

Forum: GA 3 – Social, Humanitarian and Cultural

Issue: Addressing the issue of net neutrality in order to preserve freedom of speech and foster social participation

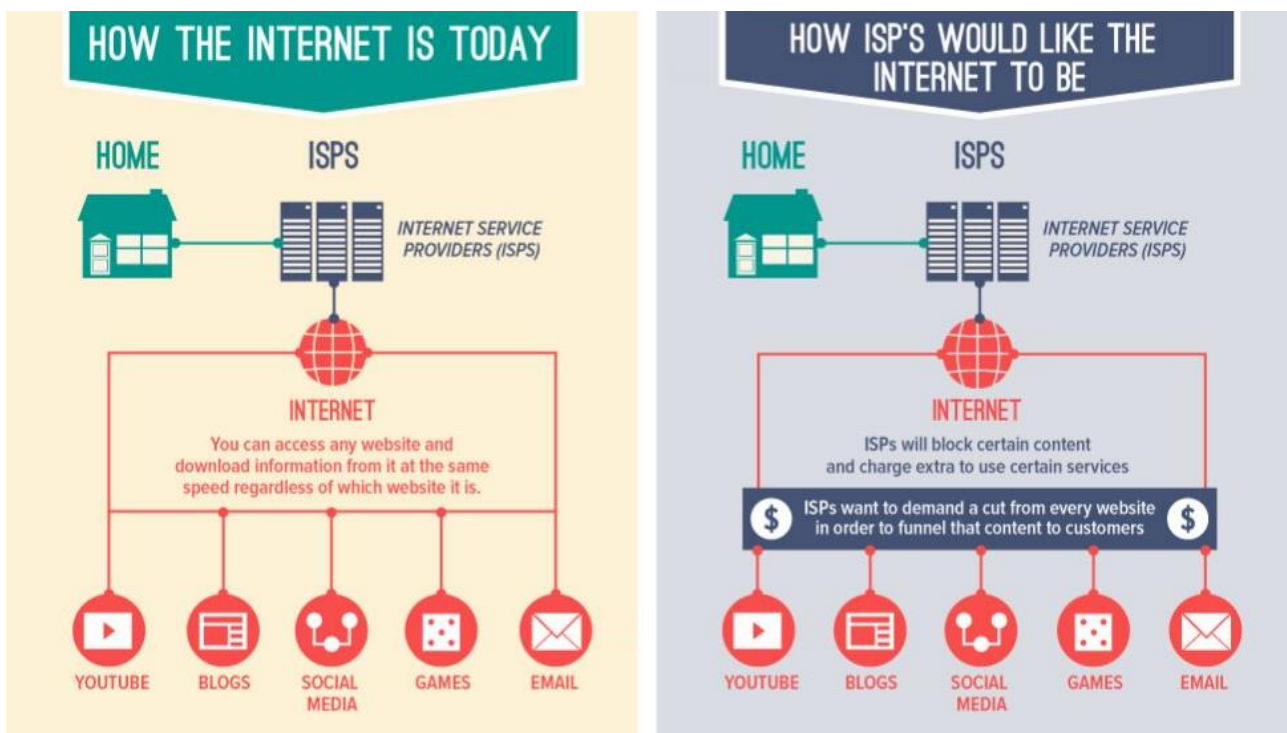
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1. Introduction

Net Neutrality is a principle affirming that all ISP (Internet Service Providers) must treat all data on the internet equally. They must not discriminate against certain services, users, content, applications or methods of communication. Under Net Neutrality regulations, an ISP is not allowed to intentionally block, slow down specific content or websites. Nor is an ISP allowed to charge additional fees for access to certain internet services.

In 2015 the FCC (Federal Communications Commission) ruled that Internet Service Providers are to be regulated as a Title II utility service providing the FCC the tools needed to enforce the net neutrality principles described above. This was in an attempt to maintain a free and open internet.



2. The Issue

Those in favor of net neutrality have a long time been arguing that the fees for internet access should be the same regardless of your intended use of the internet. Which means that whether you are using email, downloading music files or watching movies from your favorite streaming media service, your monthly fee shouldn't differ. Further, as long as you're not breaking any laws, your bandwidth shouldn't be throttled by your ISP.

The opposition mainly consists of ISPs, networking hardware companies and pro-market supporters. Their primary concern is that net neutrality stifles business growth.

