



Written by [Raven Clabough](#) on March 28, 2012

## U.S. Reps. Introduce Resolution to Bar UN Regulation of Internet

Citing a September letter from China, Russia, Tajikistan, and Uzbekistan outlining their plan to introduce a UN resolution on Internet governance, U.S. Representatives Michael McCaul (R-Texas, left) and Jim Langevin (D-R.I.) have sponsored House Concurrent Resolution 114 to prevent such an action.



According to the [Congressional Cybersecurity Caucus](#), the pair, “Co-Chairs of the House Cybersecurity Caucus, introduced legislation [Mar. 27] urging the United States Permanent Representative to the United Nations to oppose any resolution that would allow regulation of the Internet.”

McCaul and Langevin note that HCR 114 is consistent with President Obama’s policy to “preserve, enhance and increase access to an open, global Internet.” In a statement, McCaul added:

Any action taken by the United Nations to attempt to limit Americans’ right to free and open Internet content is unacceptable. The Internet’s current multi-stakeholder model has provided an unburdened environment for ideas and inventions to thrive. No single state should have control over content and information must be freely disseminated.

Likewise, Langevin asserted:

The proposals by some nations to gain international approval of policies that could result in Internet censorship would be a significant setback for anyone who believes free expression is a universal right. It must be made clear that efforts to secure the Internet against malicious hacking do not need to interfere with this freedom and the United States will oppose any attempt to blur the line between the two.

Langevin and McCaul are not the only ones concerned about the potential for a UN resolution to censor the Internet. FCC Commissioner Robert McDowell has issued repeated warnings against the United Nations’ regulation of the Internet.

The fear appears to be well-founded and has been expressed by critics from across the political spectrum. The *Huffington Post* [reports](#):

Internet freedom is in the international crosshairs of a large group of nations, including many of the world’s most undemocratic governments, seeking to give themselves control over Internet policy. Their target is the creation of new international legal rules that would allow them to legitimately impose censorship and monitor users’ online activities.

The *Post* notes that even when Internet regulation is passed for seemingly noble reasons, such as the protection of intellectual property, it can then be used for a variety of reasons beyond its original



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purpose.

Russia, China, North Korea, Iran and a number of other nondemocratic-to-tyrannical governments are pushing for an international regulation of the Internet through an agency of the United Nations: the International Telecommunication Union (ITU). They want a “cyber arms control treaty,” which would give governments the power to censor any online information they do not like as “a danger to the state.”

These authoritarian countries have pushed an agenda to censor the Internet in a variety of forums. In 2011, they suggested at the UN General Assembly that a code of conduct be introduced for the use of the Internet through international law. They also proposed the creation of a separate UN “super agency” to be responsible for managing all aspects of Internet policy.

According to a 2010 article in the *World Affairs Journal*, “If diplomats are not careful, one by-product of a push to regulate state-on-state cyber conflict could be a new effort to subject Internet activity to political scrutiny.” It also pointed to the efforts at the ITU as a telling example of this trend.

Last year, Russian Prime Minister Vladimir Putin met with the head of the ITU and declared “international control over the Internet” to be vital.

Former UN Ambassador David Gross contends that in the upcoming major ITU conference being planned by officials — the World Conference on International Telecommunications (WCIT) — countries such as China and Russia will once again attempt to expand the authority of the ITU.

The *Huffington Post* observes:

Russia, China and their partners are expected to use this conference intended to renegotiate the ITU’s telecommunications regulations to expand its mandate to regulate the Internet. To succeed, they need a majority of the 193 member states to agree. The proposals could dramatically change everything from access and affordability of the Internet to oversight by the ITU — and therefore governments — of ICANN, the IETF and other organizations responsible for elements of the Internet’s architecture. Unlike the ITU, these organizations use a multi-stakeholder approach where all voices are a part of the process of decision-making — but none control the others.

FCC Commissioner Robert McDowell pointed out in a *Wall Street Journal* editorial last month that those who support Internet freedom should be playing “offense,” not “defense,” when it comes to the Internet.

Both the House bill Stop Online Piracy Act (SOPA) and the Senate bill Protect Intellectual Property Act (PIPA) were allegedly intended to combat piracy of intellectual property; however, both measures contain dangerous provisions that would require Internet service providers to block offending sites and search engines. The result of such legislation would amount to virtual censorship.

On January 18, thousands of websites, including Reddit and Wikipedia, blacked out in protest against the two bills and posted messages urging users to oppose them as well. Millions of Americans signed the anti-SOPA/PIPA petitions that circulated throughout the Internet that day, and as a result of the massive protest, the two measures were put on hold indefinitely.

However, while the American people were focused on SOPA and PIPA, President Obama signed an [international treaty](#) that would permit foreign companies to demand that Internet service providers (ISPs) remove web content in the United States without any legal oversight and without significant attention. Entitled the Anti-Counterfeiting Trade Agreement (ACTA), the treaty was signed by the President on October 1, 2011, but it is currently a subject of discussion as the White House is



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circulating a petition demanding that Senators ratify the treaty.

What's worse is that the White House has done some maneuvering so that the treaty can be implemented without being confirmed by the Senate, as the Constitution requires. Instead, it is presenting the treaty as an "executive agreement." By doing this, the entire legislative process has now been circumvented, bypassing the required Senate approval — a concern raised by Senator Ron Wyden (D-Ore.).

"That said, even if Obama has declared ACTA an executive agreement (while those in Europe insist that it's a [binding treaty](#)), there is a very real [Constitutional question](#) here: Can it actually be an executive agreement?" asks TechDirt. "The law is clear that the only things that can be covered by executive agreements are things that involve items that are solely under the President's mandate. That is, you can't sign an executive agreement that impacts the things Congress has control over. But here's the thing: intellectual property, in Article 1, Section 8 of the Constitution, is an issue given to Congress, not the President. Thus, there's a pretty strong argument that the president legally cannot sign any intellectual property agreements as an executive agreement and, instead, must submit them to the Senate."

There are currently 26 European Union member states, in addition to the European Union, that signed the treaty at a ceremony in Tokyo on January 26. Other nations interested in signing the agreement have until May 2013 to do so.

According to Wikipedia, the Anti-Counterfeiting Trade Agreement "creates a governing body outside national institutions such as the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO) or the United Nations." The scope of the agreement includes counterfeit goods, generic medicines, and pirated copyright protected works.

However, it seems some of America's lawmakers have been awakened to the attack on the Internet and to the American people's opposition to it. Whether that will ensure that the Internet remains safe, however, remains to be seen.



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