benefit. The government has established the "IT2000 Program" in which a broadband, country-wide, fiber-optic network is in place to offer advanced, tightly

controlled, services.²⁴ The government intends to electronically interconnect via a rigidly regulated computer network, schools, homes, government agencies, financial institutions, and offices within the next ten years. This advanced network will facilitate interactive services through personal computers and televisions, including educational programs, home banking, and shopping.²⁵ The network will also carry at least 60 cable channels, all of which will be strictly monitored for "objectionable" content. Beyond the obvious benefits this system will offer, critics fear that the People's Action Party will exploit the technology to institute even more intrusive, more controlling, and more restrictive control over its citizens.

I.C Vietnam

The Vietnamese government recently announced that its upcoming, state owned and regulated Internet service provider would monitor, and if necessary censor, all unwanted online information. Although Vietnam is eager to increase its limited Internet access, the government has voiced concern over the Net's ability to circulate anti-government information, threaten national security, and undermine cultural morality.²⁶

Vietnam Post and Telecommunications is the state's telecommunications monopoly that is being allowed to set up its own online provider to service the country. Because of the program's nascent stages, with the exception of some basic material, not much else is available concerning actual policy. Either way it seems clear that in the same way the

²⁴ See Michael Richardson, *Singapore Wary of Satellites*, INTERNATIONAL HERALD TRIBUNE (1995).

²⁵ *Id.*

²⁶

Vietnamese government controls traditional public discourse and free expression,²⁷ as GCTs continue to invade that country, the government will also restrict electronic communications and the spread of new technology.

II. European Domestic Speech Policies and the Spread of GCTs

Recent developments in Europe also demonstrate the causal relationship between global communications technologies, the unrestricted practice of free expression, and domestic speech policies. In early 1996 the European Community created a commission to examine racism and xenophobia. Its first announced task is to "take all necessary steps to prevent the Internet from becoming a vehicle for incitement to racial hatred."²⁸

In Germany a court recently forced CompuServe to cut off access to over 200 electronic newsgroups because of alleged pornographic content. In addition, state prosecutors are investigating a national telephone company for supposedly helping to distribute neo-Nazi propaganda over the Internet.²⁹ The prosecutors are also considering pressing charges against America Online for allegedly inciting racial hatred by facilitating access to articles written by Ernst Zuendel, a German, self-proclaimed Nazi living in Toronto, Canada.³⁰

²⁷ See Vietnamese Human Rights Practices 1995, U.S. DEPARTMENT OF STATE (March 1996).

²⁸ See *supra* note 21.

²⁹ See *supra* note 22.

³⁰ *Id.*

In France, after the recent posting online of a book claiming Francois Mitterand perpetrated a "state-secret" for 11 years by intentionally concealing his cancer, the minister for information sponsored an initiative to other E.C. members proposing that the European Community set up international regulations for global computer networks.³¹

Again, in examining the situation in Europe, it becomes evident that the correlation between governmental attitudes and domestic speech policies and the right of citizens to freely express themselves illustrate the causal relationship between global communications technologies and the policies instituted to contain and control their effects.

II.A Turkey

The Turkish government has traditionally restricted and controlled the practice of free speech.³² Although the Turkish Constitution provides for freedom of speech, Article 8 of the Anti-Terror Law and Article 312 of the Criminal Code are the laws most frequently employed by the government to restrict free expression. Although the press is generally allowed to criticize governmental policies and leaders, the Criminal Code delineates penalties for those who "insult the President, the Parliament, and the Army."³³ In addition, the Press

³¹ *Id.*

³² *See* Turkish Human Rights Practices 1995, U.S. DEPARTMENT OF STATE (March 1996).

³³ Recently, the Ankara Public Prosecution office brought criminal charges under Article 159 (3) of the Criminal Code against both the author of an article and the entire board of directors of the respective publishing company for a piece entitled "A Present to Emil Galip Sandalci." The article states that "those who publicly insult laws of the Turkish Republic and the decisions of the Grand National Assembly are sentenced to 15 days to 6 months in prison."

Law requires that newspapers and magazines have "responsible editors" who must bear legal responsibility for a publication's content. These laws grant prosecutors the power to halt the distribution of publications believed to be a violation of these decrees without a hearing or court order.

In terms of restrictive policies toward communication technologies and the content they carry, the harshest regulations are instituted to repress information pertaining to the Kurdish situation.³⁴ Kurdish-language cassettes and publications are suppressed by the government and citizens are wary of purchasing such materials for fear of prosecution.³⁵ Kurdish-language broadcasts are illegal and the Kurdish satellite station MED-TV has repeatedly been the victim of government suppression.³⁶

MED-TV broadcasts from London to Europe and the Middle East.³⁷ Operating since March 30, 1995 it is considered the "pioneer of satellite communication to ethnic

³⁴ *See supra* note 29, stating: "For centuries, the Kurds have resisted subjugation by other nations and struggled unsuccessfully for self-determination and independence. At the moment, Kurdish separatists are fighting for greater autonomy in southeastern Turkey and in northern Iraq."