They argue that the money gained from higher rates and exclusive partnership deals would open the door for much-needed investments in the country's network infrastructure. In turn, this would improve services and speeds for end consumers in the long run.

Another concern opponents of net neutrality have voiced, is that the percentage of bandwidth required to stream video and music services is disproportionately large.

3. Key Terms

3.1. FCC

The Federal Communications Commission is an independent agency of the United States government, that should regulate interstate communications by radio, television, wire, satellite, and cable. It is responsible for: broadband access, fair competition, radio frequency use, media responsibility, public safety, and homeland security. Formed by the Communications Act of 1934, it is important "to make communication possible for everyone without discrimination on the basis of race, color, religion, national origin, or sex, rapid, efficient, Nationwide, and world-wide wire and radio communication services with adequate facilities at reasonable charges".

3.2. ISP

The Internet Service Provider, short ISP is an organization that ensures the access, use and participation on the internet. They provide internet access, transit, domain name registration, web hosting, and colocation. In terms of net neutrality, they treat every data equal. Without, they would have power over the speed of delivering data and much more. Companies would have to pay a lot of money to maintain their data quality or streaming speed.

3.3. Best-effort delivery

The principle in which the network does not provide any guarantee for the quality of services for delivering data. It works with the best effort, no one can define beforehand and depends on the current traffic load. That is why it is no reliable delivery.

4. Background information

4.1. Historical background

The question of net neutrality is an ongoing issue that was first discussed in the early 90s, when the internet began to influence our world, with its much data and companies. Governments started to discuss how they could ensure that data gets treated equally, in order to protect freedom of speech, a basic human right. To make that happen, the Internet Society convened experts from the technical community, public interest groups, and academia to discuss how we can create a permanent solution for net neutrality that protects the interests of Internet users while fostering an environment that encourages investment and innovation.

4.2. Chronological order of events

Communications Act of 1934:

Federal law that established the FCC as the regulatory body for communications. The law includes several sets of rules that communications companies must follow, depending on how they are categorized.

Telecommunications Act of 1996:

The first major update to U.S. communication law since the Communications Act of 1934. The Telecommunications Act attempts to address the technologies that developed in more than 60 years between laws. The law addressed the Internet; however, it clearly did not foresee all potential issues, such as net neutrality.

Open Internet Order of 2010:

The most-recent set of net neutrality rules established by the FCC. The order attempted to ensure net neutrality by fulfilling three goals: no blocking, non-discrimination, and transparency. Much of this order's authority has since been revoked by the courts.

5. Major issues

5.1. Why is this topic controversial?

As long as net neutrality is guaranteed, no kind of internet communication gets discriminated or charged differently, based on user, content, website platform or method of communication. The controversial point starts when neutrality is not been given. The ISPs could control the speed, with which data gets delivered and smaller companies, who are not able to pay high amounts of money, can get blocked or slowed down in streaming activities. Internet Service Providers may prioritize certain types of traffic from specific services while charging consumers for various tiers of service. That means also the consumer will have several restrictions in form of higher dues or worse streaming and picture qualities.

In conclusion, without net neutrality regulations, the ISPs would have great power over every process, happening on the internet. It would restrict the freedom of speech since data would not be treated equally. The providers could prefer certain methods of communications or sort out content, they do not want to be delivered.

Internet consumers would also have detriments in the form of more expensive streaming platforms and lower quality data delivery.

5.2. Causes of the current problem

On December 14, the Federal Communications Commission (FCC) is likely to vote to repeal the 2015 Open Internet Order, which classified broadband providers as common carriers under Title II of the Communications Act. Under FCC Chairman Pai's proposal, the FCC would yield authority over broadband providers to the Federal Trade Commission (FTC).

Since the announcement of that vote, many American Internet users have been anxious that their Internet service provider may undo their commitments to provide open access to the Internet for their customers. The main problem is, that ISPs already changed their behavior.

For the Americans as well as for everybody else, who suffers from this problem, the most important needs are the free flow of information, competition in the marketplace, consumer choice, and privacy protections. They deserve a sustainable solution that will ensure they have access, choice, and transparency in the broadband market. That is why discussing this issue is of bis concern and should not be ignored.

