



# ORF ISSUE BRIEF

DECEMBER 2014

ISSUE BRIEF # 84

## Reimagining Multistakeholderism: Challenges for Internet Governance

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### Introduction

As the internet has assumed increasing importance across the world, who governs the online sphere is becoming a burning question. The current governance architecture is anachronistic, as American-incorporated organisations like the Internet Corporation of Assigned Names and Numbers (ICANN) continue to administer what was once an American, but is now unquestionably a global, phenomenon. In the wake of Edward Snowden's revelations of US government spying on friends and foes at home and abroad, the US Commerce Department's National Telecommunications and Information Administration announced its intention to transfer key "Internet domain name functions to a global multistakeholder community."<sup>1</sup> Whether US government influence over the organisations that administer the internet is perceived or real, the spotlight is now on the global multistakeholder community to make internet governance the same global commons that the internet itself aspires to be. Yet just as calling the internet a 'global commons' ultimately rings false while billions are still disconnected, the multistakeholder community too could suffer from a lack of inclusion if its system prioritises the concerns of the developed world and universalises those concerns for the global poor.<sup>2</sup> Apprehensions remain in the developing world about whether the ICANN (IANA) transition will create a truly plural process.<sup>3</sup> To avoid the possibility of an internet run by and for the affluent, this paper discusses three challenges 'multistakeholderism' must address from the perspective of the developing world: access, equity and sovereignty.

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## The Next Billion: Access, More Access & Secure Access

The internet can be particularly transformative for those located on the margins of the global economy; with a tool as cheap as a mobile phone, users can find information about everything at their fingertips—from market prices of agricultural commodities to guidance on farm practices; from responding to natural disasters and weather events to being enabled and empowered by online education and health guidance. Yet internet policy is still focused to a great extent on satisfying those who already have access, rather than leveraging the power of the internet to expand access and transform the lives of the global poor. Such lack of concern for those with the most at stake follows tragically obvious incentives. Despite the efforts of NGOs and government programmes focused on universal access to the internet, the primary constituent of the internet is the consumer who purchases access and services through the private sector. Internet multistakeholderism naturally represents those who have crafted and expanded the internet in its current form, and thus includes, in no small part, private sector corporations. Because it is these private sector actors who grant access to the internet, cost remains a barrier and many dominant players in the status quo have little incentive to involve those without means.

If this paradigm continues to be replicated in internet governance through status quo stakeholders, how can the poorest, those not yet able to consume, be represented? If multistakeholderism remains a democracy of existing internet consumers, those in the developing world who are too poor to consume will continue to be too poor to count. Increased involvement by democratic governments and organisations in the developing world can help solve this problem, as they have an incentive to act where the private sector does not. This holds even more weight when keeping in mind that expectations of the marginalised sections of society are directed at the government at home rather than at worldwide multistakeholders; a case in point is India, where the services expected by even the poorest citizens are fast changing from *bijli, sadak, paani* (electricity, roads, water) to *bijli, sadak, paani* and *Internet*.<sup>4</sup>

This redefined social contract is emerging with the recognition that the internet's ability to nullify distance makes it one of the best tools to uplift the marginalised. Online banking services that can penetrate where traditional financial services are rare is just one example.<sup>5</sup> But given the economic reality of this segment of society, access to such services will have to be provided at what may well be the lowest ever price points. Data and hardware will have to be priced at similarly innovative rates to be feasible. These inexpensive devices and services will still require top of the line security, owing to the critical functions they provide (cash transfers, governance, banking, etc.) and their level of interconnectedness with global systems. The developing world's challenge is to create conditions which allow users and networks to proliferate at breakneck speed, services to be offered at rock-bottom prices and hardware to be priced at throwaway rates, all the while maintaining the security of the entire ecosystem at global standards.<sup>6</sup>

Government action in the developing world can only partially solve this mammoth task. The challenge of access is compounded because corporations with the capital to provide access have little incentive, and governments with the incentive of their vote bank have little capital. Despite expectations of a social contract, most developing countries resemble India in that close to nine-tenths of internet investment comes from the private sector, with the government accounting only for the balance.<sup>7</sup> The disconnect between the internet's leading businesses and the imperative of access is in effect a market failure, unable to account for the human development that the internet brings to those who cannot afford access. A multistakeholder model that acknowledges the moral imperative of access must grapple with the fact that many of its members have interests orthogonal to that imperative: Beyond simple representation of democratic governments from the developing world, all stakeholders must work together to fashion market-based solutions that can realign incentives. Failing to meet this challenge would result in the developmental aspirations of billions in the developing world playing second fiddle to first-world problems.

