

APIGA 2023 Program

Principles of Internet Governance

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History of Internet Governance: Why Principles?

▶ Principles as the Guideline of the Global Internet

- ▷ Many principles in global politics: Cooperation, collaboration, liberalism, pluralism, democracy, multilateralism, and **multistakeholderism**
- ▷ Is a principle an absolute one? Or what?

▶ Critical Review of Internet Principles

- ▷ Multistakeholderism, as the dominant principle of the Internet
- ▷ Multilaterism
- ▷ Enhanced cooperation

History of Internet Governance: A Political Review

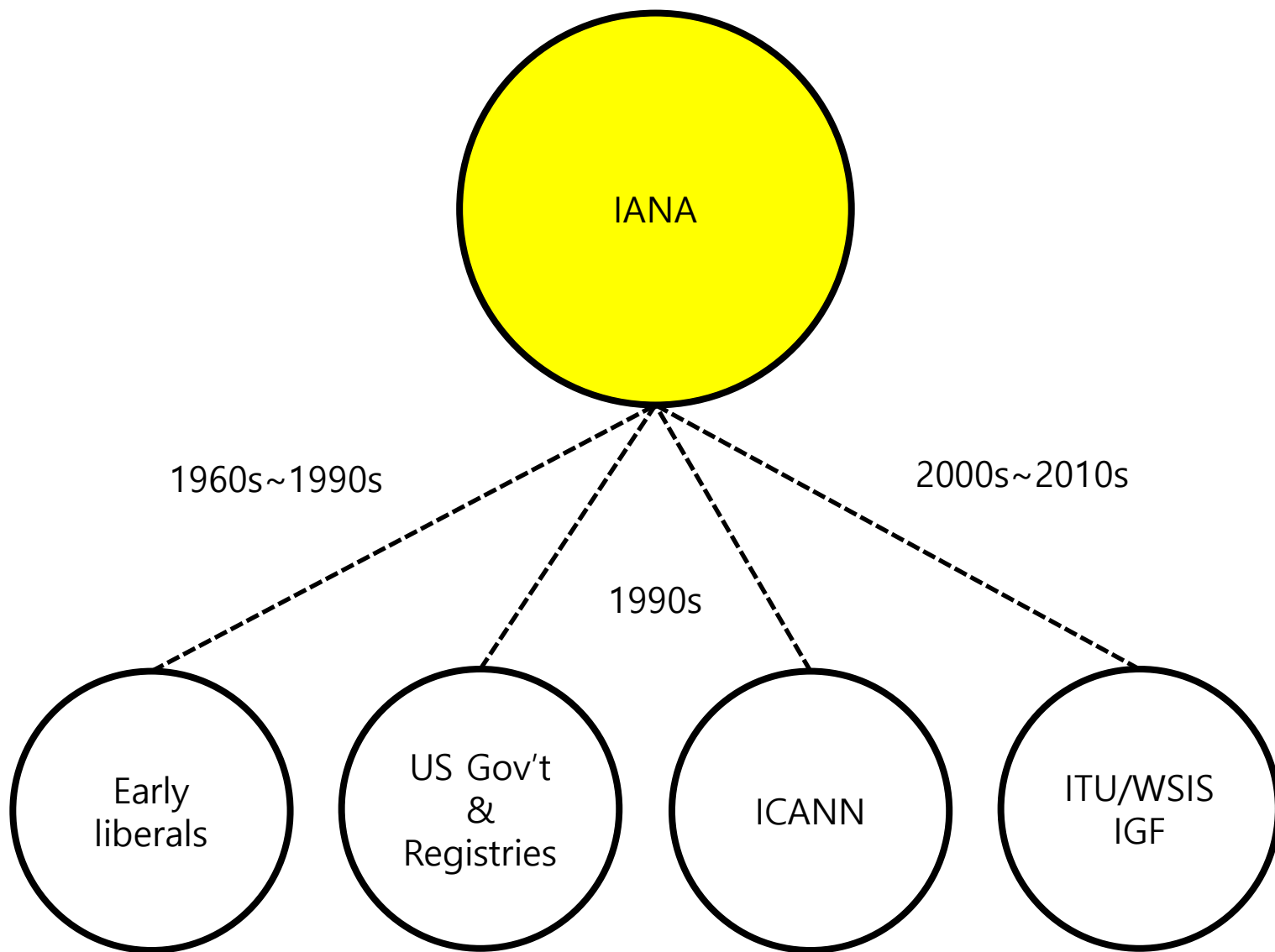
▶ ICANN Established (1998): Liberalism vs. US

