Confusion on Internet future after UN treaty split

December 15 2012, by Rob Lever

Hamadoun Toure (C), secretary general of the International Telecommunication Union (ITU), addresses a press conference on the final day of the World Conference on International Telecommunications (WCIT-12) in Dubai on December 14, 2012. The freewheeling, unregulated Internet seemed to survive a push for new rules at the UN treaty meeting, but the collapse of talks leaves unanswered questions

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A total of 89 countries endorsed the global treaty on telecom regulations at the UN's International Telecommunication Union gathering in Dubai on Friday, but the United States and dozens of others refused to sign, saying it opened the door to regulating the Internet.

ITU chief Hamadoun Toure insisted that the treaty had nothing to do with the Internet, despite what he called "a non-binding resolution which aims at fostering the development and growth of the Internet."

"This conference was not about the Internet control or Internet governance, and indeed there are no provisions on the Internet," the ITU secretary-general told participants at the signing ceremony.

But James Lewis, who follows Internet governance at the Washington-based Center for Strategic and International Studies, said backers of the treaty distorted the facts.

"They were lying," he said. "It was totally about the Internet."

Lewis told AFP the ITU lost credibility because "they swore up and down there wouldn't be a vote, that a decision would be by consensus, and then they took a vote."

The outcome underscored a deep divide between the US and its allies, which seek to keep the Internet open and unregulated, and authoritarian regimes that want to impose controls over online use and content.

Russia, China and Saudi Arabia have been among countries seeking such changes.

Still, Lewis said the World Conference on International Telecommunication, organized by the ITU in Dubai, failed to wrest control of the Internet addressing system from the global nonprofit

group called [ICANN](#), the [Internet Corporation for Assigned Names and Numbers](#).

US ambassador Terry Kramer, head of the US delegation, attends the final day of the World Conference on International Telecommunication (WICT-12) in the Gulf emirate of Dubai on December 14, 2012. The freewheeling, unregulated Internet seemed to survive a push for new rules at a UN treaty meeting, but the collapse of talks leaves unanswered questions about the Web's future.

It remains unclear, said Lewis, whether the treaty can even become effective without a majority of the 193 ITU members endorsing it.

"The ITU has to suspend consensus rules to say this treaty is to take effect, and then it becomes an issue for the lawyers," he said, adding that

the matter could end up before the UN Security Council.

US officials, who led opposition to new Internet rules, said the document adopted in Dubai will have little immediate impact.

Countries can exercise control of online activity within their borders, but Washington and others objected to a treaty that would legitimize new Internet controls under UN auspices.

The head of the US delegation, Terry Kramer, walked out of the hall as the signing started after protesting that the treaty was "seeking to insert governmental control over Internet governance."

That position drew praise from lawmakers and activists back home.

House Cybersecurity Caucus co-chairs Jim Langevin and Michael McCaul said the treaty, if implemented, "would result in a significant setback for anyone who believes free expression is a universal right."

Google, another critic of the conference, said that many governments taking part in Dubai proved they wanted increased censorship.

"What is clear from the ITU meeting in Dubai is that many governments want to increase regulation and censorship of the Internet," a Google spokesperson said in a statement.

"We stand with the countries who refuse to sign this treaty and also with the millions of voices who have joined us to support a free and open Web."

Kieren McCarthy, general manager of the Global Internet Business Coalition, called the outcome in Dubai "a humiliating failure" for the UN agency.

"The collapse will come as a severe embarrassment to the ITU," McCarthy said in a blog post. "Efforts to bring its core telecom regulations into the Internet era had exposed the organization to modern realities that it was incapable of dealing with."

Milton Mueller, an Internet governance specialist at Syracuse University, said it's not clear if the new language is a threat to a free Internet.

"While I didn't like the resolution nor did most Internet rights advocates, I doubt if its passage would in itself be able to do much harm," he said.

But Mueller said the diplomatic efforts were complicated by concerns in some countries—mainly with "bad" human rights records—who object to US sanctions that can cut off access to certain Internet services such as those from Google.

"Weird and ironic, in that it is the pro-human rights nations that are using denial of access to Internet services as a form of policy leverage, and the anti-human rights nations that are claiming a universal right of Internet access," Mueller said.

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