### **Equitable Voices: Is Multistakeholderism Really Plural?**

Who does multistakeholderism involve in governance debates, and what does it seek to achieve? The second question is dictated by the first, as norms and goals can only be defined by those accorded a voice in the debate. Internet governance today is characterised by major involvement from incumbents and those with first-mover advantage; it is not surprising that corporations, civil society groups and others who helped bring the internet to where it is currently should have a vision of its future. Yet such disproportionate leadership by status quo actors has the potential to undermine those actors' own vision of a free and open internet by excluding others. In its idealised form, multistakeholderism solves this problem by welcoming all stakeholders to participate in creating a diverse debate on internet governance. However, while multistakeholderism seeks to be a truly plural form of governance, in practice it is challenged in fully living up to these ideals.

The desired plurality of multistakeholderism has at times been lacking in both the results and processes of internet governance. The NETMundial Conference was billed as a major and pluralistic reimagining of how to manage the internet under the multistakeholder model. Yet its outcome document was ambiguous enough to achieve near-unanimity while not challenging the status quo, thereby defying the logic and urgency of having the conference in the first place.<sup>8</sup> Multistakeholderism, as it currently operates, runs the risk of bringing together assemblies largely of the already-converted, and consequently missing out on the value of diverse perspectives. Like at many other such forums, representation came largely from civil society groups, corporations and government officials. When these organisations have similar or overlapping funding sources, their ability to achieve plural representation is further called into question.

The threat of homogeneity—which would spell the death of any process that seeks to be multistakeholder in nature—is exacerbated by a more basic funding problem. At meetings ranging

from the Internet Governance Forum in Istanbul to ICANN 50 in London, less-endowed organisations and individuals had difficulty participating due to the financial costs involved.<sup>9</sup> Valuable perspectives from locally significant but financially strapped NGOs or social organisations—particularly in the developing world—are missed because of the high barrier to enter international conferences organised on the multistakeholder model, and even online attendance is unavailable to the billions for whom the internet is still an aspiration rather than a reality. How multistakeholder can internet governance be when such forums are unavailable to those who need to be represented most?

If multistakeholderism misses the necessary plurality for truly robust debate on developing world issues, internet governance can be vulnerable to regulatory capture by the corporations it involves. When global norm-making falls victim to rent-seeking behaviour, healthy market competition between firms can go too far and subvert those norms for private benefit.<sup>10</sup> Battle lines have been drawn recently between open trading platforms like eBay and warehouse-based online trading models like Amazon, each lobbying for a beneficial global regime that favours them in emerging markets.<sup>11</sup> Multistakeholderism's promise to democratise governance and involve all interested parties means that constant vigilance is needed to protect impartial governance from potentially rent-seeking participants. Otherwise there is a danger that multistakeholder governance may become an arena where the loudest voices prevail and the deepest pockets reign.

Such lobbying would not be untoward if stakeholders in the targeted emerging markets were accorded a commensurate ability to respond, but on this as on other issues, multistakeholderism's focus on openness to all obscures a lack of plurality in who can actually show up. For multistakeholderism to succeed as an innovative and truly pluralistic governance model, it cannot simply leave the door open to participation by poor and developing world stakeholders. Such passivity creates the illusion of openness while doing nothing to correct the structural imbalances that prevent many voices from being heard.

Instead, the multistakeholder community must actively seek and promote the participation of marginalised groups, putting their money where their mouth is, to allow sufficient developing world voices to be heard. As long as large corporations and established NGOs have an advantage in engaging globally, means need to be devised whereby small and medium businesses, marginalised sections of society and those still outside the digital sphere have proportionate space and voice along with all others. The balance of the narrative should reside with those who have been excluded until now, as incumbents have long set the agenda. Such practice is fundamental for any exercise that seeks to position itself as epitomising plurality. Is it time to set up a 'special fund' underwritten by the incumbents, which would facilitate wider participation without compromising beneficiaries' independence?

## Intervention and the Internet: Who Should Exercise Sovereignty in the Digital Age?

Inequality of access and voice in the internet space is a wide-ranging problem; it exists within developing countries as well as between the developed and developing world. The developing world corporations and elites who engage in internet-related discussions represent a small minority of their countries' populations when compared with the billions who do not even register in the debate.

The fact that the digitally underserved are a majority in many developing democracies represents an opportunity to help solve the problem of access. Even if national and international debates are dominated by elites, multiple tiers of representative democracy (federal, provincial and local) create local and regional leaders whose vote bank comes from the internet-marginalised majority. Politicians' ability to respond to the needs and aspirations of this segment will decide their political future. These differing needs are precisely why public hearings and consultations on the internet in developing democracies can differ so widely in their focus from international multistakeholder meetings. The challenge for developing nations is how to effectively create a multistakeholder process within the country that democratically gives voice to the underserved.

The challenge for the global multistakeholder community is how elites within and across countries can gain the legitimacy to speak on behalf of those who cannot yet engage. One option for all parties is to accord greater consideration and perhaps even a notion of sovereignty to the tiers of representative democracy most responsive to the local interests of the marginalised. They are least likely to be represented under the current system, and accessing their direct representatives reduces the influence of elites within both developing countries themselves and within the global system. Of course, any representative, no matter how local, can only approximate the people's needs; checks are needed on any one group's decision-making power—precisely what multistakeholderism already desires. If the debate is shifted from the federal to the provincial, not only would the debate become more inclusive it would also allay the anxieties of those who fear rigid sovereign control of this medium.

