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## Internet Governance: A Bits and Atoms Story

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### Reflections on WSIS

I attended the World Summit on the Information Society by special invitation, which included the request to be as helpful and supportive as possible to our Swiss hosts. That in turn, included the request that I chair a closed-session round table (it was literally a round table of 10 people) on the topic of Internet Governance.<sup>1</sup> Based on my belief that innovation can come from not knowing too much about a subject, I was delighted to do so. By contrast, I do know something about telecommunications and have been using the Internet and its predecessors so long that there was a period in the beginning when I knew everybody on it. So I did not feel like a beginner by any means. I came prepared as somebody living in three countries, carrying two passports, spending over 25% of the year in developing countries. Furthermore, I do not have a nationalistic bone in my body.

More background: The worst telecommunications on this planet is also the most expensive. Moreover, the countries in most need of it for development are the same ones that tax it like tobacco and alcohol or, worse, make voice-over IP illegal. And, believe it or not, the scarcity of spectrum is the consequence of regulation, not physics, technology, or manufacturing.

With this anomalous backdrop, I arrived at WSIS to hear a lot of whining about the allocation of address space for domains. More than once, it was pointed out that MIT has 1/255 of all space, which is more than most countries. This is a strange fight because IPv6 changes all this, by generously expanding the available address space, and it is already running in some places. There had to be another agenda.

In fact, a great deal of that agenda, the complaints about IP address space allocation included, reduced to an often justifiable anti-Americanism. But of all the areas where the United States has not

1. The nine others were: Rapporteur: Ayisi Makatiani, CEO, Gallium Capital Partners, Kenya; Pascal Couchepin, President of the Swiss Confederation; Anriette Esterhuysen, Executive Director, Association for Progressive Communications, South Africa; Paul Twomey, President, Internet Corporation for Assigned Names and Numbers (ICANN), USA; Andre Kudelski, President and CEO, Kudelski Group, Switzerland; Bertrand de la Chapelle, Co-Convener, Open WSIS Initiative, France; Talal Abu-Ghazaleh, Chairman, Talal Abu-Ghazaleh International & Co., Egypt; Tim Berners-Lee, World Wide Web Consortium, USA; Esther Dyson, Chairman, EDventure Holdings, USA.

## FORUM

gone wrong, the Internet has to be one of them. In fact, the U.S. government is distancing itself as fast as possible from the Internet Corporation for Assigned Names and Numbers (ICANN). And a group like the Internet Engineering Task Force (IETF) is one of the few examples of global governance working internationally and from the bottom up (albeit criticizable for moving too slowly).

To add complexity to the situation, while on the one hand, the Internet was being criticized for being too U.S.-centric and U.S. controlled, it simultaneously was seen by some as the Wild West, totally libertarian, enjoying no constraints or oversight at all. It is a cesspool of spam and pornography, unsafe for kids, unusable for voting, and a bastion for hate mongers and terrorist groups. It seemingly has an immune deficiency, so it is time to protect it by law.

In summary, the agenda for many was that the United States must have *less* control while simultaneously the world must somehow gain *greater* control of the Net. So what is really up?

### **Governance Without Governance**

What this meant to almost all the attendees of WSIS was: put the Internet into the UN. (Given that this was a UN meeting under the patronage of the Secretary General and organized by the ITU—the one UN agency with the most to gain or lose on this question—certainly helps account for the popularity of this argument.) I will not say UN oversight is bad, but maybe there is a better idea. Here is why.

The Internet is more like nature than any technology we have yet seen. I constantly have to remind people that while ducks fly in a V-formation, the lead duck is not president, prime minister, or team captain. The organization comes from each duck following simple rules. And while these ducks might help us understand the Internet, the analogy does little for our understanding of the UN, which is well known for its top-down control and bureaucracy.

Furthermore, all governments, including multi-lateral institutions, at the moment are geopolitical. Surely the Internet need not be. Here's the rub. Governance (which in itself need not be geo-political) is meaningless without enforcement. And enforcement is per force geopolitical.<sup>2</sup> It is meaningless unless there is physical recourse. You have to be touchable. Welcome to the world of atoms.

In summary, the Internet is organic and virtual while the UN is bureaucratic and geopolitical. The Internet has no clear boundaries, no inside or outside, no center or periphery. It is diverse and mixed, more like an omelet than a fried egg.

### **Beginning of an Idea**

I am going to violate every law of academic publishing that says one should present only well-tested, thoroughly vetted, and widely discussed ideas. Instead, I will present a simple untested one, that is (so far) the only solution I see, though I know there are many more.

In short: declare the Internet to be a nation, one to which everybody belongs. Everybody has dual citizenship, nobody is excluded.

The easy part is to imagine non-geopolitical groupings, networks of interest, collective expertise, and interconnected jurisdictions. Most people share basic beliefs in right and wrong, much more than we are commonly told. The minority of people who deviate are just that: a minority (not necessarily deviant).

The harder part is how to make unpopular decisions (if there are any) and what happens when this new nation conflicts with the ones with which it's coplanar (the current states). No answers, but I urge innovative thought.

The Internet's global nation is by definition not geopolitical. Furthermore it is, by all practical considerations of implementation, virtual; how else would such an entity be realized if not via technologies of the global Information Society? Thus, it answers the concerns I have with the UN as the Internet's governor. Luckily, however, there is no need to sideline the UN: after all why shouldn't this Internet nation be a member state of the United Nations? ■

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2. *Something that feels like more than coincidence is that we can use the occasion to redefine the role of Interpol, who happens already to have the right name.*