

Special Conference on Telecommunication

Net neutrality



Research Report

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“let us sing songs of freedom together”

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Introduction

Network neutrality, a fundamental principle in the realm of internet governance, serves as a cornerstone of ensuring equal treatment of all data traversing the digital landscape. It encompasses the notion that internet service providers (ISPs) and governments must refrain from discriminating based on content, user identity, platform, application, or device. The concept of net neutrality is anchored in the belief that the internet should be an open arena, accessible to all, where information flows freely and without prejudice.

Coined by Columbia University law professor Tim Wu, net neutrality has evolved into a pivotal term within the discourse of internet public policy and regulation. It addresses a spectrum of critical aspects, ranging from safeguarding freedom of expression to fostering competition among service providers. It seeks to strike a balance between innovation, pricing structures, and the management of internet traffic.

For users, net neutrality is the linchpin that upholds access to online content and ensures transparency in the digital realm. It guarantees unfettered entry to all internet services and applications, regardless of their nature or origin. This implies that ISPs are obligated to furnish uniform levels of data access and speed to all traffic, precluding any form of preferential treatment. The stipulation further mandates that traffic directed towards a particular service or website cannot be obstructed or degraded.

In recent times, states have demonstrated a heightened concern for managing the digital content accessible to their citizenry. This inclination arises from a combination of sociocultural, economic, and geopolitical factors, leading a state to consider measures such as content restriction. The Conference is tasked with providing a legal framework for both assuring net neutrality as well as controlling the access to illicit internet content.

Definition of Key Terms

Net Neutrality:

Net neutrality refers to the principle that all data on the internet should be treated equally by internet service providers (ISPs) and governments, without discrimination based on content, user identity, platform, application, or device.

Internet Service Providers (ISPs):

These are companies that provide individuals and organizations with access to the internet. They play a crucial role in transmitting data between users and the global network.

Discriminatory Practices:

In the context of net neutrality, this refers to actions taken by ISPs that favor or hinder certain types of internet traffic, such as slowing down access to specific websites or services.

Common Carriers:

This legal term refers to entities, like public utility companies, that provide services to the general public and are regulated by the government. In the context of net neutrality, it implies that ISPs should be subject to certain regulations to prevent discrimination.

Tiered Pricing:

This refers to the practice of offering different levels of service at different price points. In the context of net neutrality, it's a point of contention as it can potentially lead to unequal access to internet services.

Opt-in Service:

This term suggests that individuals must actively choose to use a service. In the context of net neutrality, it relates to the debate over whether internet access should be considered an optional service or a public utility that's essential for all.

Fast Lanes:

This concept refers to creating a higher-speed internet lane for certain content or services, typically for a premium fee. It's a controversial idea in the net neutrality debate.

Zero Rating:

This practice allows certain websites or services to be accessed without incurring data charges. It's contentious as it can potentially lead to favoring certain sites over others.

Digital Landscape:

This term encompasses the entirety of the online environment, including websites, services, applications, and the infrastructure that enables internet access.

Bandwidth:

Bandwidth refers to the capacity of a network to transmit data. It determines how much data can be sent and received over an internet connection in a given amount of time.

