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UNITED STATES COMMISSION ON SECURITY AND COOPERATION IN EUROPE

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Testimony :: Hon. Benjamin L. Cardin

Co-Chairman - Commission on Security and Cooperation in Europe

Mr. Chairman, the issue under discussion today is of great importance, both for the present and the future. The Internet has played a critical role in the events we've all witnessed in the past few months in North Africa and the Middle East—it has become an enabling tool for citizens to seek redress and seek change. When governments tried to stop the protests by blocking or, most notably an alarming Internet 'shutdown' in Egypt, netizens found ways to get around the obstacles and got their message to their countrymen, and to the world.

The fundamental reasons behind the protests and the uprisings are age-old, but the incredible communication and information tools provided by the Internet to combat these problems is brand new. But there are worrying trends where we see the incredible promise of the Internet being thwarted by government intervention. It has become clear that we as citizens and as governments must work to keep these powerful tools in the hands of those who want to use it for freedom, not suppression.

So as we discuss oppression on the Internet, I also hope we can talk about the solutions—what are the best practices countries and citizens can follow to keep the Internet safe for democracy? And how do we accomplish that and also keep the Internet secure? From Wikileaks to Anonymous, hackers exposed the weak links, both human and technical, in our nation's information security web. These incidents beg the question, "how can we maximize our nation's cybersecurity without sacrificing our citizens' Internet freedom?" The reconciliation of user privacy with effective cyber-security measures is certainly an important question, but I believe they can be complementary. I introduced a bill earlier this year, the Cybersecurity and Internet Safety Standards Act, which would require our government and the private sector to work together to develop minimum safety standards for Internet users, with as few restrictions on personal freedom as possible.

Any increase in Internet regulation and security there will follow, however small, a decrease in the level of privacy, which imposes a responsibility not to abuse the public trust for its own gain on the government. As demonstrated in the former CIS countries, the government's abuse of its regulatory power for often murkily-defined security reasons often serves as a smokescreen for political repression and comes at the expense of the rights and freedoms of its citizens. We are vigilant against that here in the United States—and must remain so—but with any regulation, there is the potential for abuse of the public trust. And that is something that we have seen happen in some OSCE countries, where governments employ many tactics, both visible and covert, to stifle opposition and free speech. These range from selectively enforced, ambiguous defamation laws to collection and retention of sensitive user information and data to large-scale hacking attacks on domestic and international targets. As participating States of the OSCE, these governments pledged to uphold a higher standard of human rights. Their open neglect of these responsibilities raises serious concerns, and I look forward to discussing these with our witnesses today.

I'm particularly pleased with our panel of witnesses today, as many of them have contributed significantly to this debate by shedding light on some troubling trends, as well as providing solutions for us to follow. For example, the OSCE Representative on Freedom of the Media has made extensive recommendations on best practices through a system of transparent governance in Internet regulation. One of the ways identified is to involve competent partners from civil society in order to expand the responsibility of regulation and consolidate the diverse, high level knowledge and competence required to do so.

I'm looking forward to hearing her thoughts, and others as well, on where we stand today in the OSCE on this issue. Thank you.