Resolving these challenges—and achieving convergence on the disparate values and concerns that underlie them—will no doubt be difficult given the uncertain implications the internet creates for the notion of sovereignty. Administration of the internet may soon be transferred from American jurisdiction to a more global multistakeholder model: What consequences will this bring? Will it result in a new universalism, following the belief that because everyone is digitally connected, nations, communities and societies will come to agree on what constitutes rights, freedom of expression, intellectual property, privacy and security? Or will individuals' new ability to find like-minded peers without regard to distance create a new hyper-localisation based on ideology rather than locale?<sup>12</sup>

Conflictingly, trends point toward both an evolutionary discovery of common ground and continuing fragmentation. The UN Declaration of Human Rights argues for universal values placed



above national or local sovereignty, which is now being applied to the cyber-sphere with the creation of cyber-rights such as freedom of expression and the right to privacy. Yet fragmentation is also present in the varying responses of governments. In the case of freedom of expression, a plethora of approaches have emerged from democratic societies—European countries' restrictions on hate speech and libellous content; the United States' broader extension of freedom of speech; India's constitutional provision on free speech restrictions to prevent ethno-religious violence.<sup>13</sup> One need look no further than the hotly contested 'right to be forgotten' to see that democratic states recognising a right to privacy can still differ on crucial particulars. People have asked how they can seek fulfilment along pathways determined by local political arrangements and steered by elected representatives, and they have reached different answers.

That these disagreements occur between democratic countries challenges the frequent association between authoritarian states and arguments for national sovereignty. Indeed, democratic states' arguments for sovereignty should carry more weight than any made by their authoritarian neighbours, as democracies' legitimacy is based on the will of their people rather than coercion or the divine right of monarchs. Balancing between the worldwide space of the internet and state sovereignty creates challenges that the multistakeholder structure of internet governance will need to work out. Should local realities be subjected to universal laws?

Which rights should be accorded to every person, and which are best locally determined? This matters for the internet because crises within or between states now often have a digital aspect—take the Muzzafarnagar riots in India, which were catalysed by an online video; the role that twitter played in the Arab Spring; Blackberry Messenger use in the London riots; internet communication in the Coloured Revolutions of Eastern Europe.<sup>14</sup> Who has sovereignty over the internet resources used in each case, and who decides on the balancing act between rights and security becomes a critical—and political—question. When 'state actors' use this medium for geopolitical purposes, the debate acquires undertones of 'regime change' in the digital sphere. And here the discourse conflates all prior discussions around access, plurality and opportunities into one on security.

## Going Forward

The multistakeholder model of internet governance is at present insufficiently equipped to answer these questions, because problems of equity and access prevent it from having full legitimacy. Its promise to represent all views makes it potentially much more legitimate than other systems, but it must overcome the perception that it focuses on first-world issues to the detriment of those who most need its attention and support. Ultimately, determinations of universalism or localism can only be made with equitable representation to the greatest extent possible; once this is achieved, multistakeholder governance could more effectively resolve remaining challenges. Questions of governance, sovereignty and inclusion have been debated around the world for centuries, from Europe's Peace of Westphalia to India's integration of princely states at independence and Africa's

experience today carving new states out of colonial borders. That is precisely why a proactive multistakeholderism that empowers the globally marginalised is so important, because all have something to contribute to the debate.

This debate ranges from the challenge of access to the consideration of how to balance the dialogue among and across stakeholders. Only a balance that protects both states' sovereignty and the internet as a plural space beyond state control will allow incumbents and the newly connected to both weigh in on questions of rights, security, access and new opportunities. It may have started as the developed world's agency, with a choice to involve developing world stakeholders, but it must end with stakeholders from both developed and developing nations possessing equal agency in a shared and connected future. Even as some developing countries reject the current multistakeholder model due to their assessment of biases that favour incumbent groups and corporations, the reality is that the developing world will have to negotiate with and convince some of these same actors to invest in their people as they seek to offer digital access to the next billion and more. Governments alone cannot meet these investment needs.

If these compromises are made successfully, multistakeholderism can create in internet governance a 'marketplace of ideas' in which the best ideas and arguments succeed, and all recognise the need to join the conversation sooner rather than later. Of course, this achievement will not solve other important questions, such as whether the best interlocutor for countries' interests is the state or whether other voices can communicate more successfully. Who should exercise sovereignty over the vaguely defined boundaries of the digital world will remain a debate even within a truly multistakeholder framework. Yet if the concerns of access and equity are addressed, perhaps developing nations' discomfort with the current multistakeholder system can catalyse the changes that will finally democratise global governance.

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## Endnotes:

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