
Civil Society Must Have Voice as ITU Debates the Internet

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Internet Threatened by Move to Expand Regulatory Powers of ITU

In December 2012, the International Telecommunication Union will convene a meeting of the world's governments to renegotiate the ITU's underlying treaty, the International Telecommunications Regulations (ITRs). Currently, the ITRs do not address Internet technical standards, infrastructure, or content. However, some states, notably China and Russia, are advocating for an expansion of the ITRs to include Internet regulation.

The emergence of the ITU as the primary regulatory body for the Internet would represent a sea change in Internet governance and could undermine the success of the Internet as a platform for innovation, economic growth, human development and democratic participation.

As states renegotiate the ITRs, civil society organizations and other stakeholders must urge their national governments to adopt as their negotiating position a commitment to preserve the open and decentralized system of Internet governance. A crucial first step is to ensure that the ITRs negotiation process is transparent (starting with publication of all proposals and working papers) and that there is robust opportunity for public input into the process.

CDT has issued a [report](#) [1] analyzing the threat posed by ITU entry into Internet regulation. In this Policy Post, we summarize the issues at stake.

[ITU Move to Expand Powers Threatens the Internet: Civil Society Should Have Voice in ITU Internet Debate](#) [1]

[ITU information page on the World Conference on International Telecommunications](#) [2]

Some Governments Are Pushing to Expand the ITU's Mandate to Cover the Internet

The ITU is a specialized agency of the United Nations focused on telecommunications regulation with the goal of enabling interconnection and interoperability of national communications networks. It addresses a wide range of issues pertaining to telephone and radio communication, including allocation of radio spectrum and satellite orbits and the adoption of standards for international telephone numbering resources and call-transmission tariffs. It also conducts non-regulatory programs designed to promote expanded access to information and communications technologies, especially in the global south.

The scope of the ITU's regulatory authority is delineated by the ITRs. In December 2012, the ITU will host a World Conference on International Telecommunications (WCIT12) in Dubai, United Arab Emirates, to revise the ITRs. Indeed, negotiation over the ITRs has already begun.

Several ITU Member States have been quite explicit about their desire to pull Internet regulation under the umbrella of a UN body. Last June, President Vladimir Putin stated the goal of Russia and its allies as "establishing international control over the Internet" through the ITU. And in September 2011, China, Russia, Tajikistan, and Uzbekistan submitted a proposal for an "International Code of

Conduct for Information Security” to the UN General Assembly, with the goal of establishing government-led “international norms and rules standardizing the behavior of countries concerning information and cyberspace.” India, Brazil, and South Africa have also advocated for UN-based coordination of Internet policymaking, though not the ITU specifically.

[Comments of Prime Minister Putin in meeting with ITU Secretary General on role of the ITU](#) [3]
[ITU Secretary General Hamadoun Touré opinion: Securing the future benefits of technology](#) [4]
[Proposed International Code of Conduct for Information Security](#) [5]
[Internet Society background information on WCIT and the ITRs](#) [6]
[Current International Telecommunication Regulations \(ITRs\), adopted in 1988](#) [7]

ITU Regulation Could Fundamentally Change the Way the Internet is Governed

Currently, regulation of the Internet does not fall under the ITU’s purview. Instead, the Internet has prospered in large part because of a lightweight and decentralized regulatory environment that has featured a mix of targeted government regulation, self-regulatory initiatives, and the emergence of various formal and informal multistakeholder organizations that help guide the Internet’s development. The current model is a bottom-up, decentralized, consensus-driven approach in which governments, industry, engineers, and civil society have the opportunity to participate in standards and policy development. OECD member states recently adopted a set of Internet Policymaking Principles that reaffirms the success of this model for maximizing the growth of domestic Internet industries – and the benefits to development, education, and e-government that come with increased ICT use.

In contrast, the ITU is controlled solely by governments. And in the early stages of the ITRs renegotiation process, some proposals would allow the ITU and its governments to exert unprecedented regulatory control over the Internet. Ideas that have been floated include:

- Governmental regulation of IP-traffic routing in ways that could undermine the open and decentralized network;
- Content-related proposals focused not only on spam and fraud, but also “information security” and online child protection issues, which could lead to increased content control mandates;
- Expansion of the scope of the ITRs to cover any entity that operates a telecommunications installation, potentially including private Internet networks;
- Mandatory compliance with technical standards developed by the ITU; and
- Expanding the ITRs to address issues of cybercrime and cybersecurity.

The sum of these proposals, if accepted and implemented in a top-down, treat-based system, would represent a fundamental shift in how the Internet is regulated and governed at the global level.

[OECD Communiqué on Principles for Internet Policy Making](#) [8]
[CDT blog post on the OECD principles](#) [9]
[David A. Gross & Ethan Lucarelli, "The 2012 World Conference On International Telecommunications: Another Brewing Storm Over Potential UN Regulation Of The Internet." November 2011](#) [10]
[Internet Society’s contribution to the February CWG meeting in Geneva](#) [11]

Challenges and Opportunities for Civil Society

The first hurdle in ensuring that the ITU does not unduly extend regulatory authority over the Internet is to determine what is being proposed. Currently, civil society participation in the work of the ITU is limited and the costs of membership are prohibitive for most civil society organizations – especially those from emerging markets and less-developed economies. Most working documents and ITU products are only available to members and governments, including the proposed revisions that will feed into the renegotiation process.

So the first step for civil society is to press national delegations to insist that the treaty renegotiation process is transparent and open to participation from all stakeholders. The ITU Secretary General should widen the ITU consultations to include a broader range of civil society actors as it sets the agenda for WCIT12.

In addition, civil society, industry, and other stakeholders should consider petitioning their governments to create a public process at the national level to inform their government's position at WCIT12. The new ITRs will have binding force on Member States and citizens in democratic societies must be given meaningful opportunity to debate and provide input into important matters of public policy.

Finally, civil society should urge their national governments to commit to preserve the current Internet governance framework based on open, multi-stakeholder processes.

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[6] <http://www.internetsociety.org/background-international-telecommunication-regulations>

[7] <http://www.itu.int/oth/T3F01000001>

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[10] <http://www.whoswholegal.com/news/features/article/29378/the-2012-world-conference-international-telecommunications-brewing-storm-potential-un-regulation-internet/>

[11] <http://www.internetsociety.org/February%202012%20Internet%20Society%20comment%20to%20the%20WCIT%20Preparations>

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