

*Commission on Science and
Technology for Development*

*Net Neutrality and Its
Potential Impact on
Free Speech*

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INTRODUCTION

“The Commission on Science and Technology for Development (CSTD) is a subsidiary body of the Economic and Social Council (ECOSOC)”. This commission provides the General Assembly and ECOSOC with high-level advice on relevant science and technology issues. (Introduction to CSTD, 2018).

The Commission on Science and Technology for Development is addressing the topic for net neutrality and its potential impact on free speech.

Net neutrality is the principle that Internet service providers and governments should allow access to all legal content and applications despite the source, and without favoring or blocking particular products or websites. Net neutrality is most known as “open Internet” (Harris L. A., 2016). The discussion mainly revolves around defining inappropriate/appropriate managements of the internet, especially those that are focused on commercial purposes (competitive behavior), meaning trying to weaken the competition’s online approach, or for political reasons (censorship), which suppresses free speech, public communication, amongst many others for the convenience of government authorities. (CSTD secretariat, 2014).

Net neutrality has three important aspects

Technical: impact on the internet infrastructure.

The telecommunication infrastructure is mostly conformed of fibre optic-cables, telephone wires, wireless links, etc. But the internet’s most important segment is the fibre optic-cables (CSTD secretariat, 2014).

Economic: influence on internet models

Economic activities have been one of the main tools of Internet growth. The economic cluster includes e-commerce which is an old issue over the internet history. According to the WTO, e-commerce is: “the production, distribution, marketing, sale, or delivery of goods and services by electronic means” (CSTD secretariat, 2014). Furthermore, the economic cluster have some new issues such as virtual currency that started emerging recently, consumer protection and taxation (CSTD secretariat, 2014).

Human Rights: possible discrimination in the use of internet

“The same rights that people have offline must also be protected online” is the essential principle for human rights on the Internet (CSTD secretariat, 2014). This cluster is mainly conformed of freedom of expression, privacy and data protection, rights of people with disabilities and the internet, and women's rights online (CSTD secretariat, 2014).

HISTORY OF THE PROBLEM

In the late 1960s AT&T had been the “nation's communication monopolist” for a long time, and the company believed in “one system” (that it alone should control everything on or attached to the network). (Wu, T., 2017). After this, the FCC (Federal Communications Commission), which is an independent agency of the United States used to regulate communications by radio, television, satellite, wire, cable, became more interested on different types of companies called “over the top” of AT&T's nationwide network. Some examples of today's over-the-top businesses are Netflix, Google and Wikipedia. By 1970, the commission had put in place the first rules meant to protect over-the-top services from discriminatory or unfair treatment by AT&T. A major goal of these rules, known as the Computer Inquiries, was to protect the information “on” the network from the network carrying the traffic. These are considered the first Net Neutrality rules that are also applied nowadays (Wu, t. 2017).

Net Neutrality was an official term in 2003 when it was used to reflect a battle that was just beginning. This was the act of website owners placing red alerts as well as the prohibition to some customers of having a VPN (Virtual Private Network) or placing their own Wi-Fi router. That is how, in the early 2000's, the whole net neutrality movement began.

In 2004 FCC chairman Michael Powell introduced "Four Internet Freedoms" which he expects the broadband industry to preserve: freedom to access content, freedom to run applications, freedom to attach devices and freedom to obtain service plan information (Reardon, M., 2015). In 2010, the FCC adopted its Open Internet Order, which for the first time made Net neutrality rules official FCC regulation. Michael Powell had key benefits of preserving this internet freedoms, such as: preserving net freedom is preserving consumers freedom to access content, applications and devices they choose based on the service plan they choose,

making it easier for consumers to obtain access to meaningful information about the services and technical capabilities they rely on to access and use the Internet, net freedom promotes innovation to developers and service providers by giving them confidence on the applications that are designed or developed, and preserving net freedom also will serve as an important “insurance policy” against the abuse market power by broadband providers (Michael K. Powell, 2004).

In 2005, the FCC placed a fine on the Service Provide of North Carolina, Madison River telecommunications company, that was accused of deliberately blocking Internet phone traffic. Madison River has reached a deal with federal regulators to stop the controversial practice by paying \$15,000 fine to the government. Net neutrality was starting to be enforced. For more than 16 years, policy makers at the FCC and lawmakers in Congress have worked to reach a balance between protecting consumers' and innovators' access to the Internet, while also promoting investment from companies interested in building data networks and upgrading them to offer faster speeds (Reardon, M., 2015). During 2018, the Republican FCC Chairman Kevin Martin established a "Policy Statement" on Net neutrality; the policy included four important principles stating : "consumers are entitled to access the lawful Internet content of their choice, they are entitled to run applications and services of their choice, to connect their choice of legal devices that do not harm the network, and to competition among network providers, application and service providers, and content providers." (Reardon, M., 2015).