³⁵ *See* Turkish Human Rights Practices 1995, U.S. DEPARTMENT OF STATE (March 1996).

³⁶ An interesting side note here is that the United States 1995 Department of State Report on International Human Rights hardly mentions the repression MED-TV has endured at the hands of the Turkish government. With the exception of a brief sound-byte stating: "Pro-PKK 'MED-TV' now broadcasts from England daily and can be received by satellite dish in the southeast," any other description of the broadcasting entity and its recent travails was conspicuously absent. In fact, in a gross contradiction to other international reports, newspaper and magazine articles, and various statements by civilians, the State Department described that overall, "The media [in Turkey] are generally both free and freewheeling."

³⁷ The Independent Television Commission (ITS) in Britain is responsible for regulating independent, private, satellite and cable television channels, issued MED-TV its operating license on October 14, 1994.

minorities."³⁸ Named after the original name of the Kurdish people (the Meds), the station broadcasts news, documentaries, dialogue on various Kurdish issues, and cultural programs in Kurdish and Turkey for three hours a day. The Turkish government has repeatedly attempted to silence the station and prevent its transmissions by instituting intense diplomatic and hard-line domestic pressures in both Turkey and abroad.³⁹ MED-TV alleges that the British government is succumbing to the diplomatic pressures and that the station fears being shut down.⁴⁰ Another result of Turkish diplomatic pressures has been the recent announcement by the French telecom company Eutelstat (responsible for relaying, via satellite, MED-TV's transmissions) that it will not be renewing its existing contract with the Kurdish-owned station.⁴¹

More alarming than the international diplomatic policies being instituted by the

³⁸ Edith Lederer, *Kurds Use TV For A New Revolution*, CHICAGO TRIBUNE (Sept. 23, 1995).

³⁹ *See MED-TV; MED-TV says the British authorities are seeking to close it down*, THE BRITISH BROADCASTING CORPORATION (January 5, 1996).

⁴⁰ *See Kurds; Pro-Kurdish TV says Turkey warns Britain over broadcasts*, BBC SUMMARY OF WORLD BROADCASTS (March 24, 1996), stating:

[T]he Turkish state, which has repeatedly applied to various countries to stop [MED-TV] broadcasts, discussed the matter again at the highest level. Med-TV was one of the chief items on yesterday's agenda of the National Security Council (NSC), where all the important decisions are made [I]t was learned that the NSC was briefed by the Radio-Television High Council, the Telecommunications General Directorate and Turkish Telecom officials on whether it was possible to jam Med-TV programmes in Turkey. It was also claimed during the meeting that if Britain did not stop MED-TV broadcasts, Turkey could retaliate by giving the IRA permission to broadcast

Id.

⁴¹ *See MED-TV may be forced to suspend broadcasts*, BBC SUMMARY OF WORLD BROADCASTS (March 21, 1996).

government, however, are the hard-line domestic policies currently being exercised. Over the past year, hundreds of satellite dishes have reportedly been destroyed by Turkish security forces and dozens of civilians have allegedly been tortured for simply watching broadcasts of MED-TV.⁴² One report claimed that Turkish officials smashed satellite dishes⁴³ and arrested people in a cafe in Tuniceli who were watching one of the station's first broadcasts.⁴⁴ In the only reported case of Turkish satellite censorship thus far, MED-TV transmissions were disrupted during a recent broadcast of an interview with the Kurdish rebel leader, Abdullah Ocalan.⁴⁵ Despite this uncommon occurrence, for a broadcaster, the advantage of satellite transmissions over cable broadcasting remains: satellite technology can bypass censors and beam directly to an owner of a dish almost without interruption.

In an article recently published in the Chicago Tribune, a former Kurdish rebel categorized the right to free expression and the value satellite communication holds by stating: "The Kurds would like freedom, and part of what freedom means is the freedom to talk and express your own ideas . . . Med-TV's position is we have the right to speak our own language and promote our own culture."⁴⁶

⁴² *See supra* note 29.

⁴³ This may not be as much of a problem in the future since the technology does now exist to manufacture much smaller and less visible dishes.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

III. Conclusion

Obviously, global communications and new technological development can and does benefit society at large. What, however, of the ill effects? What happens when technology is exploited in such a way that it denies, or even counteracts, the benefit it was initially created to achieve? In the same way one embraces the potential (and realized) benefits technology affords, one should be aware of the potentially inhibiting nature of this technology.

