

CONFERENCE ABSTRACT: NET NEUTRALITY ACROSS SOUTH ASIA

Context

Net neutrality can broadly be understood as the principle of non-discrimination which in practice allows the internet to be free and open by preventing service providers from slowing or interfering with the transfer of data. Net neutrality has risen as a global policy issue, yet cultural, political, commercial, and economical factors influence how net neutrality is understood and addressed in a particular context. Indeed, the factors driving the net neutrality debate, the way in which governments are addressing net neutrality, the role and response of industry, the public response, and the role of civil society has been varied across contexts. The topic of net neutrality is not limited to a technical debate and brings together a number of issues including the right to access, the right to freedom of expression, fair competition practices, and privacy.

What Net Neutrality Entails

The Internet exists as a network acting as an intermediary between providers of content and its users. Traditionally, the network did not distinguish between those who provided content and those who were recipients of this service, in fact often, the users also function as content providers. The architectural design of the Internet mandated that all content be broken down into data packets which were transmitted through nodes in the network transparently from the source machine to the destination machine. The idea was for the protocol layer to be as simple and feature free as possible such that it is only concerned with the transmission data as fast as possible ('best efforts principle') while innovations are pushed to the layers above or below it. This aspect of the Internet's architectural design which mandates that network features are implemented at the end points only (destination and source machine), i.e. at the application level, is called the 'end to end principle'. This means that the intermediate nodes do not differentiate between the data packets in any way based on source, application or any other feature and are only concerned with transmitting data as fast as possible, thus creating what has been described as a 'dumb' or neutral network.

The Net Neutrality Debate

The debate on network neutrality centers largely around the conflicting private interests of internet service providers and public interest in a competitive and innovative Internet. Governments can also have an interest in regulating certain types of data packets and regulating certain services and defining the permissible interference of service providers. Discrimination of data packets can be based on different criteria - communications protocol, IP addresses, favoring private networks; and enabled through different practices such as access-tiering, zero-rating, blocking and throttling of content. Proponents of net neutrality argue that it will prevent cable and telecommunications companies from assuming the role of gatekeepers who control the flow of data and stifle innovation by providing a preference to

content providers or customers who can afford to pay or those affiliated to the ISPs. On the other hand, opponents of net neutrality claim that it will allow ISPs to check for overuse of bandwidth by services such as video streaming and p2p file sharing, potentially leading to increased taxes, over-regulation of the Internet, and a reduction in their capacities to effectively manage their networks. Although net neutrality is often treated as a [singular/unitary/linear] aspect of technology policy, debates concerning net neutrality in fact impinge upon a wide range of highly complex issues such as data throttling, deep packet inspection, tiered Internet and the end-to-end principle.

Net Neutrality Across South Asia

In South Asia, due to limited connectivity to the Internet and growing digital divide, the debate on net neutrality assumes another dimension. The principle of net neutrality is seen in conflict with the initiatives like zero rating that may provide free and greater access to the Internet, albeit in a truncated form. Most South Asian jurisdictions do not have any regulations on net neutrality. India is in the process of formulating a policy around net neutrality and it has been a subject of widespread debate. On the other hand Singapore has developed a regulatory framework nationally establishing the principle of net neutrality while Bangladesh has no regulation and though civil society actors have called for regulations that govern net neutrality, no steps towards formulating regulations have been taken by the government as yet. In the last year, there has been a great deal of discussion around net neutrality in India fueled largely by Airtel Zero plan and the discussion paper on OTT released by the Telecom Regulatory Authority of India (TRAI). The online campaign in favor of Network Neutrality was led by savetheinternet.in in India. The campaign was a spectacular success and facilitated sending of over a million emails supporting the cause of network neutrality. Following this, a report on network neutrality by the Department of Telecommunications characterised zero rating programmes as 'walled gardens' of the Internet and violative of the principle of net neutrality. A final decision on this issue is yet to be taken by the Telecom Ministry. Similarly, the Ministry of Information Technology in Pakistan has circulated a draft regulations that touch upon issues of net neutrality and allow for zero rating programmes.

Conference Objectives and Questions

This conference seeks to bring together domain experts, industry, government, and civil society across South Asia to understand how net neutrality is understood in different contexts, how it is being addressed from a policy point of view, what the varying public dialogues around net neutrality are, and what role civil society can play in influencing the debate. Towards this the conference will seek to address the following topics and questions:

PANEL 1- NET NEUTRALITY: THE STATE OF THE DEBATE

Public response to Net Neutrality: What has been the response from civil society and the public to the net neutrality debate in different contexts across South Asia? Do considerations of net neutrality suffer from 'echo chamber syndrome', without taking into account perspectives of users – for example those who might be prevented by zero-rating bans from using the internet at all? How have cultural and social contexts in different South Asian countries affected the public response to net neutrality? What have been different research initiatives into net neutrality across different contexts across South Asia? What are new forms of research that can be undertaken?

PANEL 2- COMMERCIAL ASPECTS OF NET NEUTRALITY:

What has been the response of industry to the net neutrality debate? What are the initiatives which may circumvent net neutrality and zero-rating principles, and do the advantages of such approaches (for example in the right to access context) balance the threat they present to an open internet? To what extent should universal access to content be pursued, through concepts like app neutrality, in conjunction with net neutrality?

PANEL 3- REGULATORY FRAMEWORKS FOR NET NEUTRALITY:

What is the legal debate around net neutrality across South Asia? From a regulatory perspective, what steps are governments across South Asia taking in developing frameworks and policy around net neutrality? What role has industry, the public, and civil society played in the development of this policy? Have these approaches been effective? How can they be improved?