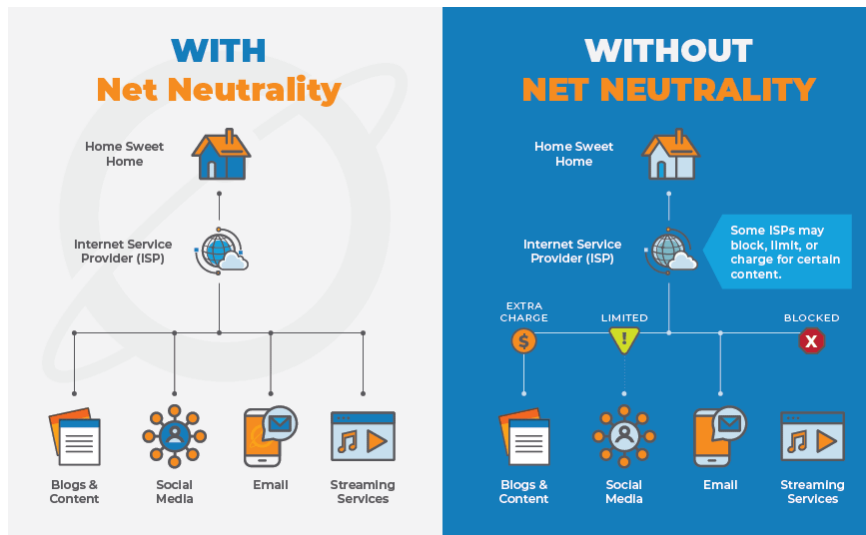
Voice-over-Internet-Protocol (VoIP) services:

Voice-over-Internet-Protocol (VoIP) services allow individuals to make voice calls over the internet rather than through traditional telephone lines. This technology converts voice into digital data packets, which are transmitted over the internet to the recipient, where they are reconverted back into audio. VoIP services offer several advantages, including cost savings, flexibility, and the ability to integrate with other digital communication tools. Popular VoIP services include Skype, Zoom, WhatsApp, and Google Meet, among others.

General Overview

The Net Neutrality Debate

The net neutrality debate encapsulates a profound clash of ideologies regarding the role of government and the market in shaping the digital landscape. At its heart lies a critical assessment of the actions of internet service providers (ISPs) and their potential impact on the accessibility and fairness of the online world.



Arguments for Net Neutrality

Advocates of net neutrality contend that it is imperative in maintaining an open and competitive digital landscape. They posit that by prohibiting ISPs from discriminatory practices as a competitive tactic such as controlling the speed at which consumers access specific websites or services, smaller businesses are more likely to enter the market and introduce innovative services.

Furthermore, advocates caution against overreach and excessive censorship by states. They argue that any measures taken to control content should be narrowly tailored to address specific concerns and should not unduly infringe on the rights of individuals to access information and express themselves.

Human rights organizations, consumer rights advocates, and software companies assert that ISPs should be classified as "common carriers," akin to public utility companies, thereby legally proscribing discrimination among their users.

Criticism of Net Neutrality

Detractors of net neutrality raise concerns that enforcing uniform treatment of internet traffic may deter investment in new infrastructure and stifle innovation among ISPs. Conservative think tanks, major telecommunication providers, and hardware companies are prominent critics of net neutrality. ISPs counter that tiered pricing allows them to remain competitive, fostering funds for further expansion and innovation in broadband networks, as well as recovering prior investments.

The debate over net neutrality encompasses broader questions about the appropriate scope of government regulation and whether internet access should be categorized as an opt-in service or a public utility.

Supporters and Opponents of Net Neutrality

Net neutrality proponents assert that an open, nondiscriminatory internet is crucial for democratic discourse, ethical business practices, fair competition, and sustained innovation. This view garners support from the public, human rights organizations, non-governmental entities like Greenpeace, consumer advocates, and numerous software and technology companies, as well as internet giants such as Netflix, Yahoo, Twitter, Microsoft, and Amazon.

Opponents, chiefly many ISPs, argue that government intervention impedes innovation and economic growth. They assert that consumers already have choices, including utilizing slower dial-up services or opting for premium broadband speeds. ISPs advocate for a two-tiered internet model, permitting them to

offer premium services at an additional cost, creating "fast lanes" for certain companies. Additionally, ISPs favor zero rating, a practice allowing select websites and services to be accessed without data charges, potentially favoring certain sites while incentivizing others to pay for priority treatment.

In summary, the net neutrality debate is a complex and nuanced dialogue about the future of the internet, the extent of government involvement, and the balance between fostering innovation and ensuring fair access to digital resources. It represents a critical juncture in the evolution of the digital age and has far-reaching implications for the way we access and interact with information online.