- ▷ Legacies of **early engineers**: Jon Postel, Vint Cerf as liberals or libertarians in the history of Internet Governance
- ▷ Liberals' revolt: The **gTLD-MoU** (1997) to make the Internet privatized out of the hands of government → The US government's pressure to return the authority to manage Internet resources (IANA) → The US government won

▶ WSIS and IGF (2005): Multilateralism vs. US

- ▷ Global challengers to the US: **ITU, WSIS** (World Summit on the Information Society, 2003/2005) → Working Group on Internet Governance (WGIG) → Internet Governance Forum (IGF, 2005)

History of Internet Governance: A Political Review



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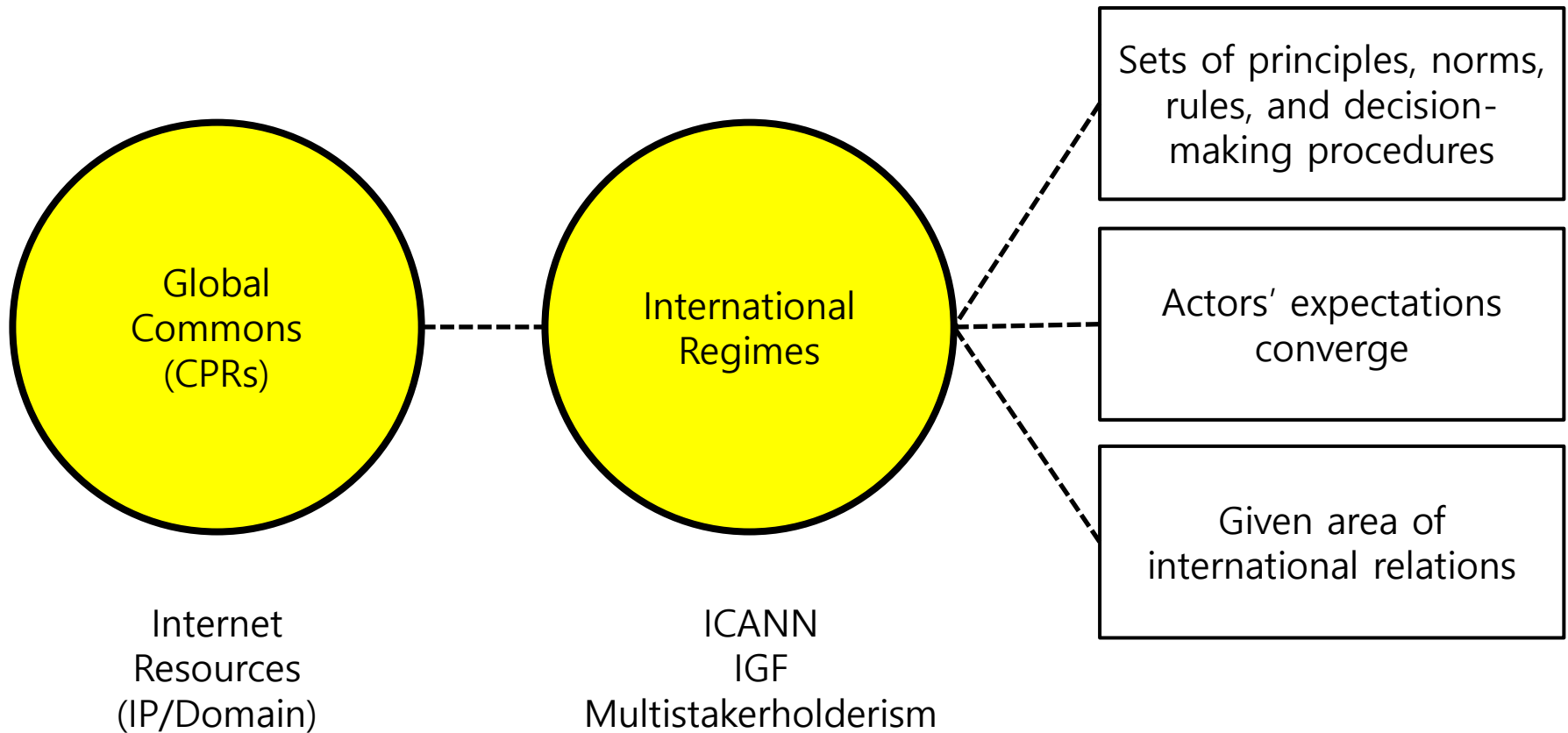
▶ Internet Governance Defined

