POLITICO

Staring down Internet freedom's foes

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On Monday, representatives from 193 countries are convening in Dubai in the United Arab Emirates, to renegotiate a treaty that could give an arm of the United Nations new powers over the Internet. Despite increased scrutiny of these talks, many countries seem more determined than ever to turn the supremely bad idea of establishing international regulation of the Net into reality. American diplomats will have to navigate a torrent of formal proposals that would curtail Internet freedom, limit consumers' choices and increase costs for all Net users. How the negotiations end will shape the future of the Net, as well as the prospects for global freedom and prosperity.

The purpose of the Dubai talks, known as the World Conference on International Telecommunications, is to re-examine a 1988 treaty that loosened rules covering telephone and computer communications. The regulatory framework adopted in 1988 took a "hands off" approach to emerging technologies, such as what later became the Internet. As a result, the Internet is now the greatest deregulatory success story of all time. For instance, in 1995, shortly after it was privatized, only 16 million people used the Net. That number has spiked to more than 2.5 billion today with upward of a half million people becoming first-time Internet users each day. If, however, some key regimes have their way, such soaring positive trend lines will flatten.

For a decade, countries such as Russia and China, plus dozens of others from Arab and African regions, have pushed with increasing intensity for the International Telecommunication Union, a treaty-based organization operating under the U.N., to expand its authority over the Internet. In fact, Russian Prime Minister Vladimir Putin candidly revealed last year in a meeting with the ITU secretary general that he has a goal to establish "international control over the Internet" through new ITU rules. Net users everywhere should take Putin and his allies quite seriously.

Months ago, chatter intensified that some countries were going to propose expanding the ITU's rules to cover many corners of the complex Internet ecosystem. Yet many of these same countries, and ITU leaders, continue to issue vehement denials of an ITU Internet power grab. In recent days, however, the truth has been revealed in irrefutable, black and white diplomatic proposals to regulate key aspects of the Net. Stranger than fiction, here are just a few of the most recent submissions:

• Changing the treaty's definitions of terms so the ITU and its member states can regulate the Internet economy like an ancient telephone monopoly;

• Eliminating anonymity for Internet consumers through new international "registration records" (in the name of "privacy") allowing government monitoring of consumers' Net

activity;

• Replacing existing nonprofit private-sector groups that keep the Net working with global government agencies that would regulate vital Web naming, numbering, addressing and identification functions that allow every Web-connected device (such as mobile phones, tablets and personal computers) to work; and

• Creating global rules so foreign phone companies or governments could charge fees to consumers' favorite websites (costs ultimately passed on to consumers), perhaps on a "per click" basis.

Increasingly, pro-regulation forces are shrouding their proposals in seemingly innocuous sales pitches, such as the need for better cybersecurity, more stable markets or ubiquitous Internet access. ITU leadership and some member states have even brazenly argued that the 1988 rules already give the ITU jurisdiction over the Net and give legitimacy to censorship. If these aggressive regulatory expansionists are conspiring today to trash long-standing international consensus to insulate the Net from regulation by conjuring limitless ITU authority where plainly none exists in current treaty text, think of how they would contort a new pact that gave them even the tiniest hook into the Internet's affairs.

If new regulatory ideas gain steam, the ensuing uncertainty is likely to inhibit Net entrepreneurs' constructive risk taking, investment and innovation because engineering and business decisions would become politicized within intergovernmental bodies. Consequently, consumer costs would rise and fewer Net-powered products and services would emerge. Furthermore, the Net could become divided between countries opting for the ITU regulatory structure versus those that choose to stick with the current hands-off approach. In addition to creating an engineering nightmare for the Net, a borderless and global network of networks, the result would be a lower-quality and more expensive Internet for everybody. Each Internet consumer in the world would suffer the effects of the ensuing confusion.

Ironically, some of the most energetic proponents of expanded ITU powers hail from the developing world, which would be hurt the most by increased costs resulting from more Net regulation. Several independent studies, including a World Bank report, show that an open and freedom-enhancing Web grows developing world economies faster than those of industrialized nations, all while giving individuals an information gateway to escape poverty and oppression. Preserving an unfettered Net is the best way to continue this positive trend. Yet whether hoping new rules would steer cash from popular websites into their treasuries or whether a new paradigm could provide insidious ways to track and crack down on political rivals, authoritarian regimes resent an unregulated Net.

Some rays of hope have crested the horizon, however. Our diplomats' efforts are fueled by a rare unwavering consensus emanating from Washington. Recently, both houses of a divided Congress unanimously passed bipartisan resolutions championing Internet freedom and directing our diplomats to oppose even the smallest expansion of ITU

authority. Our negotiators should avoid at all costs agreeing to seemingly minor, technical or harmless treaty "tweaks" that most likely would be used later to undermine Net freedom.

Slightly encouraging are a few recent statements from ITU leadership asserting that changes to the rules will emerge only if they are "agreed upon by all participants through consensus," and "[the WCIT] cannot empower governments to exercise greater regulation of the Internet." Curiously, however, ITU leaders take a giant step backward when they also claim, "there have not been any proposals calling for a change from the bottom-up multi-stakeholder model of Internet governance to an ITU-controlled model." The explicit language of several proposals on file at the ITU, as well as in official ITU documents, contradict this misleading assertion — leaving observers wringing their hands over leadership's ultimate designs.

A successful WCIT would produce a treaty that not only eschews expanded regulation of any aspect of the Internet but also commits to free markets, freedom of speech, competition and deregulation. The people of every nation, but especially tomorrow's first-time Net users in the developing world, deserve no less.

After the December WCIT, new talks commence in May. Defenders of Internet freedom should never let their guard down, for freedom's foes are patient and persistent incrementalists. To be continued …

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