The simultaneously rapid growth of both world-wide trade and global communications technologies has posed a major dilemma for those countries in the world that are still governed by authoritative regimes. How do you encourage economic growth, and world trade, which necessitates the adoption of GCTs, without opening the gates to the flow of unwanted social and political ideas and information? It is a very difficult task that is being handled differently in various parts of the world.

In Singapore and Turkey, the emphasis appears to take the initiative in controlling information flow by coopting communication technology and forcing conformity to established standards. For Singapore particularly, having significant technical and financial resources, affords the government the capability to create an environment in which communication technology can be allowed to grow yet be tightly controlled and restrained in matters of concern to the regime, such as free speech.

China, on the other hand, is lacking in such resources and is incapable of total control of communication technology. However, it is very eager to encourage rapid economic growth in all areas. Therefore, China has adopted a policy of increasingly repressive

political and social measures that seek to discourage the general population from using communication technology as a forum for the dissemination of political ideas and information. Those who are caught using such technology for anything other than economic purposes pay an unacceptable high price, thereby effectively discouraging such "misuse" of these resources.

Over the long run however, such efforts will be fruitless, as history has shown. The hunger for new information and ideas is insatiable and the barriers that have been put into place have proven to be incapable of stemming the flow. Technological enhancements are developing too rapidly for any regime to effectively build a foolproof barrier. Thus the causal relationship between global communication technology and the evolution of social and political dynamics is most clearly evident in repressive regimes. Economic growth and growth in world trade, which is a fundamental requirement for evolving societies, necessitates the simultaneous growth of communication technology.

III.A Global Communications Technologies and The Practice of Internationally Recognized Free Speech: The Causal Relationship

The world continues to witness a phenomenon: the nexus between freedom of expression and technology. Perhaps the earliest and most significant example is the printing press. The advent of the printing press brought with it the inexpensive, rapid, mass production and dissemination of the printed word. In doing so, it facilitated the universal accessibility and distribution of intellectual, political, social, and scientific ideas and theories in an unprecedented manner. The generation and distribution of those ideas has repeatedly

been the catalyst for initiating dissent and change. Essentially, the printing press produced and packaged knowledge and, therefore, empowered individuals.⁴⁷

The idea of a causal relationship existing between technology and free expression is not exclusive to the printing press; it has been repeatedly supported by numerous historical events. The telegraph, television, computer, fax machine, and most recently, global computer networks are some of the technological advances that have created a universe in which the free access, exchange, dissemination, creation, and processing of information and ideas is not only possible but also very difficult to stop or hinder. Moreover, because of these (and other) technologies, the sheer volume of information available on any given subject is staggering.

As this paper illustrates, the current panoply of global communication technologies that have, over the last decade, insinuated themselves into everyday life, exemplify this causal relationship more comprehensively than any of its predecessors. The reason is clear: modern communication technologies embody a combination of the most useful characteristics its younger technological siblings possess. Global computer networks allow access to infinite data and commentary. They then permit the split-second transmission of that information anywhere in the world. A simple mouse click enables a user to select from myriad data on any given subject, modify it, manipulate it, condense it, print it, and then, electronically distribute it to millions of different locations at a time. The issue now becomes one of understanding how these dynamic technologies affect society and what their impact is on

⁴⁷ See FRANCIS BACON, *MEDITATIONES SACRAE* (1597) (stating that "[k]nowledge is power.>").

basic individual freedoms.

The present state of the world is one occupied by governments that suppress basic human freedoms.⁴⁸ In accepting this premise it is necessary to realize that technology is a major factor of the proposition. This follows because, first, repressive governmental regimes seeking to deny basic liberties and freedoms, skilled in the use of new technology, can more comprehensively and intrusively than ever before restrict those freedoms. Secondly, because a fundamental and necessary component of "basic human freedom," is the right to practice free speech, this right is usually the first casualty in societies where the state policy is to repress such expression. Controlling an individual's access to information and their ability to retrieve, save, print, reproduce, and distribute that information, can only be done by quashing the existence, and preventing the spread of, GCTs that promote this type of activity. Thus, because communications technologies -- in their rawest form -- are simply new mechanisms for facilitating novel manners of discourse, it follows that governments seeking to deny the practice of free speech will concentrate their efforts directly at those vehicles responsible for permitting the speech; namely, communications technologies.

Growth in global communication technology will clearly influence political and social policies. That is the reason why all of the countries mentioned here, especially the repressive regimes, put so much effort into controlling, one way or another, the proliferation and utilization of these technologies.

⁴⁸ *See generally* Human Rights Practices 1995, U.S. DEPARTMENT OF STATE (March 1996).