Major Parties Involved

The United States of America

The United States has been a focal point in the net neutrality debate due to its influential role in the global tech industry. The Federal Communications Commission (FCC) plays a crucial role in shaping net neutrality policies, and decisions made here often have ripple effects globally.

The European Union

The EU has taken a proactive stance on net neutrality. The European Parliament and the European Commission have established regulations to ensure a level playing field for internet services across member states.

India

India has a large and rapidly growing online population. The Telecom Regulatory Authority of India (TRAI) has been involved in formulating and implementing net neutrality regulations to safeguard the interests of consumers and promote fair competition. India developed some of the strictest net neutrality laws in the world.

Brazil

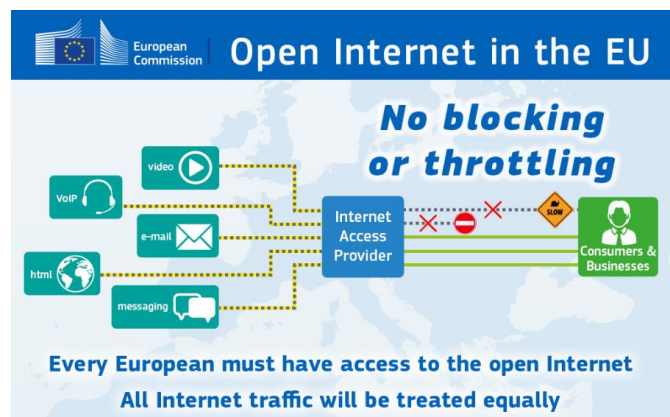
Brazil has been at the forefront of the global net neutrality movement. The country passed a law in 2014 that established principles of net neutrality and prohibited ISPs from engaging in discriminatory practices.

Chile

Chile has been an active participant in the net neutrality debate. In 2010, it became the first country in the world to enact net neutrality legislation. This law prohibits ISPs from engaging in practices like blocking, discrimination, and favoring certain content. Chile's stance on net neutrality demonstrates its commitment to ensuring an open and equal internet environment for its citizens.

Russia

Russia, as well as its allied countries, have their own approach to internet regulation, which involves control and monitoring of online activities. This differs from the net neutrality principles promoted in many Western countries.



China

China and its allied countries, have, as well as Russia, an unique approach to internet governance, characterized by a level of censorship and control. The Chinese government regulates and filters content, which contrasts starkly with the net neutrality principles advocated by other nations.

Internet Service Providers (ISPs)

These are private companies that provide individuals and businesses with access to the internet. They are crucial players in the net neutrality debate as their actions can directly impact the flow and accessibility of online content.

Internet Consumers and Users

These are the individuals, households, and businesses that rely on internet services for various activities, including communication, information retrieval, entertainment, and more. They have a vested interest in ensuring fair and equal access to online content.

Content Providers

This includes companies and individuals that create and deliver digital content, such as websites, streaming services, and online applications. Net neutrality can significantly affect their ability to reach and serve their audiences.

