

The U.N. Threat to Internet Freedom

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By Robert M. McDowell

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The FCC's move to treat broadband providers like phone company monopolies could spur international efforts to regulate the Web.

In 1988, delegates from 114 countries gathered in Melbourne, Australia, to negotiate an international treaty for the future of telecommunications regulation. Since then, representatives from nations as diverse as Ghana, China and the U.S. have reunited and agreed that the Internet—that amazing global network of networks—was different from traditional phone service, and was best kept free from international phone regulation. That could change soon.

At least 191 countries are gearing up for the next round of talks at the International Telecommunication Union (ITU) conference in Guadalajara, Mexico, in the fall. The ITU is a treaty-based organization under the auspices of the United Nations that regulates international telecom services by, for instance, administering international telephone numbers. To date, the ITU has had no jurisdiction over the Internet. But the U.S.'s own telecom regulator, the Federal Communications Commission (FCC), may spark a possible cascade of international regulation of the Web, led by the ITU. The timing couldn't be worse.

The FCC proposed in June to regulate broadband Internet access services using laws written for monopoly phone companies. Despite a four-decade bipartisan and international consensus to insulate computer-oriented communications from phone regulation, the FCC is headed toward classifying these complex 21st century technologies as "telecommunications services." This could inadvertently trigger ITU and, ultimately, U.N. jurisdiction over parts of the Internet. Unlike at the U.N. Security Council, the U.S. has no veto power at the ITU and may not be able to stop it.

This scenario is by no means far-fetched. At two meetings of the U.N.'s World Summit on the Information Society in 2003 and 2005, the U.S. found itself in the lonely position of fending off efforts by other governments to exert U.N. or other multilateral control over the Internet. ITU member states have attempted to expand their control over Internet governance, Web address registries and cybersecurity. These nations will likely be encouraged by talk of more U.S. Web regulation and are not likely to be dissuaded by the FCC promising to govern with a "light touch."

This chain reaction of international intervention could come just as Secretary of State Hillary Clinton has been promoting Internet freedom as a means of spurring the unhindered flow of information across the globe. Like free trade, free-flowing information promotes freedom itself. Conversely, countries that regulate the Internet more heavily tend to be less free.

State interference with the Web is spreading. From Iran to North Korea, Syria to Thailand, and Afghanistan to Venezuela, nearly all crackdowns are being carried out in the name of local versions of the "public interest." For instance, the Chinese government released a white paper on its Internet policy in June that included a chapter titled "Guaranteeing Citizens' Freedom of Speech on the Internet." Despite its promising title, the section states that "no organization or individual may produce, duplicate, announce or disseminate information" on the Internet that risks "subverting state power," "damaging state honor or interest," or "spreading rumors." Government regulation of the Internet can often become politically motivated.

Domestic proponents of increased Web regulation argue that new rules are needed to keep the Internet "open." The Internet has been open since it was privatized in 1994, allowing consumers to visit any website of their choice within network limitations. Since its inception, the Net has migrated further away from government control. As the result of a longstanding international consensus, it has become the greatest deregulatory success story of all time.

The best way to keep the Internet open, operating and growing is to maintain the current model. We should continue to rely on the "bottom up" nongovernmental Internet governance bodies that have a perfect record of keeping the Web working.

Changing course now could trigger an avalanche of irreversible international regulation.

Mr. McDowell is a commissioner of the Federal Communications Commission.