In 2013, French telecom operator *Orange*, complained that traffic from YouTube and other Google sites made up roughly 50% of total traffic on the *Orange* network. They reached a deal with Google, in which they charged Google for the traffic incurred on the *Orange* network. (Robertson, 2013). On the other hand, in 2014, the Turkish Prime Minister shut down Twitter and YouTube and threatened to ban Facebook after they exposed corruption within the government. This was during the municipal elections, as they leaked government videos that put them at risk, their solution was to shut down YouTube and Twitter during this period of time. (Rawlinson, 2014).

On 2014 president Obama urged the US government to adopt tighter regulations on broadband service to preserve "a free and open Internet." (Reardon, M., 2015). Nevertheless on 2017 the FCC freed broadband providers to block or throttle content as it is seen. (Wu, T., 2017)

CURRENT SITUATION

The Federal Communications Commission voted on December 14, 2017, to approve the Restoring Internet Freedom Act, which repeals the net neutrality rules that have been in place since 2015 (Horaczek, 2018).” In the past June 11th 2018 will be the first time in the over 15-year battle over net neutrality that the FCC will have essentially no role in preserving an open Internet and overseeing the broadband market” (Fiegerman, 2018). The FCC has chosen to replace its popular net neutrality rules with next to nothing. Instead of having rules that stop internet providers from dividing the internet up into fast and slow lanes and prioritizing their own content, the new order allows internet providers to block and prioritize content if they want to. The only real rule standing in their way is that they have to publicly disclose any of this behavior (Kastrenakes, J. 2018).

With the FCC decision, the United States (US) joins a small number of countries – Brazil, Chile, and the Netherlands – that have adopted net neutrality rules in an effort to support “a free and open” Internet and ensure continued access to any lawful content individuals choose, “without restriction or interference from ISPs” (UN news, 2015).

On December 20 2017 David Kaye - an American law professor and the U.N. Human Rights Council independent expert on freedom of expression - said he was concerned about the ramifications of a decision in the United States to roll back net neutrality, since it could lead to small and independent voices being drowned out on the web. "Net neutrality is a really, really important principle from the perspective of ensuring broad access to information by all individuals," Kaye told reporters in Geneva on the sidelines of the Internet Governance Forum on December 20, 2017. “As companies blur the lines between providing the infrastructure and the content that makes up the internet, there is increasing risk of political pressure creeping in”, Kaye said.(Miles, T., 2017). Also votings were taken into account in which tech companies such as Sonos and Netflix refused to support FCC's proposal.

Furthermore, on March of 2018 the fgh online was still in place. Senate Democrats led by Senator Ed Markey of Massachusetts introduces a solution to undo the FCC's proposal on repelling net neutrality. Obama placed over his tenure the prevention of internet service providers (ISP's) .

On June 11 of 2018, Ajit Pai, chairman of FCC, had a huge win by repealing the net neutrality rules implemented by Barack Obama in 2015. (What you need to know, 2018)

These rules prohibited internet providers from charging more from certain content or from giving preferences to certain websites or companies. After the commission voted to repeal the rules in December, public outcry was implemented, which are legal changes from state attorneys general and public interest groups. The opponents argued that the repeal would open the door for service providers to censor content online and several states have taken steps to impose the rules on a local level. (Net Neutrality Has Officially,2018).

UN ACTIONS

“The UN has not been quick to act on net neutrality. UN does not have any significant plans to change the laws, given the UN’s political position in the world. Nevertheless, the debate about net neutrality has been going on for some time and attracts the attention of the UN. “(ODUMUNC 2017 Issue Brief,2017)

David Kaye, current United Nations special rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression is in agreement with the implementation of net neutrality. “I hope the new rules may serve as a model for other governments seeking to protect or expand an open and secure Internet.” The Special Rapporteur on freedom of expression, David Kaye, explained. (UN News, 2015).

POSSIBLE SOLUTIONS

- Create a “Local loop unbundling” among big companies, requiring providers to sell access to that last bit of infrastructure; in other words “is creating the process that allows telecommunications operators to use connections from the telephone exchange to the client's facilities” (British Telecommunications, 2018). This forces big telecom companies to open up their networks to smaller, newer telecoms, allowing them to compete for customers and, in turn, driving down prices (Stewart, E. 2017).
- “Put pressure on private companies to lower prices or provide better services in an area.”

- Change the Network Neutrality principle into a law in which the Internet traffic shall be treated equally without any type of discrimination, restriction or interference, so that Internet users' freedom of speech and choice is not restricted by the preference of Internet Service Providers. Unless such restriction is strictly necessary. For example:
 - Preserve the security and integrity of the network
 - By order of a legislative or court order
- Implement a regularly monitoring and report on Internet traffic management practices and usage of this, in order to ensure Network Neutrality. Likewise ensure the provision of a sufficient quality of service and the distribution of a satisfactory level of network capacity to the Internet.

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