Timeline of Events

- 1996** The United States Congress passes the Telecommunications Act of 1996, which lays the foundation for regulating the telecommunications industry. However, it does not explicitly address net neutrality.
- 2002** The Federal Communications Commission (FCC) releases the Cable Modem Order, classifying cable modem services as "information services" rather than "telecommunications services." This decision has significant implications for future net neutrality debates.
- 2005** The FCC takes action in the Madison River Communications Case, addressing the blocking of Voice-over-Internet-Protocol (VoIP) services by an ISP. This marks one of the earliest instances of net neutrality enforcement.
- 2010** Chile passes a law prohibiting ISPs from discriminatory practices, becoming the first country in the world to enact net neutrality legislation.
- 2010** The FCC adopts its first Open Internet Order in 2010, establishing rules to prevent ISPs from blocking or discriminating against lawful content and applications. This order seeks to ensure an open and competitive internet environment.
- 2011** Verizon challenges the 2010 Open Internet Order in the Verizon v. FCC case. The U.S. Court of Appeals for the District of Columbia Circuit ultimately strikes down key elements of the order in 2014. In response to the Verizon v. FCC case, the FCC proposes new rules to protect net neutrality. This marks a significant turning point in the net neutrality debate.
- 2015** The FCC announces its decision to reclassify broadband internet as a Title II "common carrier" service under the Communications Act of 1934. This reclassification grants the FCC greater regulatory authority over ISPs.
- 2015** The FCC adopts a new Open Internet Order in 2015, enforcing strong net neutrality rules. These rules prohibit ISPs from blocking, throttling, or engaging in paid prioritization of internet traffic.
- 2015** EU Regulation on Open Internet Access: The European Union adopts regulations to ensure open internet access for all, prohibiting blocking, throttling, and paid prioritization.
- 2017** Ajit Pai becomes the Chairman of the FCC. Under his leadership, the FCC votes in favor of repealing the 2015 Open Internet Order, signaling a shift in net neutrality policy.
- 2018** The FCC, under Chairman Pai, officially repeals the 2015 Open Internet Order with the Restoring Internet Freedom Order. This decision sparks widespread controversy, with proponents of net neutrality expressing concerns about potential consequences. Several U.S. states, including California, Washington, and Oregon, respond to the FCC's repeal by passing their own state-level net neutrality laws. These laws aim to reinstate net neutrality protections at the state level.

Possible Solutions

Establishing an International Net Neutrality Framework

The proposal for an International Net Neutrality Framework suggests the creation of a globally recognized set of rules and principles regarding net neutrality. This would be accomplished through the establishment of an international framework, likely in the form of a resolution or convention. This endeavor would require active participation from member states, relevant United Nations agencies, and representatives from the internet industry.

To set this plan into motion, a working group or committee would be established within the United Nations. This body would be tasked with the responsibility of drafting and negotiating a comprehensive agreement on net neutrality principles and guidelines. This process would involve intense deliberations and negotiations to ensure that the resulting framework is inclusive, fair, and reflective of the diverse interests and perspectives of participating nations.

The benefits of such an International Net Neutrality Framework are multifaceted. First and foremost, it would provide a standardized set of rules that all member states can adopt. This would help create a level playing field, ensuring that the same basic net neutrality principles apply globally. Such uniformity is crucial for fostering an equitable global internet landscape, where all users, regardless of location, have equal access and opportunities. It would also promote a more cohesive and coordinated approach to addressing emerging challenges in the digital realm. Overall, this framework would represent a significant step towards a more inclusive and fairer internet for all.

Establishing a Multi-Stakeholder Task Force

The proposal for a Multi-Stakeholder Task Force centers on the formation of a collaborative body involving a range of stakeholders, including government representatives, industry leaders, civil society organizations, and technical experts. This task force would be tasked with collectively tackling the challenges surrounding net neutrality.

To put this plan into action, the task force would regularly convene for meetings, workshops, and consultations. These gatherings would serve as platforms for in-depth discussions on specific net neutrality issues. Areas of focus might include traffic management, zero-rating practices, and the integration of emerging technologies. Through these deliberations, the task force would work towards developing effective solutions that address the complexities of net neutrality in a comprehensive manner.

Public-Private Partnerships for Net Neutrality Enforcement

The proposal for Public-Private Partnerships for Net Neutrality Enforcement advocates for a cooperative approach between governments and private sector entities in enforcing and upholding net neutrality rules. This collaborative endeavor would leverage the unique strengths and resources of both sectors to ensure effective compliance with net neutrality regulations.

To set this plan in motion, partnerships would be formally established, creating a structured framework for cooperation. These partnerships would serve as mechanisms for pooling expertise, technologies, and financial resources from both the public and private sectors. Together, they would work jointly to monitor and enforce compliance with net neutrality rules, holding ISPs and relevant stakeholders accountable.

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