

A battle for Internet freedom as UN meeting nears

June 22 2012, by RICHARD LARDNER



In this April 13, 2012, file photo United Nations Secretary-General Ban Ki-moon, center, speaks with Hamadoun Toure, Secretary-General of the International Telecommunication Union (ITU), during a photo session of the UN Chief Executive Board in Geneva, Switzerland. Secret negotiations, preparing for a first-ever summit on international telecommunications, have sparked a wave of rumors, the juiciest of which has the UN seizing control of the Internet from a coalition of nongovernmental organizations that establish web policies, standards and rules. Toure, who will be running the World Conference on International Telecommunications in Dubai this December calls the rumor “ridiculous.” (AP Photo/Keystone, Salvatore Di Nolfi)

(AP) — A year after the Internet helped fuel the Arab Spring uprisings, the role cyberspace plays in launching revolutions is being threatened by proposed changes to a United Nations telecommunications treaty that could allow countries to clamp down on the free flow of information.

For months, dozens of countries have been meeting behind closed doors to debate changes to the 24-year-old treaty. The U.S. delegation to the World Conference on International Telecommunications to be held in Dubai this December has vowed to block any proposals that could permit online censorship or undercut the Internet's current governing structure.

Yet those assurances have failed to ease fears that bureaucratic tinkering with the treaty could imperil Internet freedom and diminish its role in economic growth, according to legal experts and civil liberties advocates who have been tracking the discussions.

Russia, for example, has proposed language that requires member states to ensure the public has unrestricted access and use of international telecommunication services, "except in cases where international telecommunication services are used for the purpose of interfering in the internal affairs or undermining the sovereignty, national security, territorial integrity and public safety of other states, or to divulge information of a sensitive nature," according to a May 3 U.N. document that details the various proposals for amending the treaty.

The wording of this provision could allow a country to cite a U.N. treaty as the basis for repressing political opposition. The provision also appears to contradict Article 19 of the U.N. Universal Declaration of Human Rights, which says people shall have the right to access information "through any media and regardless of frontiers."

A senior U.N. official said Friday the amended treaty will not create any barriers to information online, but acknowledged that the Russian proposal has not yet been rejected. Any proposals that cannot be agreed to by all member states will not be included in the final document, said Hamadoun Toure, secretary-general of the International Telecommunication Union, the U.N. agency that oversees the treaty.

An amended treaty would be binding on the United States if it is ratified by the Senate. But approval is not automatic. The treaty, known formally as the International Telecommunications Regulations, is sure to be scrutinized by lawmakers wary of its potential impact.

The ITU does not operate like the U.N. Security Council, where the United States has the power to veto resolutions to which it objects. The ITU works on a consensus basis. Proposals can be stopped from serious consideration if enough countries voice their objections. More than 190 nations will attend the Dubai conference and the U.S. delegation is seeking support for its positions at the preparatory meetings that will continue until the conference convenes.

"It is important that when we have values, as we do in the area of free speech and the free flow of information, that we do everything that we can to articulate and sustain those values," Philip Verveer, deputy assistant secretary of state and U.S. coordinator for international communications and information policy, said in an interview.

The drafting and debating of proposals in preparation for the Dubai conference have taken place largely in secret. Public interest groups have criticized the process and said it runs counter to development of sound public policy. In response to calls for transparency, two research fellows at George Mason University's Mercatus Center launched the website WCITLeaks.org earlier this month as a way to make leaked documents available publicly.

The secretive nature of the talks has sparked rumors the U.N. is plotting to take control of the Internet. Toure has called the takeover rumors "ridiculous."

Independent, nongovernmental organizations including the Internet Society, the Internet Corporation for Assigned Names and Numbers, and

the Worldwide Web Consortium have for years served as the Internet's governing bodies. They handle core tasks like network and domain name administration and establish Internet policies, standards and rules based on input from the public and private sectors. This system allows the Internet to evolve organically and react rapidly to changes in technology, business practices and consumer behavior, according to open Internet advocates.

Yet for countries still grappling with how communications have been transformed by the Internet, ITU and the treaty are viewed as the best avenues for plugging themselves into the global information economy. For developing nations that don't have an effective broadband infrastructure, bureaucratic and regulatory measures can allow them to benefit financially from the Internet traffic that electronically crosses their borders.

But treaties are static instruments that often are unable to adapt and adjust to the fast pace of Internet innovation, said Sally Shipman Wentworth, senior manager for public policy at the nonprofit Internet Society. "Further, we do not believe that we should simply take the 1988 regulatory model that applied to the old telephone system and apply it to the Internet," she said.

A proposal offered by a European association of telecommunications network operators would put pressure on content providers such as Google, Facebook and Netflix to offset the costs of delivering Internet traffic to end-users. That traffic increasingly includes bandwidth-hungry video, and the proposal from the European Telecommunications Network Operators' Association essentially argues that the investment needed to expand and improve data delivery should be borne by the operators and the content providers.

Verveer called the proposal unworkable and said it would have

unintended consequences, such as blocking Harvard, MIT and other universities from putting courses online at no cost to users in places where access to education is already limited. "If it became necessary to pay in order to make these courses available, they would predictably become less available, which would be very unfortunate," he said.

Even what appear to be minor alterations to the treaty can have far-reaching consequences. A coalition of Arab states has proposed expanding the treaty's definition of telecommunications by adding the word "processing." The change, if made, would expand the treaty's reach and "essentially swallow the Internet's functions with only a tiny edit to existing rules," Robert McDowell, a Republican member of the Federal Communications Commission, said late last month at a congressional hearing.

More information: International Telecommunication Union:
www.itu.int/en/Pages/default.aspx
WCITLeaks: wcitleaks.org

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