The Need to Abolish Stakeholder 'Roles'

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- Entitled by: Milton L Mueller
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Abstract

This paper proposes a new principle for Internet governance. The principle can be stated:In multistakeholder institutions for global Internet governance, all individuals ? regardless of whether they are agents of governments, international organizations, the technical community, the private sector, civil society or interested individuals ? should have equal status as participants in the formulation of public policies.This principle is intended to clarify issues and overcome problems that were encountered during the World Summit on the Information Society (WSIS).

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Submitted by Milton Mueller with the support of the ICANN Noncommercial Stakeholders Group

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In multistakeholder institutions for global Internet governance, all individuals – regardless of whether they are agents of governments, international organizations, the technical community, the private sector, civil society or interested individuals – should have equal status as participants in the formulation of public policies.

This principle is intended to clarify issues and overcome problems that were encountered during the World Summit on the Information Society (WSIS).

WSIS was the first direct engagement between the intergovernmental UN system and the multistakeholder methods of the Internet. Back in 2003, it was probably inevitable that representatives of governments would not fully understand or accept the multistakeholder model. Still, great progress was made. The Working Group on Internet Governance (WGIG) and the final documents produced by the WSIS (the Geneva Resolutions and the Tunis Agenda) embraced multistakeholder concepts in their definitions of Internet governance.

There was, however, an important flaw in the WSIS documents. In attempting to find a middle ground between the multistakeholder model and the intergovernmental system, the Tunis Agenda attempted to put different stakeholder groups into specific 'roles.' These roles elevated representatives of national governments above all other stakeholders:

1. 'Policy authority' and 'public policy making' was reserved to sovereign states
2. The private sector was assigned responsibility for 'technical and operational matters' that 'do not impact on international public policy issues'
3. Civil society was given a subordinate role. The WSIS resolutions stated that civil society 'has played an important role on Internet matters…at the community level.'

Time has proven this division of stakeholder groups to be ambiguous, unworkable and undesirable.

1. In many aspects of Internet governance, implementing policy decisions requires

direct interaction with technical and operational matters. Making policy often requires deep knowledge of the constraints imposed by technology and operations. That knowledge can only come from the direct participation of private sector and technical community participants as equal-status actors in the policy process.

2. When states refer to 'public policy' related to the Internet, they must understand that the relevant 'public' is transnational, not national; states, therefore, are only partial and imperfect representatives of the global public.
3. The document does not even specify what civil society's role is, other than saying it is 'important.'
4. Civil society actors are not necessarily restricted to the local 'community'; they are increasingly transnational in their advocacy of important human rights and policy principles. And they often advocate public policy positions that are different from those of their government. The Internet creates a global political community. To be fully democratic, global policy making must allow all these voices to be heard, and it must give non-state actors the same status as state actors.
5. In global Internet governance, the quest for 'sovereignty' is futile. Governments can and do regulate some aspects of Internet policy in their own jurisdictions, but effective and beneficial policies often need to be global or transnational, especially policies pertaining to the coordination of critical Internet resources.
6. It should be noted that in defining these roles, the governments who negotiated the WSIS documents did not ask for, or obtain, the agreement of the other stakeholder groups.

We ask the Global Multistakeholder Meeting on the Future of Internet Governance to formally challenge the Tunis Agenda's definition of stakeholder 'roles' by adopting the 'equal status' principle stated above. We ask that the Meeting overtly recognize and defend the modifications of traditional policy making authority inherent in the multistakeholder model.

The advocates of this new principle recognize that there are numerous areas where the traditional role of the state is appropriate and necessary, such as legislation and law enforcement in territorial jurisdictions. Yet because so much of the policies and services of the Internet are transnational, we believe that Internet governance must change their traditional roles and give all stakeholders the same status in the formulation of policy.