Multstakeholder model as a form of democracy

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- Entitled by: Avri Doria
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Abstract

The note looks at the basic principle of democracy on the Internet and explores the necessity of a form of participatory democracy; a form we currently refer to as the multistakeholder model.

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One of the first principles of Internet governance is the democratic principle as it contains within its aspirations the fulfillment of the human rights' based principles. There are few who would argue against the principle that Internet governance ought to be democratic. There is some disagreement, however, on whether the multistakeholder model, currently being used, represents a way forward for democracy and whether it fulfills the democratic principle that is central to our discussions.

One of the most common complaints against the Multistakeholder approach is the it by-passes the democratically elected representives of the people. Often when one is sitting with governments, one hears a statement of the form:

" We do not know what Multistakeholder means, but we all know what Democracy means"

Among those who consider themselves democratic, each with its own definition of democracy, we find:

- People’s Democracy
- Autocracy 2.0
- Constitutional monarchies
- Parliamentary republics
- Presidential multi-partite republics
- Majority based 'one man, one vote' democracy
- Democracy that incorporates minority rights in the voting

- Democracy that impedes minority rights in the voting

- Democracy that balances national religious membership

- Plebiscite based direct democracy

Since the time of Aristotle we have been arguing about Democracy and invoking its name for all sorts of systems where the people, or at least some people, have some say in their governance regime; at least some of the time. Even Athens was democratic, at least for males born in Athens.

When we look at the most basic form of multilateral expressions of democracy, we find that the 'one person one vote' is more an ideal than a reality, where nations with a population of tens of thousands have the same vote as those with a population of over a billion. Yet we view the UN as representing a form of democracy. We have seen that in many cases, multilateral democracy does not serve the multivariate interests of the people - it is focused on the notion of states as entities and it is out of scope to discuss the needs of people within a country. The muultilateral systems has showj itself to be inadequate for handling the needs of the Internet, whether it was the creation of the protocols and other technology that created the Internet or the issues and policy questions that resulted from the behaviors on the Internet. This is becasue the issues are too complex for any one grouping, including a global multilateral grouping to handle.

The question comes down to what we mean by democracy on the Internet?

When we speak of democracy, especially with regard to the Internet, we need to develop

ever improved forms of participatory democracy. Participatory democracy is an advance in democracy that has seen few examples in the world to date outside of the Internet, though there are some. It is a form of democracy that is enabled by the Internet and one that may only have been possible in the small town meeting hall before the current age. The scope of participatory democracy is one that balances the best of representational democracy with the ideals of direct democracy.

The variety of multistakeholder models are forms of participatory democracy. Multistakeholder models builds on, and includes, the State based multilateral system in an attempt to move towards more participation by the people and the organizations they form. Some states may do a decent job of representing the citizen residing within their geographically bounded territory for a particular set of interests related to that place and time. The states, however, do little for a wider set of rights-based interests people may have, do nothing (or worse) for the non-citizens under their control (especially those who are undocumented), and have little to say about inter-jurisdictional disputes in the absence of treaty. Beyond that, the state frequently infringes upon the rights of citizens, residents and non-resident alike; rights they have agreed to by covenant. The other human rights based interests require greater participation than can be achieved by governments alone. It is often Non Governmental Organizations that serve these rights and cross-border interests without discrimination based on geography, nationality or other circumstance.

We all have seen, though, many ways in which the multistakeholder models that are being deployed are still underdeveloped and even flawed at times. There is still a lot to be complained about, and improved upon. But to misquote Winston Churchill's quote on democracy:

"Multistakeholderism is the worst form of governance, except all the others that have been tried." (Drake 2011)

The WGIG Background Report explained:

"Democracy is defined in different ways in a multilateral context and by different stakeholders according to their particular perspectives. Governments generally hold to a view based on national sovereignty with equal say for all countries and decisions reached through consensus. Each citizen is held to be represented and to be able to influence decisions through national consultation and decision-making mechanisms. Some are of

the view that most governments include members of their civil society in their delegations to the extent practical and in any case they take into account the interests of their civil societies when establishing agreements at multilateral bodies. Civil society advocates on the other hand would argue that the term goes beyond this, requiring direct full participation in decision making by many nongovernmental groups from the private sector and civil society. Furthermore, they have expressed the view that governments are not actively or consistently consulting with other sectors of society prior to establishing agreements within multilateral bodies." (Page 239 Paragraph 58)

This remains as true now as when it was wrritten a decade ago.

And when the context is the Internet, this stakeholders extends to the technologists who built and preserve the system as well as the Internet Service Providers and other industries that deploy the technology.

Even when it comes to governmental representation, governance of the Internet requires more stakeholder support than just the diplomatic and bureaucratic representatives of nation states that make up the multilateral system. The process needs the representation of the variety of governments stakeholders, including regulators, privacy protection, law enforcement, parliamentarians and others.

Whether it is NGOs that represent the needs and interests of the people they serve, the technical community in their role as the creators and maintainers of the technology, or the academics who attempt to understand the dynamics of the social systems within which we live in this highly interconnected world, all of the stakeholder groups have a place at the table where they can discuss the issues and decide on solutions for Internet governance on an equal footing. Anything else leaves some interests without representation, and thus leaves the populations who feel and express these interests unrepresented, at least in that respect.

For humanity's interests to be democratically represented, we need a multistakeholder framework that includes all people and organizations who have a stake in and care about the Internet, participating with their own special perspective and skills; with roles and responsibilities that vary depending on the task at hand but which, in the larger scope are on equal footing, just as Tuvalu is on an equal footing equal footing with China in the UN

system.

Full representation requires multistakeholder representation and that is a basic democratic principle.