Discussion of Principles related to Stakeholder Roles and Responsibilities

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Abstract

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In the Geneva Declaration of Principles Paragraph 49, the governments sitting in Geneva looked at the Internet - an Internet they had trouble defining, looked at governance of the Internet - a concept they could not define, and decided it was their responsiblity to define roles and responsibilities for all stakeholders, without an understanding of what it meant to be a stakeholder in the Internet. They also defined their own specific roles and responsibilities in isolation from the other stakeholder groups. In fact all of the roles and responsibilities were defined without any relation to the interrelation of roles and responsibilities or the complexities of changing roles and responsibilities over time and task.

Whether it was in the WGIG or during the later stages of WSIS and ever since, the governments have refused to reconsider the definitions made without the consent of the other stakeholders and without a full understanding of the interrelations and variability of roles and responsibility among actors in Internet governance

The definition by governments of the roles and responsibilities of other actors in Internet governance has been one of the most fundamental blocks to making progress on many of the issues of Internet governance. How does one cooperate and find consensus with a group that is incapable of recognizing ones actual roles and responsibilities?

We cannot go back and correct these government declarations, as much as some of us would like to do so. We can only move forward and try to understand and to recognize the actual roles that the various actors fill and the responsibilities they assume in these roles.

In defining the roles of various actors we may also do well to avoid the simple categorization of Government, Private Sector and Civil Society. Over the years it has become obvious that whether one was speaking of Governmental actors or Non-Governmental actors, the breakdown was far more complex that a simple triad.

In one respect it is fairly clear, there are Governmental and Non-Governmental actors. That is the original UN distinction and regardless of what the WSIS outcome documents say, that is essentially still the breakdown in effect. Whether it is the IGF MAG or UN Working Groups (WG) such as the WG of Internet governance (WGIG) or the WG on Enhanced Cooperation (WGEC), half of the seats always go to Governmental actors and half of the seats go to Non-Governmental actors according to various proportionalities among the stakeholder groups within the Non-Governmental actors. The Governments are never willing to accept less than half of the seats.

Going forward, if we wish to make progress, we need to recognize the full diversity of stakeholders.

In terms of the subdivision of Non-Governmentals, that never breaks down as simply as Private Sector, Civil Society plus maybe Academia and Technical Community. As was seen in /1net, as soon as one starts to do any breakdown of stakeholder groups, further stakeholder groups appear, whether it is Private Sector breaking down into Big Business, Little Business, Service Provider, Registry, Registrar, Reseller or owner of intellectual property, it does not remain a fixed stakeholder group for very long. Likewise Civil Society quickly starts to break further into stakeholder groups like rights advocate, aid worker, philanthropy or NGO staff. Beyond these stakeholder groups, groups like Media and Librarians look for their place in the stakeholder mix. The basic Private Sector and Civil Society, though, don't begin to cover the groups like User, Community Informatics or Technical Community that can be either Private Sector, Civil Society or both.

Government stakeholders may also be broken down into stakeholder groups beyond the diplomats and bureaucrats that are the normal participants in the multistakeholder processes. As one starts to look at the Governmental stakeholders one quickly sees the emergence of other stakeholder groups such as regulators, legislators, jurists, military, intelligence workers, law enforcement, privacy and data protection officers, intergovernmental civil servant and others. The complexity of the issues being discussed often requires the participation of many of these stakeholder groups.

While the division between Governmental and Non-Governmental remains relatively clear, further breakdown is dependent on the task and hand and the skills needed. The ability to break down the roles of the various actors is often dependent on the task that is being discussed. One also finds that the same individual can occupy multiple roles at the same time, or diverse roles over an extended period of time. Government workers can be technical contributors. Technical contributors, and even civil society members, can be part of government delegations. Defining roles is complex and defies as simple a division as we find in the WSIS outcome documents.

When one starts to consider the responsibilities of each of these roles one finds that the responsibilities also vary over issues, time and are subject to the phase of a process. For example one stakeholder may have a primary responsibility while an Internet protocol is being designed, though other stakeholders would still have responsibilities that contributed to the trade-off decisions made in multistakeholder discussions. Once the protocol is designed, a different set of stakeholders may have the primary responsibility, without eliminating the multistakeholder process that allows all to assume their

responsibilities and contribute to developing appropriate policies and implementations. When it comes to making national public policy, a task where government workers have priority, all the other stakeholders still have their own responsibilities in the process. In terms of international Internet policy all stakeholders have roles and responsibilities, and because of their ability to create treaties and their obligations that derive from the Human Rights Declarations and Covenants, governments do have a special responsibility to defend the human rights, without having the primary responsibility for Internet public policy.

The roles and responsibilities of stakeholders are not fixed, they vary with the circumstance and the type of issue being dealt with. Divisions into 3, 5 or 7 fixed stakeholder groups will always fall apart at some point in the process. This does not mean that there are stakeholder groups, though a multistakeholder model such as that in the IETF recognizes stakeholders without forcing them to divide themselves into fixed stakeholder groups. It does mean, however, that we need a more complex and fluid notion of stakeholders and stakeholder groups if we are going to fulfill the promise of the multistakeholder model, without always finding ourselves in the situation of either leaving some group out in the cold, or finding stakeholders shoehorning themselves into groups that do not quite fit the reality of their responsibilities.

We cannot change the the WSIS outcome documents. They are part of the history we are building the future of Internet governance upon. But we can rethink, and refine our understanding of these roles and responsibilities in light of reality and the experience we have gained over the years.

To return to the principles stated at the beginning of this note: No stakeholder may define the roles and responsibilities of other stakeholders, while at the same time no stakeholder group can define their own roles and responsibilities without interacting with the other stakeholder groups. The responsibility for defining roles and responsibilities belongs to all stakeholders working together. As we move forward, we need to set aside time and effort to better understand and recognize the diversity and complexity of roles and responsibilities in Internet governance.