

Making Sense of the WCIT: It's Complicated!

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December 20, 2012

Reactions to the World Conference on International Telecommunications (WCIT) and its resulting treaty have painted a dramatic picture of a world divided into two camps fighting over the future of the Internet. The decision of many countries not to sign the treaty, or to return home without signing in order to further deliberate over its meaning, has fed the bi-polar image. Without question, the new treaty did nudge the text further in the direction of impacting privacy and free expression, and the Internet-focused Resolution from the conference makes it clear that treaty-signers envision a larger role for the ITU in global Internet policymaking moving forward. However, the debate in Dubai did not fit the Cold War-type scenario of a world divided on the question of Internet freedom that some critics have imagined. And considering all of the proposals governments brought to WCIT, the text of the treaty that was adopted could have been much worse.

As we pointed out prior to the conference, there were several proposals that would have unquestionably threatened the exercise of human rights. One would have legitimized government shutdowns of communication networks in order to preserve national security or “public order”. [Another](#) [2] would have required changes to IP routing methods in order to allow governments to more easily track communications as they travel through networks. [Others](#) [3] would have instituted charging schemes for Internet traffic traveling from network to network and prohibited national net neutrality regulations. These proposals would have threatened free expression, access to information, privacy, and Internet neutrality – all key underlying components of the open Internet. Fortunately, and through hard-fought negotiations before and during the conference in Dubai, none of these proposals made it into the final text.

What we have instead is a treaty that does not refer directly to the Internet but that does touch on some troubling areas relevant to Internet policy. Many countries that did not sign the treaty cited a new article addressing spam as a major reason for their decision not to sign. The article reads:

Member States should endeavour to take necessary measures to prevent the propagation of unsolicited bulk electronic communications and minimize its impact on international telecommunication services. Member States are encouraged to cooperate in that sense.

This measure expands the treaty's scope to cover content issues, a move that many countries rejected on the grounds that the ITU is not the right kind of entity to be making policies that implicate the content of communications. The ITU has neither the process nor the expertise to make policies in this area. Several African nations pushed this proposal in the interest of mitigating unwarranted charges that mobile phone users were incurring when receiving unwanted spam messages on their phones. This is a legitimate concern, but the provision is not nearly specific enough to ameliorate the problem at hand – the language it uses is far too vague to help governments actually minimize the cost issues associated with bulk spam. And to make matters worse, it doesn't include any discussion of the proper safeguards that must be incorporated into a spam policy in order to keep it from infringing speech and privacy rights. By the same token, the language is also too vague to be interpreted as a requirement or even a suggestion that nations institute censorship practices.

Another new article touches on security, encouraging nations to cooperate in ensuring the security of international telecommunication networks. As with the spam provision, the language of the article is far too vague to be interpreted as a requirement or even a recommendation that countries surveil users on their networks in order to maintain security. However, some countries may try to claim that the provision is support for monitoring, and it will be up to civil society advocates (along with other actors) to make it clear that this article does not justify such practices.

Of course, the act of signing a treaty lends itself to a binary interpretation – countries either sign on,

or they don't. But looking at the vague language of the articles described above, one can imagine that different countries will interpret the provisions in very different ways. Combined with the [50 pages of reservations](#) [4] and [declarations](#) [5] about the treaty text made by both signing and non-signing countries, the one thing that's clear is that the WCIT had no one unified outcome.

Many have described the outcome of the WCIT as evidence of a global split between those countries that favor openness or "Internet freedom" and those that want to control their citizens' activities online. It's clear that countries like Russia and China came to WCIT wanting a treaty that would help legitimize surveillance and censorship practices that they already undertake at home. And countries like the US and Sweden came with the goal of keeping the treaty from changing in any way that could affect the Internet.

But others - perhaps the majority of countries - came with agendas that don't quite match up with the narrative of freedom versus control that some have propagated since the WCIT. Many countries came to the WCIT wanting to solve problems with access, infrastructure, security issues related to phishing, and other challenges. And many of those who signed the treaty likely did so because it adopted measures that they had pressed for. Some may have signed the treaty with a view to maintaining a close relationship with the ITU, which conducts a very wide range of activities, including supporting the development of telecommunications infrastructure in less-developed countries, particularly in Africa. Most countries in Africa (with the notable exception of Kenya) signed the treaty, but it's dangerously reductive to conclude that a desire for greater control over the Internet was primarily - or necessarily - their motive.

When all is said and done, this treaty will not immediately change the state of Internet policy for the world in any drastic way. What it might do is help push us further in the direction of more restrictive policies, which we have seen emerging in recent years. While advocates often focus on more extreme cases like China, Belarus, Iran, or Syria, it's important to remember that nearly all the world's governments are considering ways to control the Internet. Governments from the UK to India to Peru to the US, as they address issues such as copyright infringement, pornography, and cybercrime, often go far beyond legitimate aims and pursue policies that limit user rights.

We also cannot forget the global impact that may be felt from laws and policies instituted at the national level. Limitations on expression and privacy in any country can reverberate throughout the global network, hindering access in other nations and diminishing the infinitely rich universe of ideas, creativity, and social action that the global Internet supports. Advocates seeking to preserve the open Internet should keep a careful eye on the Internet governance debates that will persist in international fora, but we must redouble our efforts to achieve human rights-respecting laws and policies at the national level. No matter where you are or what position you take at international conferences, Internet freedom begins at home.

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- [ITU](#)

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