ICANN LEGITIMACY

LEVELS
DRIVERS
IMPLICATIONS

(Short) Presentation for ICANN Community

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PRESENTATION OUTLINE

Introduction to the study

Legitimacy and why it is important

Levels of legitimacy beliefs toward ICANN

Drivers of legitimacy beliefs toward ICANN: organizational, individual, societal

Implications of the findings for policy action

OBJECTIVES OF THE STUDY

Research problem: how far, and on what grounds, does multistakeholderism as a mode of global governing gain legitimacy?

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Research aims: (1) to measure the levels of legitimacy beliefs toward a key multistakeholder apparatus (ICANN); and (2) to identify what generates (or limits) those beliefs

Evidence base:

- o 467 survey interviews (open- and closed-ended questions) with insiders to the ICANN regime (board, staff, community)
- o 62 survey interviews with participants in non-ICANN internet governance
- o 860 survey interviews with general elites around the world
- o Interviews conducted in 2018-2019

THE CONCEPT OF LEGITIMACY

Abstractly: the belief and perception that a governing power has the right to rule and exercises that right appropriately

Concretely: the opinion that ICANN has the right to formulate and administer (certain) rules for the global internet and does so properly

Legitimacy is about *underlying confidence in and approval of* a governance arrangement; so it involves more than passing support for particular measures, policies or leaders

WHY IS LEGITIMACY IMPORTANT?

Legitimacy can help a governor (in this case ICANN) to:
- acquire mandates
- obtain resources
- attract participation
- take decisions
- achieve compliance
- reach goals
- advance problem-solving
- hold off potential competitor institutions

In short, legitimacy enables a ruler (here ICANN) to have a more secure, stable, influential position (in internet governance)

LEVELS OF LEGITIMACY BELIEFS TOWARD ICANN (1)

1. Taking all audiences together, average levels of legitimacy beliefs toward ICANN are neither so high as to warrant complacency nor so low as to prompt alarm. The overall verdict is moderate-to-high legitimacy.

2. Levels of legitimacy beliefs toward ICANN generally correlate with closeness to the regime: so fairly secure legitimacy on the inside; and somewhat more wobbly on the outside.

3. Several exceptions aside, legitimacy beliefs within the ICANN sphere (board, community, staff/org) show limited variation by stakeholder group, by geographical region, or by social category.

4. There is no glaring Achilles heel of vulnerability in any quarter, but also no striking concentration of ICANN champions (outside the staff and board).

5. Keep in mind mostly a-legitimacy among the public at large (who are not aware of ICANN and so have no opinions one way or the other).

DRIVERS OF LEGITIMACY

<u>Why</u> do people have the legitimacy beliefs that they do (or lack) vis-à-vis ICANN?

Sources, drivers, causes of legitimacy beliefs indicate what conditions can be fostered (or attacked) in order to bolster (or undermine) legitimacy beliefs.

Three general types:
- o organizational drivers
- o individual drivers
- o societal drivers

ORGANIZATIONAL DRIVERS: GENERAL PREMISE

Organizational-level explanations trace legitimacy beliefs to features of the governing institution in question.

Purpose (mandate, tasks) – i.e. people approve of ICANN (or not) because of what they perceive its aims to be.

Procedure (operations, inputs, throughputs) – i.e. people approve of ICANN (or not) because of how they perceive it to formulate and implement policies.

Performance (outputs, outcomes, impacts) – i.e. people approve of ICANN (or not) because of what they perceive its results to be

INDIVIDUAL DRIVERS: GENERAL PREMISE

Individual-level explanations trace legitimacy beliefs to characteristics of the persons who hold those beliefs.

Objective aspects – i.e. people approve of ICANN (or not) because of their personal location in society, such as their level of education, their level of income, their gender

Subjective aspects – i.e. people approve of ICANN (or not) because of their personal attitudes, such their self-identification, their political ideology, their emotional associations

The objective and the subjective aspects are often interrelated.

