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**U.S. Net Neutrality Campaign Enables Foreign Governments'
Internet Control**

by

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In a coauthored essay in **Re/code** titled "**Protecting the Internet from Government Control**," Reps. Fred Upton (R-Mich.), Henry Waxman (D-Calif.), Ed Royce (R-Calif.) and Eliot Engel (D-N.Y.) argue that the United States must not hand over Internet governance to the International Telecommunications Union (ITU), controlled by 193 nations, or a similar international organization.

In no uncertain terms, the essay's authors, a foursome of committee chairs and ranking members, assert: "Handing over the reins of Internet governance to a body like the ITU would imperil the Internet at a time when its dynamism and innovation are benefitting more people around the globe than ever before." They warn that the current multi-stakeholder model for Internet governance must prevail if more countries around the world are to realize the transformative benefits of Internet connectivity.

Indeed, their conclusion could not be any more blunt:

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It is critical that, on issues of Internet governance, the ITU-member states refrain from changing the current, well-functioning system. For continued advancement of the Internet, the world must maintain multi-stakeholder governance and reject efforts to recast the ITU or any other similar intergovernmental entity as an international Internet regulator.

I applaud this strong bipartisan expression of support for maintaining the current multi-stakeholder Internet governance approach in which private-sector and civil society organizations play dominant roles. But there is a persistent campaign underway by many ITU member countries to supplant the existing system with a regime in which governments would control the Internet. As the congressmen wryly observe, many of the countries at the forefront of this campaign do not "share our nation's passion for free expression."

To say the least.

But there are a few lines buried in the essay well worth highlighting, especially in light of President Obama's recent statement explicitly asking the supposedly independent Federal Communications Commission (FCC) to adopt burdensome new net neutrality mandates by classifying Internet service providers as "telecommunications" providers under Title II of the Communications Act. Worth highlighting because, as the four congressmen state: "The ITU dates back to 1865, when it was established as the International Telegraph Union to coordinate the delivery of telegraphs among nations. Governments are the only voting members. Whether 'telegraph' or 'telecommunications,' ITU's mandate was never to cover the Internet."

Yes, that's right. What the ITU regulates, by the very terms of its operative agreement, is "telecommunications," and the agreement recognizes the right of each country to regulate telecommunications as it sees fit. So there is more than a little irony in the fact that Obama is asking the FCC to classify Internet services as regulated telecommunications services (which they are not now) and the FCC's chairman, Tom Wheeler, appears prepared to go along with the presidential direction.

I say "more than a little irony" because the Title II telecommunications designation by the FCC likely will have real-world impacts far more consequential than merely ironical. As I pointed out previously in this space, the effect of the FCC's regulation of Internet providers as telecommunications providers is likely to be just what Messrs. Upton, Waxman, Royce and Engel claim they wish to avoid — that is, the action will make it more likely that other countries will succeed in their quest to put Internet governance under government control.

In other words, despite any protestations to the contrary that may be uttered by U.S. officials, the FCC's action regulating Internet providers will speak louder than any justifications the agency may offer. Other countries, like China, Iran, Cuba and Russia, with unmistakable designs on exerting more control over Internet communications, will seize upon the FCC's new claim of regulatory authority as a justification for their own actions.

So, while I commend Reps. Upton, Waxman, Royce and Engel for their letter warning against attempts by foreign governments to take over control over the Internet, I also thank them for calling attention to the fact our own government, at President Obama's insistence, appears poised to act in a way that almost certainly will facilitate just such a control grab.

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