

A sticky WCIT and the battle for control of the internet

At the World Conference on International Telecommunications (WCIT), authoritarian governments staked worrying claims. But the US-dominated model of non-governmental internet governance brings its own problems, writes Alison Powell. Beware of the Clinton Paradox.



Is the future of the internet in shambles? A widely reported ['collapse'](#) of talks at the World Conference on International Telecommunications (WCIT) at the end of 2012 suggested that the battle lines have now been drawn for a long fight over the role of states in controlling internet access. Despite agreeing a draft preamble on 13 December 2012, a number of states pulled out of the agreement, claiming that the new treaty departed from the model of multi-stakeholder internet governance.

On the surface the conflict appears to play out simply as freedom v control, or little regulation v state regulation. On the one hand are the western democracies who seek to protect freedom of speech by insisting that states stay out of the business of regulating internet access. On the other are countries including Russia, China and Arab states, who seek to coordinate cybersecurity

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through the UN International Telecommunications Union (ITU). But according to some [observers](#) of the internet governance process, things are not so simple. Opposition to the paradigm of non-governmental control comes not only from states who wish to tightly control dissenting speech in their countries, but from governments who fear that the United States could use internet governance as a diplomatic tactic. This raises the possibility that citizens of countries under US sanction could find their internet access curtailed – whether or not they support their government's position.

To understand the roots of the opposition to non-governmental control based in only one country, and to see the future challenges for freedom of speech on the internet, we have to look at the historic role of the USA in current internet governance arrangements. ICANN, the non-profit Internet Corporation for Assigned Names and Numbers, which controls who can use which domain names, acts under contract to the US government. Although it is a 'multi-stakeholder' organization that involves participation from civil society, industry and many governments, it has been criticized for the way it appears to bend to the interests of powerful actors. For example, a [recently introduced process](#) allows governments to provide 'early warning' lists of domain names that they have concerns about registering – and the government of Australia apparently takes issue with domains that end in .sucks.

A further concern over the role of the US in internet governance has to do with what has been identified as the [Clinton Paradox](#): the way that the United States advocates for internet freedom as a core component of freedom of speech, while simultaneously curtailing internet access rights (often for its own citizens) in the name of protection from threat. These pressures affect all countries, but because many internet companies are headquartered in the US, they can sometimes have impact beyond national borders. Observers in countries under US sanctions report that they are unable to access some internet-based services: one [commenter](#) notes that when simple web tools are accessed, [messages](#) like this one appear: *“A connection has been established between your current IP address and a country sanctioned by the U.S. government.”*

Experienced observers of internet governance processes say that ITU meetings like the one last week are one of the few places that poor nations can represent their interests, and the only inter-governmental process in which they have a vote. The discussions at the WCIT and the details of the proposed treaty were complex, and those at the meetings identified several reasons for their breakdown. One was a [failure of process](#), where the WCIT conference chair abandoned the consensus model in favour of a vote. The other was the language of some of the treaty, which was seen as worryingly close to regulating 'content' on the internet and hence making it possible for governments to control content.

These two breakdowns, combined with negotiators from countries with poor human rights records arguing for a right to state control of communications, frustrated participants. So did a controversial, [non-binding resolution](#) that suggested to some that the UN should take more responsibility for regulating the internet – and for others did not go far enough.

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The result is a treaty signed by [some, but not by most](#). Most governments whose delegations included civil society participants did not sign. The most publicized statement came from US Ambassador (and tech industry insider) Terry Kramer: *"The Internet has given the world unimaginable economic and social benefit during these past 24 years. All without UN regulation. We candidly cannot support an ITU Treaty that is inconsistent with the multi-stakeholder model of Internet governance."*

The temptation is to retain the status quo. But if the supposedly multi-stakeholder ICANN privileges some interests over others, and if the concentration of power in internet governance institutions in the United States makes it possible for *"pro-internet freedom nations [to use] denial of access to internet services and infrastructure as a form of policy leverage"* - as internet governance scholar Milton Mueller says - then the breakdown should not be seen simply as a fight between the freedom-loving West and the autocratic East. Self-declared protectors of freedom of speech may have competing interests at odds with their altruism. The world needs accountable governance institutions that can transcend these conflicts of interest. The question remains: how?

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