- ▷ Definition of **Internet Governance** as a kind of “**international regimes**” → International regimes are “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Stephen Krasner, 1983)
- ▷ Internet as a **global commons?**: US’ technological asset → A “global commons” or “global common-pool resources (CPR)” → Shared natural resources, environments, and cyberspace

▶ Multistakeholderism Proposed

- ▷ The principle of **multistakeholderism**: The Tunis Agenda for the Information Society (2005) according to WGIG which looked for an alternative model of management → **ICANN** and **IGF**

History of Internet Governance: A Political Review



History of Internet Governance: ICANN and After

▶ JPA (2006)

- ▷ Joint Project Agreement (NTIS/DOC-ICANN) to increase transparency and accountability → A bottom-up democracy with liberal participants and enterprises (against IGOs)
- ▷ The IANA issue translated from a technical issue to a political one → **Multistakeholderism, but no clear definition**

▶ AOC (2009)

- ▷ Affirmation of Commitment (DOC-ICANN): Security, stability and resilience of the Internet → Still **multistakeholderism without enough commitment to global society** → ICANN adds the principle of a "consensus-driven governance" (2012)

History of Internet Governance: ICANN and After

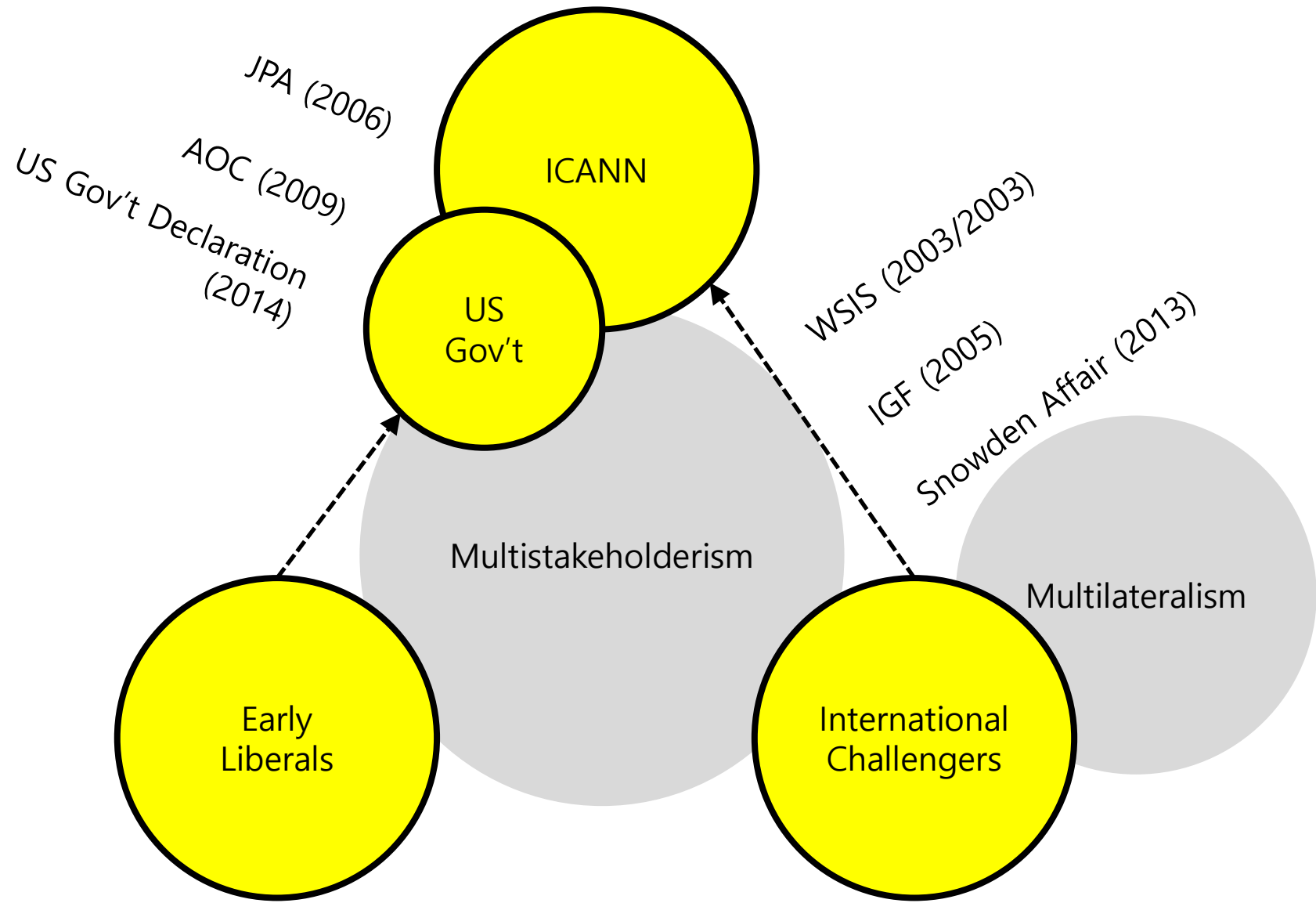
▶ Snowden Revelations (2013)