SOCIETAL DRIVERS: GENERAL PREMISE

Societal-level explanations locate the drivers of legitimacy beliefs in the underlying order of the socio-historical context.

The social structure shapes legitimacy perceptions by way of pressures to conform to (or resist) prevailing norms of the day.

Thus democracy, technocracy and fairness matter (rather than other potential organizational qualities) due to the ordering principles of modern society.

For example, pressure on ICANN to address human rights issues has come less from inside its organization and community, and more from the modern societal norm that all governors should respect human rights.

ORGANIZATIONAL DRIVERS: ASSOCIATIONS WITH LEGITIMACY

Participants tend to have higher confidence in ICANN to the extent that they are more satisfied with several aspects of ICANN's **purpose**, as well as certain **democratic and fair procedures**.

Specifically, legitimacy for ICANN rises to the extent that participants:

o find it appropriate that ICANN develops policy for the DNS and promotes the global spread of the Internet

o perceive ICANN to be accountable and transparent

o perceive ICANN to take decisions in an unbiased way and implement policies in an unbiased way

ORGANIZATIONAL DRIVERS: ASSOCIATIONS WITH LEGITIMACY

Mixed evidence that perceptions of ICANN's **technocratic procedures (timely decision-taking)** and **technocratic performance (security and stability of the Internet)** affect legitimacy perceptions toward ICANN.

No or insufficient significant associations in respect of other organizational factors (i.e. two purposes, two procedural indicators, and democratic and fair outcomes).

∴ Sustain and enhance ICANN legitimacy by emphasizing and upgrading the organizational features with statistically most significant associations

INDIVIDUAL DRIVERS:
ASSOCIATIONS WITH LEGITIMACY
NB preliminary results!

Legitimacy for ICANN rises to the extent that participants:

o are in the ICANN Board and ICANN staff rather than the ICANN community

o feel that they have benefited personally from ICANN and its policies

Other tested individual-level factors do not seem to be associated with legitimacy perceptions toward ICANN, specifically:

- o participants' age and gender
- o participants' length of involvement in ICANN and number of meetings attended
- o participants' geographical identification (national vs. global identity orientations)
- o participants' levels of social trust

SOCIETAL DRIVERS:
ASSOCIATIONS WITH LEGITIMACY

Perceptions of (problematic) inequality almost never associate with legitimacy perceptions toward ICANN.

- o important exception: perceptions of (problematic) geopolitical inequality

Preliminary findings suggest that confidence in ICANN decreases to the extent that participants perceive that profitmaking drives policymaking. However, perceptions that the business sector has strong influence in ICANN have no significant association with levels of confidence in ICANN.

No relationship (positive nor negative) shows between perceptions of US dominance and levels of confidence in ICANN, both for respondents who have lived in the US and those who have never lived in the US.

IN SUM

Legitimacy – approval of ICANN as a governance mechanism for the global internet – is important, both as a normative principle and for practical politics.

This study from 2018-19 suggests that ICANN has fairly (though not wholly) secure legitimacy among its participants; less solid legitimacy among outsiders; and mostly a-legitimacy among the public at large.

The drivers of these (levels of) ICANN legitimacy beliefs are multiple, such that a simple formula to solve legitimacy challenges is not available.

Knowing what levels of legitimacy beliefs prevail in what quarters – and what kinds of forces shape those legitimacy beliefs – can nevertheless contribute to more informed and nuanced policymaking.

INTERESTED IN READING MORE?

Jongen, Hortense & Scholte, Jan Aart (2021) 'Legitimacy in Multistakeholder Global Governance at ICANN,' *Global Governance*, 27 (2), pp. 298-324.

Jongen, Hortense & Jan Aart Scholte (2022) 'Inequality and Legitimacy in Global Governance: An Empirical Investigation,' *European Journal of International Relations,* 28(3), 667-695.

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