

Building ‘multi-stakeholder’ consensus: The case of internet governance

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Many international organisations have interests in internet governance and lay claim to primacy in decision-making on associated matters. Moreover, all too often there is little co-ordination between such organisations, resulting in similar conversations being held in different forums with little real action resulting. One of the most interesting features of this nexus is the way in which most of the bodies involved have in recent years come to use the term multi-stakeholder to refer to their constituencies and thus their legitimacy. Yet, they all define the term in different ways, reflecting their own particular interests, and few reflect a rigorous understanding of the complexities associated with the terminology or the considerable literature that exists on implementing effective multi-stakeholder partnerships in practice.

Most of the major international bodies working in the field of information and communication technologies (ICTs) and the internet use the term multi-stakeholderism to refer to the involvement of multiple stakeholders, usually including representation from governments, the private sector and civil society. However, the driving force for multi-stakeholderism within each organisation tends to be from the dominant sector that they represent. Broadly speaking, therefore, the Internet Corporation for Assigned Names and Numbers (ICANN) (a private sector, non-profit corporation) has tended to focus primarily on the interests of the private sector; the Internet Governance Forum (IGF), as a multi-stakeholder policy dialogue (nominally supporting the UN Secretary General), is widely seen as being the main vehicle through which



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The International Telecommunications Union is among the United Nations agencies looking at issues relating to internet governance. Pictured: The Palace of Nations, Geneva – the UN’s European headquarters

civil society has participated, although it also involves governments and the private sector; and the International Telecommunications Union (ITU) is the UN agency generally accepted as being a predominantly governmental body, although it prides itself on being 'unique among UN agencies in having both public and private sector membership'. A real challenge is how to bring the debates in these overlapping forums together, and indeed whether there is actually real interest in doing so. Attempts to create a truly global forum, including the ill-fated Global Alliance for ICTs and Development (GAID), have largely failed, although the WSIS+10 process (the World Summit on the Information Society's review of its first ten years), led by the ITU and involving other UN agencies, continues to strive to bring a wide range of participants together.

Four particular challenges arise in considering multi-stakeholderism in the field of ICTs in general and internet governance in particular:

Defining multi-stakeholder groupings. Most work on multi-stakeholder ICT partnerships recognises a triadic typology of 'states', the 'private sector' and 'civil society'. However, all too often each organisation refers to its own approach as *the* multi-stakeholder approach, rather than being but one of many different kinds of multi-stakeholderism. This is typified by ICANN, which, in referring to the multi-stakeholder model, claims that its 'inclusive approach treats the public sector, the private sector and technical experts as peers'. This clearly excludes civil society, although civil society is indeed welcome to participate in and contribute to its discussions.

Which organisations should be engaged in multi-stakeholder ICT dialogues? Governments have the dominant say in global bodies concerned with international treaties, as with UN bodies such as the ITU. However, many governments, particularly those of the USA and some European countries, are determined that the ITU should not play a role in shaping regulations concerning internet governance. It is much more difficult to decide upon legitimate private sector and civil society representation in such deliberations. UNDESA's integrated Civil Society Organizations (iSCO) system currently lists more than 24,000 such entries¹ and it is extremely difficult to determine which of them should participate. Invariably, in practice it is only the richer and more powerful organisations that can afford to participate. Likewise, there are real challenges in determining which companies might represent the private sector. Across the board, therefore, identifying who might be involved in any multi-stakeholder discussion is highly problematic.

Representative democracy. Invariably, it is only the larger and richer companies and civil society organisations that are able to participate in major multi-stakeholder international decision-making gatherings alongside governments, often quite simply because of the cost. ICTs, though, have themselves enabled increasing participation through live web-streaming and the use of social media such as Twitter, but many of the crucial decisions and discussions at such gatherings happen in the corridors and receptions in which such online participation is not possible. In such circumstances, it is helpful to draw on principles of representative democracy to propose scenarios that involve the private sector and civil society in some way electing stakeholders to speak on their behalf in such discussions, in the same way that governments are expected to represent the views of their citizens.

Governance structures. The mechanisms for selecting such representatives also depend heavily on the kinds of governance structure that are considered to be appropriate for the purpose. At a very basic level, it is possible to imagine a multi-stakeholder decision-making body made up of a specific number of members from each of the three key sectors: governments, private sector companies and civil society. There would then need to be mechanisms for determining how elections would take place and what the constituencies should be. In the ITU, for example, members of the Council and the Radio Regulation Board are elected based upon regional groupings and one could imagine different kinds of structure for electing other constituencies, perhaps based on industry sectors, or civil society groupings.