- ▷ Surveillance Revealed: **Edward Snowden** disclosed illegal surveillances by the NSA and allies with cooperation of US companies → Negative reputations to the US involvement in the management of the Internet
- ▷ 2014 US Declaration of the plan to transfer the **IANA to the global multistakeholder community** → No commitment to the IGOs (ITU/UN)

▶ Multistakeholderism as a Compromise

- ▷ Between **US vs. liberals**: In order to keep the government control power in managing the Internet
- ▷ Between **US and other countries (IGOs)**: In order to keep existing advantages of the US in economic and security affairs

History of Internet Governance: ICANN and After



The Internet as a Global Commons

► The Internet as a Global Commons

- ▷ The Internet became a **global commons** since the 1990s: A kind of new commons created by technologies
- ▷ The **tragedy of the commons**: Commons as a resource that are non-excludable but less non-rival → How to resolve the global tragedy of Internet commons?

► Resolving the Tragedy: Two Paradigms?

- ▷ The **realist paradigm**: The tragedy of commons is to be resolved by Leviathans, a hegemon, or by a unilateral power
- ▷ The **liberal paradigm**: Voluntary cooperation through institutions and regimes → Principles of **multilateralism** and **multistakeholderism**

Liberal Principles for Global Commons

► Liberal Principles of Multilateralism and Multistakeholderism

- ▷ Multilateralism: Coordinating relations among three or more states in accordance with certain principles → Mostly by **international organizations** composed of **national representatives**
- ▷ Multistakeholderism: Voluntary cooperative arrangements between **actors from the public, business and civil society** that display minimal degree of institutionalization, have common **non-hierarchical** decision-making structures and address public policy issues

Liberal Principles: Multistakeholderism

► Origins of Multistakeholderism

- ▷ The principle of **shareholderism** for capitalist corporates: Contract-based functionalism, efficient market hypothesis, laissez-faire
- ▷ Neoliberalism since the 1980s: **Globalization** and the rise of fundamentalist free market economics → Liberalization, de-regulation, the principle of maximizing shareholders' benefits

► Coordinated Capitalism and Multistakeholderism

- ▷ Multistakeholderism for **coordinated capitalism**: Corporation as a "complex society" in which demands from labor, contractors, customers, civil society, and governments are coordinated
- ▷ The **market as embedded** within society: Corporate governance with multistakeholderism and voluntary participation

Liberal Principles: Multistakeholderism

► Advantages of Multistakeholderism

- ▷ More **deliberation**: Inclusive, informed, rational, respectful debates with democratic legitimacy → Neither unilateralism nor coercion
- ▷ More **shared vision** with social learning and innovation: Resolving the dilemma between democracy and effectiveness