6. Important parties involved

6.1. United States

The conflict of net neutrality has been important in the United States since the 1990s. The main problem causes the classification of the FCC and the authority of the Communications Act of 1934. The FCC has a significant ability to regulate Internet Service Providers and their work. Since Donald Trump became president, net neutrality has lost some of its meaning for the country. The FCC has reversed many previous net neutrality rulings and reclassified Internet services as Title I information services. That means that they are now categorized as subject to fewer regulations. The United States Congress has attempted to pass legislation supporting net neutrality but has failed to gain sufficient support, while individual states are trying to pass legislation overriding the FCC's decision to make net neutrality a requirement within their state.

6.2. Canada

Canada's problems with net neutrality are not that controversial, like in the USA, because of the federal regulatory structure and the supportive laws. ISPs are rather neutral, so they do not prefer some services over others.

6.3. India

In India, the debate on net neutrality is very relevant. The Indian Government approved new regulations to support net neutrality in 2018. Therefore they supposed to be the strongest regulations in the world, that guarantee free and open Internet for everyone.

In times of Indian economy rising in the world, they are expected to help the culture in terms of startups and innovation. Only some services require prioritized internet lanes and faster communications, like autonomous driving and telemedicine.

7. Previous attempts to solve the issue

On March 12, 2015, the FCC released Open Internet Order, which the Commission adopted on February 26, 2015 in a 3-2, party-line vote.

In brief, the 2015 Open Internet Order classifies broadband Internet access service (“BIAS”) as a telecommunications service under Title II of the Communications Act of 1934 (as amended), promulgates three bright-line Open Internet rules, enhances the transparency rule, adopts a forward-looking no unreasonable interference/disadvantage conduct standard, and declares that a number of provisions of Title II will apply to BIAS.

On May 16, 2018, the US Senate passed a Congressional Review Act (CRA) to overturn the FCC’s repeal of the 2015 Open Internet Order. A CRA allows Congress to review regulations issued by government agencies and overrule them with a majority vote. This vote, led by Senator Ed Markey, is a step towards reinstating the FCC’s 2015 net neutrality rules.

Here are two resolutions that have been adopted in previous years:

“Resolution Affirming ‘Network Neutrality,’” adopted June 28, 2006

<https://alair.ala.org/bitstream/handle/11213/987/06-28-06-CD20.12.pdf?sequence=1&isAllowed=y>

“Resolution Reaffirming Support for National Open Internet Policies and ‘Network Neutrality,’” adopted July 1, 2014

<https://alair.ala.org/bitstream/handle/11213/1047/07-01-14-CD20.7.pdf>

8. Possible solutions

According to the FCC, there are 3 basic rules that must be obeyed regardless of the outcome of the net neutrality fight:

1. Transparency

Internet Service Providers must maintain records and publish performance reports.

2. No “Unlawful” Blocking

The issue here is of course, what constitutes “lawful” blocking and what doesn’t.

Even the government will be under public scrutiny as to why the need has arisen to block a website. Certainly, nobody will be able to take money to block competitors including the competition for an ISP.

3. No Slowing of Internet Speeds

An ISP may not slow Internet speeds for those who are paying for High-Speed Internet. You can drive a bus through the loopholes here and it clearly needs some refining. Balancing data delivery is a critical issue for both sides.

Non-Government organizations such as the EFF, Free Press, and Creative Voice are also currently working on getting the FCC to do something about what the ISPs are doing to the consumer’s right to use the internet they paid for as freely as they should be able to. Free Press is currently trying to gain support from the people to contribute on the net neutrality policies, they want to bring the FCC a realistic idea of what people want and don’t want the ISPs to do or not do while using the internet.

Creative Voice is currently spreading the knowledge and the importance of net neutrality through their arts and media. Creative Voice is warning the public that their ISPs are managing people's networks do the ISPs can make the most profit. Creative Voice is trying to unite Internet users, by getting them more involved in the government's decision and fight against ISPs as well as to make the government enforce the law regarding net neutrality.

9. Recommended further readings (Bibliography)

- "Internet Society and all about Net Neutrality"

<https://www.internetsociety.org/tag/net-neutrality/>

- "Net neutrality terms"

<https://www.dailydot.com/layer8/net-neutrality-glossary-terms/>

- "Net Neutrality explained in plain English and what it means to you"

<https://www.komando.com/happening-now/433986/net-neutrality-explained-in-plain-english-and-what-it-means-to-you>

- "Net Neutrality matters for human rights across the globe"

<https://www.accessnow.org/net-neutrality-matters-human-rights-across-globe>