

Abstract

The kill switch: Disconnecting the Internet

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Disconnecting the Internet, has raised some very controversial issues.

The Internet is a substantial infrastructure and fundamental part of national security and safetyⁱ. Any attempt to shut it down would potentially **wreak havoc** in constitutional rights and liberties.

In some cases, totalitarian governments limited access to Internet in order to encroach freedom of speech. In other cases, liberal nations like USA explored the possibility to delegate the President with the authority to limit or shut down the Internet (Kill switch) as an emergency measure, in case a cyber -terroristic (and potentially life threatening) attack would occurⁱⁱ. (S. 413 The Cyber security and Internet Freedom Act of 2011, S. 372 – Cyber security and Internet Safety Standards Actⁱⁱⁱ)

The legal framework of the European Union (the EU Cyber Security Strategy Commission and the Proposal for a Directive on Network and Information Security^{iv}.) attempts to achieve a high level of Cyber Security by establishing cooperation between public and private sector.

Despite the legal issues, the actual existence of a switch that could effectively disconnect Internet is very debatable. Technically, the network of providers is monumental. Although the law states that private entities should comply with security standards in case of emergency, a complete shut down would be impossible, although many countries have chosen to effectively disconnect parts of their Internet^v.

This paper will deal with the controversial and sometimes ominous right to disconnect a fundamental infrastructure^{vi}.

ⁱ Opderbeck D, Cybersecurity and Executive Power, Seton Hall University - School of Law, March 16, 2011 Seton Hall Public Law Research Paper No. 1788333 p.2-5

ⁱⁱ Opderbeck D, Cybersecurity and Executive Power, Seton Hall University - School of Law, March 16, 2011 Seton Hall Public Law Research Paper No. 1788333

ⁱⁱⁱ Center for strategic international studies , Cyber Legislation, <http://csis.org/blog/cyber-legislation>

^{iv} Proposed Directive on Network and Information Security – frequently asked questions
European Commission - MEMO/13/71 07/02/2013 http://europa.eu/rapid/press-release_MEMO-13-71_en.htm

^v Lawson S “Is America Really Building An Internet "Kill Switch", Forbes 2/11/2011, <http://www.forbes.com/sites/firewall/2011/02/11/is-america-really-building-an-internet-kill-switch/>

^{vi} Toor A, “The Internet 'Kill Switch' Bill: What It Is, and Why It Won't Die”, Switched February 1, 2011 <http://www.switched.com/2011/02/01/internet-kill-switch-bill-what-it-is-wont-die/>