► Disadvantages of Multistakeholderism

- ▷ The **tyranny of experts**: Domination of experts from the private sector rather than deliberation
- ▷ More **asymmetry and inequality**: Participants under the institutional power with pre-conditioned, indirect power relations → More biased toward the dominant actors

Liberal Principles: Multistakeholderism

▶ US Trade Policy in the 1990s as a Background

- ▷ Rhetoric of **US trade policy**: Open Door and the “liberal” Bretton Woods System → 1998 The **Green Paper** and the **White Paper** which stressed US economic interests extended to the DOC-**ICANN** agreements

▶ Why Multistakeholderism for US?

- ▷ WSIS and the Tunis Agenda: US tried to get legitimacy by stressing the principle of “**openness**” of the Internet → US suggested a democratic principle with **bottom-up, inclusive, and participating practices**
- ▷ Multistakeholderism as a **compromise**: A rhetoric with asymmetric, techno-imperial, efficiency-driven, “less representative” principle incompletely compromised between US and challengers

Liberal Principles: Multistakeholderism

▶ US Multistakeholderism for the Internet

- ▷ US foreign policy with a **realist strategy**: after the Snowden Affair, US needed a good **rhetoric** to cover its strategic denial of multilateralism
- ▷ Multistakeholderism as a tentative solution: Between the pressure for the **realist** approach and that of challenging **liberal** approaches

▶ Remaining Problems for Multistakeholderism

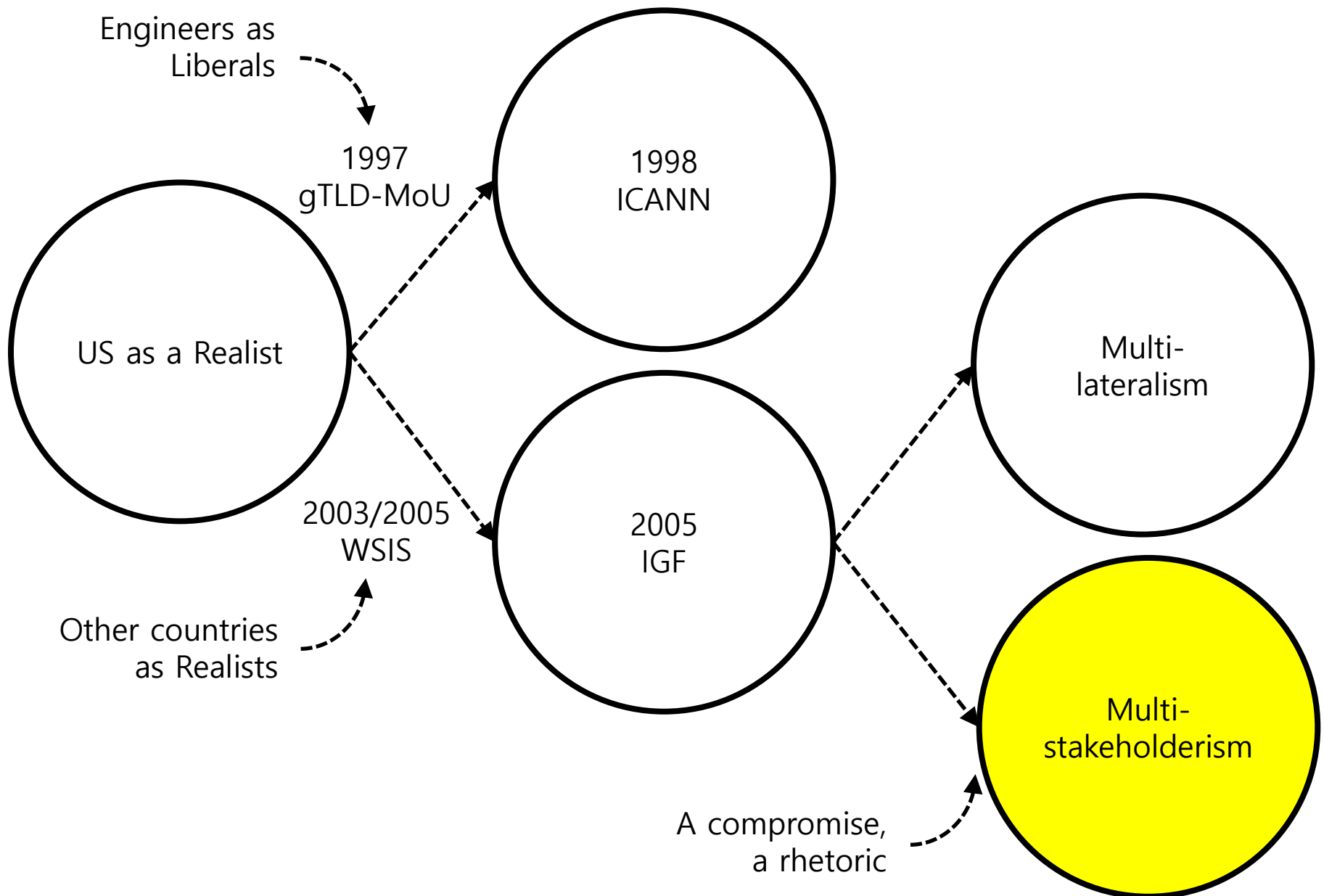
- ▷ **Who are stakeholders?**
- ▷ **Who controls** the stakeholders?
- ▷ Does multistakeholderism overcome **democratic deficit**?
- ▷ Does multistakeholderism fulfill the conditions of democracy, such as **representativeness** and **accountability**?

