

Basic Considerations on the Governance of Cyberspace

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1. On the occasion of the inaugural meeting of the Internet Governance Forum in Athens, 30 October - 2 November 2006, we present this paper with the intention to highlight some opportunities and dilemmas that arise from the meta-physical condition of cyberspace.
2. According to our understanding, cyberspace has evolved to a point where it is not advisable to continue to engage only in questions of specific practical regulation. Instead, it is prudent to develop a paramount normative constitutional declaration, embracing human rights and transposing them to the special conditions of cyberspace.
3. These special conditions of cyberspace include the following:
 - a. Non-Scarcity - Digital content can be reproduced and copied at virtually no costs. Therefore the traditional concept of property does not resonate in cyberspace; there are no spatial, nor resource limitations. Hence, it is necessary to discuss and define property conditions for cyberspace, in particular addressing support for innovative business models and modes of production.
 - b. Spatial aspects - The internet is a non hierarchical n-dimensional structure and the ability to act through a distance without any hindrance turns national frontiers meaningless. The internet is the first working experiment of international communities which, in principle, do not have to take national borders as such into account.
 - c. Privacy - In normal space, privacy and anonymity towards state and corporate bodies are regularly granted and can only be lifted by considerable technical means or direct intervention. The situation is reversed in cyberspace. To go unnoticed on the internet makes special efforts necessary. This reversal situation provides the main reason for the necessity of a specific code of rules in internet in order to protect the right to privacy and anonymity and therefore allowing for the basis of democratic expression and participation.
 - d. Language & Cultural Diversity - The Internet has the capacity to give us the gift of language and cultural diversity. Technologies such as Unicode allow us to write in almost any human language. The facility by which one can become an emitter and editor of content, provides the ability to facilitate the access to all sorts of cultural minorities. The main barriers to activate this richness are (1) difficulty of access (due mainly to economic reasons) and (2) educational (not knowing how to exploit the net's potential).
 - e. Hybrid-Space - Internet is neither a space apart from reality with its own laws (as the first cyber-rights activists wanted to believe), nor is it a simple technical commodity allowing us, for example, to buy plane tickets or books on-line (as e-business sees it). It is both: a meta-physical space rooted in the collective reality constructed by humanity and an infinite space where there is plenty of room for meta-physical experiment next to down-to-earth commerce. Therefore there is need for rules regulating the possibilities that are basically different than in "real space" as well as its political, cultural and social interactions with the "real world".
4. Based especially on the last aspect, we highlight the qualitative dimension and potential of cyberspace: The world is fundamentally characterised through differentiation and contrasts, for example void – existence, male – female, etc. The perfect binary base of cyberspace is in alignment with the dominant mechanistic, efficiency focused, quantitative paradigm, but there is a human, a qualitative space created on top of that.

5. Just like the "real world" is much more than functional rationality and effective instrumentality, cyberspace is and should be a sphere of human action meant to enable a better life for all of humanity.
6. Cyberspace is a real and a qualitative space. As cultural and human space it can serve to develop identity and social capital. Through collective and discursive action it can be a powerful medium to develop personal meaning and significance in human life, transgressing borders and creating better understanding of each other.
7. It is important to remember that the internet's properties are not "natural" but designed by humans and embedded in technical code and infrastructure. Therefore, it is important to analyse the dependence of the internet's code and those properties, to find out which properties make sense from a humanist constitutional declaration and which do not. Then we need to change those properties which do not fit and create both legal and technological systems to protect the properties that make sense.
8. We urge all stakeholders to engage in reflection and discourse about the meta-physical and ethical dimension and conditions in cyberspace in order to give the cosmopolis of cyberspace a just social contract.

*All comments regarding this paper are welcome and will be given due consideration.
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