

# Labour government in Britain increases state control of the Internet

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The Labour government is proposing draconian new measures on Internet usage. If implemented, the state would be given sweeping powers over what can be accessed and by whom.

Under the guise of protecting the UK's creative and digital industries, the government is steamrolling through legislation that could have far-reaching implications for individual liberties and the right to privacy, as well as freedom of the press and communication.

The most draconian aspect of the new proposals announced by Secretary of State for Business, Innovation and Skills Peter Mandelson earlier this month would give the state the ability to shut down individual Internet connections directly and arbitrarily. Mandelson's office will also be given executive power to act independently and overrule the communications regulator Ofcom. Presently only a handful of countries like China possess such powers. Similar proposals that were pushed forward in France were withdrawn when the European Union ruled them unconstitutional.

The ostensible purpose of the new plans is to speed up the government's crack-down on illegal file sharing. It argues that the planned date of 2012 for legislation is too late to reach its target of a 70 percent reduction in sharing of copyrighted material like films, television and music.

Communications Minister Stephen Timms said, "It's become clear there are widespread concerns that the plans as they stand could delay action, impacting unfairly on rights holders."

In the summer Timms replaced Lord Carter, who was responsible for the government's "Digital Britain Report" published in June 2009, which claims to provide a "strategic vision for ensuring that the UK is at the leading edge of the global digital economy."

The report was drawn up in close collaboration with vested interests in the media industry, including the private television companies BSkyB and Channel 4. Even so, they outlined a gradualist approach to persistent illegal file-sharers, starting with letters warning of prosecution, and advised against cutting off connections altogether. Only if this policy failed would Ofcom be called on to implement more technical measures. The report also won the approval of many of the Internet Service Providers (ISPs) and content providers affected by file-sharing.

Since the departure of Carter, however, some of the biggest global media corporations have called for connections to be throttled or disconnected for repeat offenders. Lobbying of government by the media industries has increased in recent years as Internet speeds have made file-sharing ever more popular. Some are calling for the government to place the bulk of responsibility and costs for restricting Internet access on the ISPs.

Mandelson's Department for Business issued a statement saying, "Since the issue of the consultation, some stakeholders have argued strongly that none of those technical measures is powerful enough to have a significant deterrent effect on infringing behaviour."

Mandelson has led the campaign to toughen the laws, even though he was a signatory to the Digital Britain report. He met last month with the Hollywood media mogul David Geffen, a vociferous opponent of illegal file-sharing. Although details of the meeting were kept secret, it is more than likely that a powerful figure like Geffen helped stiffen Mandelson's resolve to make an about face on Internet policy. It has been reported that Mandelson recently met with several other representatives of the media industries, including Lucian Grainge, the chairman of Universal Music.

His revisions have been met with hostility by the ISPs, which fear becoming Internet police and shouldering the bulk of the costs for extra staff and equipment. The largest broadband provider, TalkTalk, criticized the new proposals as a “breach of fundamental rights” and indicated that innocent victims could fall prey to the new laws, such as those with shared or insecure connections that can be easily hijacked.

A TalkTalk spokesman said, “Barely two months after the publication of largely sensible and pragmatic measures to tackle the problem Lord Mandelson has, it seems, caved in under pressure from powerful lobbyists in the content industry.”

A spokeswoman for Virgin Media was also critical, commenting that a “heavy-handed, punitive regime will simply alienate consumers.”

Even some members within the Labour Party are against the plans. The former “digital engagement” minister Tom Watson said, “Not only do the sanctions ultimately risk criminalising a large proportion of UK citizens, but they also attach an unbearable regulatory burden on an emerging technology that has the power to transform society, with no guarantees at the end that our artists and our culture will get any richer.”

So far little indication has been given as to who should bear most of the cost, with only a vague government statement that it was “minded to allocate costs so that essentially individual parties will have to bear the costs they incur as a result of these obligations.”

Many working within the Internet services have also criticised the plans as being too difficult and costly to implement. For example, it is not easy to distinguish between files that are being shared legally and illegally, or what those files contain, especially if they are encrypted. It is also relatively easy for IP addresses to be masked.

Jim Killock, the executive director of the Open Rights Group said, “Suspension of Internet access would restrict people’s fundamental right to freedom of expression. It would also fly in the face of the government’s policy of universal broadband access.”

Simon Davies, director of Privacy International, warned, “This proposal fundamentally reverses the onus of proof. It establishes systemic accusation. It is fraught with technical impossibility, it invites

circumvention and creates a major online conflict between rights holders and users. And these are fundamental rights that are being violated.”

The uneasy attitude of many of the world’s governments to the exponential growth of the Internet has been accompanied by outbursts from global media executives concerned about their profits.

In a speech delivered to the Edinburgh International Television Festival, the head of News Corporation, James Murdoch, complained that profits were being undermined by unrestricted and “state monopolized” Internet access. Several of Murdoch’s private television channels and newspapers have seen their earnings decline in recent years, as Internet usage has increased.

He singled out the state-run BBC, accusing the organization of totalitarianism and referring to George Orwell’s *1984*. It is likely that his speech was indirectly aimed at the BBC’s iPlayer, which has become hugely popular. It’s a free and reliable service that allows viewers to stream broadcasts directly via the Internet and watch programmes shown over the previous week. Murdoch predictably concluded that, “The only reliable, durable and perpetual guarantor of independence is profit.”

With the onset of the economic crisis, the broadly democratic and international nature of the Internet is being perceived by powerful sections of the financial and corporate aristocracy as a threat to their rule. These broader class issues underlie the calls for new regulatory powers. What today could be used against file-sharing, tomorrow can be turned against all those who come into conflict with the capitalist system.



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