Liberal Principles: Multistakeholderism

► How to Evaluate Multistakeholderism for the Internet?

- ▷ A **normative, but ad hoc, solution** to the problem of multilateral coordination → The US wanted to transfer the IANA neither to liberal engineers nor to IGOs
- ▷ The US **compromised to multistakeholderism** between its own hegemonic goals and strategic restraints → The US searched for the best solution among given options with forum-shopping
- ▷ The US decided to delegate the IANA to the ICANN, which falls in **"democratic deficit"** → Multistakeholderism as an incomplete compromise of the US

Liberal Principles: Multistakeholderism



Enhanced Cooperation: The European Way

▶ Enhanced Cooperation as an Alternative to Multistakeholderism

- ▷ The **transatlantic alliance** for Internet Governance: Differences between the US (economic strategy) and the EU (data protection) to be filled
- ▷ Europe's suggestion of the **"Enhanced Cooperation"** for Internet Governance: A complementary process to multistakeholderism

▶ European Perspectives on the Role of Government

- ▷ The roles of government and IGOs in managing Internet resources: The authority of the **GAC** and **PPP**(public-private partnership) were stressed for coordinating self-regulation
- ▷ The European **second-best option**: The principle of "Enhanced Cooperation" between the US and the IGOs

Enhanced Cooperation: The European Way

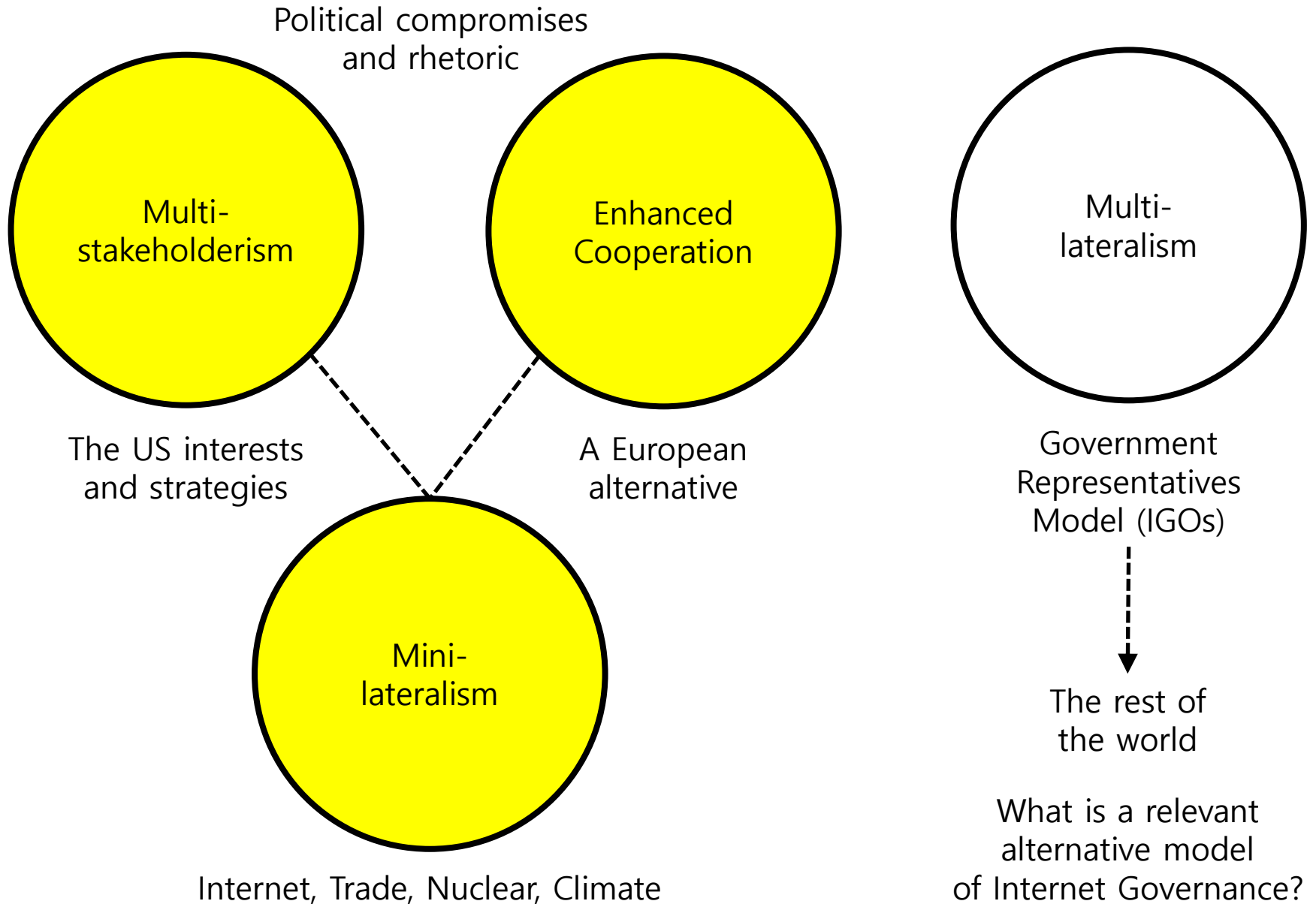
► Origins of Enhanced Cooperation

- ▷ EU's cooperation model since the **Amsterdam Treaty** (1997): If more than one third of member countries agree, a policy initiative can be implemented even **without full consent**
