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Article

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SHOULD THE INTERNET BE REGULATED?

PRO: WHY THE INTERNET SHOULD BE REGULATED

ROBERT SHAW*

Should the Internet be regulated? The question is now thankfully moot. The politically correct era when cyber-libertarians believed that no government bodies, whether national or international, should play a role in regulating cyberspace are forever gone. We've also now passed the high water mark of the officious (and somewhat bizarre) belief that government was unsuitable for governing the Net.

The ongoing abandonment of anti-governmentalism is not due to meddlesome bureaucrats anxious to regulate the net. It's because the Internet has simply become far too mainstream to be treated any different from the rest of society and the economy. Over the coming years, large sums of money will continue to be generated by the Internet, directly in the purchase of hardware, software and services and, more importantly, indirectly as the Internet becomes an important platform for electronic commerce. If policy-makers still believe in principles related to non-discrimination, universal access, fair and open competition, intellectual property rights and personal data protection, then they should ensure that they are applied to the Internet in the same way that they would be applied to other sectors.

One mistake is that western cyber-libertarians have been deeply naive of the vast differences in the world as to how nations and cultures perceive government. They made the all too common mistake of automatically mapping their culture's dis-

illusionment with government onto others. The idea that the modern state and its role in protecting the public interest would disappear or that the private sector could step into this role was amazingly western and naive.

David Post correctly points out the Internet regulatory conundrum. Can national approaches to regulation work in a medium that seems so global? Who will regulate this new space? The answer is not clear but one thing is evident: the Internet is losing its US-centricity whether infrastructurally, culturally or politically as more of the world goes online. In doing so, the Net will slowly begin to better reflect the great differences in the modes of thought and feeling of different races of people. As Elihu Root, the 1912 Nobel Peace Prize Laureate, said "Thousands of years of differing usages under different conditions forming different customs and special traditions have given to each separate race its own body of preconceived ideas, its own ways of looking at life and human conduct, its own views of what is natural and proper and desirable". The Internet, the ultimate public network, will need to adapt to this tapestry of values. And that's a good thing.

* International Telecommunication Union.

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