Internet developments

The year 2014 was very significant for the future of the internet:

- In March the US Commerce Department's National Telecommunications and Information Administration (NTIA) announced its intent to change key internet domain name functions to the global multi-stakeholder community, and asked the Internet Corporation for Assigned Names and Numbers (ICANN) to bring together a meeting of global stakeholders to develop a proposal to transition the current role played by NTIA in the co-ordination of the internet's domain name system (DNS)
- In April the government of Brazil convened NETmundial, a global multi-stakeholder meeting on the future of internet governance, which originated in part because of presidential concerns regarding revelations about the USA's monitoring of international phone calls and emails
- ICANN itself convened three meetings (March in Singapore; June in London; and October in the USA) where these issues were discussed
- In August the World Economic Forum launched its NETmundial initiative on internet governance in close co-operation with ICANN
- In September the Internet Governance Forum (IGF), created in 2006 in the aftermath of the World Summit on the Information Society (WSIS) as a forum for multi-stakeholder policy dialogue, held its annual meeting in Turkey
- In October the International Telecommunications Union (ITU) convened its quadrennial Plenipotentiary Conference in Korea, where matters of internet governance were also hotly discussed among delegates, with sentiments being polarised between those arguing for a greater ITU presence in internet regulation, and those against

These discussions raise important questions about governance issues in general, about who should determine the future of the internet and on ways through which consensus can be built in the international community, especially at a time when information and communication technologies (ICTs) have themselves transformed the ways through which such decision-making can be mediated.

Establishing consensus in multi-stakeholder ICT contexts

One of the most fascinating aspects of seeking global agreement on particular aspects of ICT policy and internet governance is the process used to seek consensus. When combined with the election of representatives from different constituencies, most consensus-building models use an aggregative process, whereby agreement is sought at one level (for example the local level) and then representatives from that level meet at a higher level (such as the regional level) to seek wider consensus. This can be a very effective mechanism for reaching consensus, but the ways in which the governance of such structures operate can lead to very different outcomes. This is highly pertinent to discussions about governance of the internet as well as ICT partnerships more generally. Five main principles and issues are particularly pertinent:

Consensus building requires good will on behalf of all of those involved. Put simply, if there is not a desire to reach agreement on the part of some of those involved then no amount of skilled negotiation will reach a successful outcome.

Agreement on issues at the appropriate level or scale. It is important to identify the level at which issues are likely to be seen as most contentious and try to reach agreement on these issues appropriately, ensuring that sufficient time is devoted to their resolution.

Moderation of the consensus-building process requires great skill and patience. All too often inexperienced chairs or moderators are charged with seeking to reach agreement among a particular constituency; this can rapidly lead to dissatisfaction and disenfranchisement with the entire process.

The choice of representatives. Choosing the correct representatives to carry forward the discussion at a higher level is critical. Such people need to combine excellent negotiation skills with empathy for the different perspectives that they need to represent. They also need to be trusted by their constituencies.

Ultimately, those involved in building consensus need to adhere to the fundamental negotiating principle that they should focus particularly on **'What can't you live with; what can't you live without?'**

Models of reaching consensus

To date, most attempts to reach consensus on global internet governance issues have been based primarily on attempts to reach agreement within the sectoral framework described above and held within the orbits of ITU, ICANN and IGF forums. It is nevertheless possible to conceive of alternative frameworks, not least where multi-stakeholder consensus is reached first at lower scales and then aggregated upwards. To an extent this is what the IGF has advocated through its national initiatives, but these do not always focus on delivering practical outcomes and are insufficient in number to provide the basis for a global framework of agreement.

One potential scenario could be to conceive of a much more bottom-up framework for multi-stakeholder decision-making with respect to internet governance that could involve:

1. The lowest level discussions taking place in national forums that brought together representatives of governments, the private sector and civil society
2. National representatives of each sector meeting together to reach regional consensus, such as for West Africa, South Asia and Europe
3. Representatives from these regions meeting to thrash out global agreements, which would truly be built from more open, transparent and representational deliberation

In this framework, novel uses of ICTs could themselves be used to ensure that, at the lowest level, as many people as possible are involved in debating these issues through online debates and discussion forums.

Commonwealth frameworks

The Commonwealth's system of international organisations, associated organisations and accredited organisations provides a rather simpler structure for representation than some of the global forums described in the box: 'Internet developments', although there are many organisations that use the term Commonwealth in their names but have no official legitimacy. The Commonwealth represents one-third of the world's population and if agreements can be reached among its diverse membership then these can provide valuable frameworks for wider global discussion. Hence, the Commonwealth Telecommunications Organisation is working with interested parties to craft frameworks and templates on matters such as internet governance and cyber-security that build on the values and aspirations of the Commonwealth, as formalised in the Commonwealth Charter of March 2013. These are not in any sense formal treaty documents, but they derive from consensus-building consultations with members and are intended to provide all stakeholders with frameworks for delivering practical actions in these key areas of importance.

Endnotes

- 1 See also the UN Global Compact's list of civil society organisations available at: https://www.unglobalcompact.org/participantsandstakeholders/civil_society.html [accessed on 12 November 2014].

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