- ▷ Enhanced Cooperation as an **opt-out**: Cooperation starts easier among participants (like EMU or the Shengen Treaty) → Considering the diversity, difference, and asymmetry among members

► Implications of Enhanced Cooperation

- ▷ A strategy to make cooperation easier among a variety of voices → **Start cooperation first, then expand its realms!**
- ▷ A **Political rhetoric, but a meaningful solution** responding to the real-world power politics → Europe intended to find out an alternative model of Internet Governance without offending the US privileges
- ▷ Multilateralism? **Minilateralism** among a small number of cooperators in issue areas (trade, finance, nuclear regulations, climate change, etc.)

Internet Governance Principles: A Summary



Types of Internet Governance

		Range of Governance	
		National	Global
Types of Management	Centralized	A Sovereign Government-Centered	B World State IGOs
	Plural	C Domestic Civil Society	D Librals & Libertarians

Questions to Discuss

► The Nature of Multistakeholderism

- ▷ Is the current multistakeholderism the **best principle** to represent the whole community of the Internet and global commons?
- ▷ Was the US decision of **counter-multilateralism**, and other sovereign states' intervention in Internet Governance good?
- ▷ Can you accept the **minilateral solutions** among a small number of participants such as Enhanced Cooperation?

► Alternative Frameworks

- ▷ Do you have **any alternatives** to replace the dominant principle of multistakeholderism?
- ▷ What are the most desirable **values of the Asia-Pacific region** in building a better way of Internet Governance?

Thank you!