

Power Plays in Global Internet Governance

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The multi-stakeholder model of global Internet governance has emerged as the dominant approach to navigating the complex set of interests, agendas and implications of our increasing dependence on this technology. Protecting this model of global governance in this context has been referred to by the US and EU as 'essential' to the future of the Internet. Bringing together actors from the private sector, the public sector and also civil society, multi-stakeholder Internet governance is not only regarded by many as the best way to organise around this particular issue, it is also held up as a potential template for the management of other 'post-state' issues. However, as a consequence of its normative aspirations to representation and power sharing, the multi-stakeholder approach to global Internet governance has received little critical attention. This paper examines the issues of legitimacy and accountability with regard to the 'rule-makers' and 'rule-takers' in this model and finds that it can also function as a mechanism for the reinforcement of existing power dynamics.

Keywords: Internet, global governance, cyber, Gramsci

Introduction

The emergence of a global computer network and the intensification of our reliance upon it has been the source of some fascinating political challenges over the past two and a half decades. The Internet prompts debate about the relative merit of standards vs rules, of pluralism vs solidarism, of security vs privacy. And perhaps most significantly, it prompts debate about the value of these (and other) binaries and the necessity of thinking creatively about how to approach large technological shifts like the Information Age.

One of the key areas of debate has been the governance of the Internet. All computer networks require some level of administration but the distributed nature of the Internet and its deeply political, economic and cultural implications mean that coordination and negotiation in this context is contentious and the site of considerable power struggles. Over the past decade, multi-stakeholderism has become almost synonymous with global Internet governance. In March 2014, Australian Communications Minister, Malcolm Turnbull issued a statement declaring that Australia supported "an open Internet which is administered by multi-stakeholder organisations like ICANN and NOT [sic] by governments" in either a multi-lateral or supra-national form.¹ In June 2014, Fadi Chehadé, head of the Internet Corporation for Assigned Names and Numbers (ICANN) declared that the 50th ICANN meeting in London was a milestone meeting due to "the remarkable affirmations of the multi-stakeholder model".² In a hearing on proposed Internet regulation, US Congressman Greg Walden argued that "weakening the multi-stakeholder model threatens the Internet, harming its

¹ Malcolm Turnbull, 'Australia is committed to a multi-stakeholder system of Internet governance', press release on Malcolm Turnbull MP website, March 15, 2014. <http://www.malcolmturnbull.com.au/media/australian-committed-to-a-multi-stakeholder-system-of-internet-governance>.

² Fadi Chehadé, 'Largest Ever ICANN Meeting Convenes in London Affirmation of Multistakeholder Model for Internet Governance by World Leaders', press release on ICANN website, June 23, 2014. <https://www.icann.org/news/announcement-2014-06-23-en>.

ability to spread prosperity and freedom”.³ Not only is the multi-stakeholder model widely regarded as the best approach to governance of the Internet, some also regard it as offering a model for the renovation of global governance more generally.⁴

Somewhat surprisingly, multi-stakeholder Internet governance has not benefited from as much critical analysis as its relative weight might suggest it would.⁵ Discussed predominantly within the Internet community, it has taken on a strong normative component in a similar way to that in which terms like ‘democracy promotion’ and ‘Internet freedom’ have.⁶ That is, the attractive qualities understood to be embedded within these concepts, can serve as a kind of prophylactic to the scrutiny that is so essential to thinking through emerging issues and challenges. In some ways, the discursive power of these concepts is as significant and as interesting as the power that is generated through the actual functions and practices they refer to. Padovani and Pavan suggest that the lack of diversity in debates about Internet governance signal the potential for multi-stakeholderism to become “a rhetorical exercise aimed at neutralising criticism” rather than a truly unique and participatory mechanism for governing a global resource.⁷

This article offers one contribution to what should be a much broader analysis by looking at the power dynamics of multi-stakeholder Internet governance. The paper argues that contrary to one of the key claims about it, multi-stakeholder Internet governance serves largely to reinforce existing power relations rather than disrupt them. Specifically, the multi-stakeholder model in Internet governance privileges the interests of those actors that were instrumental in establishing it – the US government and those whose interests align with a US agenda. Of the three ‘stakeholders’ defined in the literature, civil society remains relatively disempowered although it plays an important legitimising role for the other stakeholders, the private sector is dominated by US multinationals which serve in many ways to aggregate US power, and governments show no significant signs of relinquishing their conventional hold on sovereign power.

³ Greg Walden, opening statement at the ‘International Proposals to Regulate the Internet’, hearing before the Committee on Energy and Commerce, May 31, 2012, Washington, DC, p.2.

⁴ Bertrand de la Chapelle, ‘Towards Multi-Stakeholder Governance – The Internet Governance Forum as Laboratory’, *Internet Governance: Infrastructure and Institutions*, (Oxford: Oxford University Press, 2009), pp.256-270.

⁵ Some notable contributions include Jean-Marie Chenou, ‘Is Internet Governance a Democratic Process?: Multistakeholderism and transnational elites’, paper presented at the ECPR Conference, 2011; Dan Drezner, ‘The Global Governance of the Internet: Bringing the State Back In’, *Political Science Quarterly*, Vol.119, No.3, 2004; Bart Cammaerts, ‘Power Dynamics in Multi-stakeholder Policy Processes and Intra-civil Society Networking’, in Robin Mansell and Mark Raboy (eds.), *The Handbook of Global Media and Communication Policy*, (Oxford: Wiley Blackwell, 2011), Laura DeNardis and Mark Raymond, ‘Thinking Clearly about Multistakeholder Internet Governance’, paper presented at the Eighth Annual GigaNet Symposium, Bali Indonesia, October 21, 2013; Laura DeNardis, *The Global War for Internet Governance*, (New Haven: Yale University Press, 2014); Milton Mueller and Ben Wagner, ‘Finding a Formula for Brazil: Representation and Legitimacy in Internet Governance’, *Center for Global Communication Studies*, Annenberg School for Communication, http://www.global.asc.upenn.edu/fileLibrary/PDFs/MiltonBenWPdraft_Final.pdf.

⁶ On democracy promotion, see Jeff Bridoux and Milja Kurki, *Democracy Promotion: A Critical Introduction*, (New York: Routledge, 2014). On Internet Freedom see Madeline Carr, ‘Internet Freedom, Human Rights and Power’, *Australian Journal of International Affairs*, Vol.67, No.5, 2013.

⁷ Claudia Padovani and Elena Pavan, ‘Diversity Reconsidered in a Global Multi-Stakeholder Environment: Insights from the Online World’, in *The Power of Ideas: Internet Governance in a Global Multi-Stakeholder Environment*, Wolfgang Kleinwachter (ed.), (Marketing for Deutschland GmbH, 2007), p.100.

This analysis is situated within a Gramscian approach to hegemonic power that focuses on controlling narratives, setting the agenda and defining the terms of reference in order to minimise (or delegitimise) dissent. Gramsci's ideas about power are important here because they are based on what Marianne Franklin has termed "manufacturing consensus" rather than coercion.⁸ 'Rule makers' and 'rule takers' in global Internet governance are bound together by a shared understanding of a particular political ideology and set of normative claims about what the Internet 'should' be. By promoting a certain governance model as most compatible with widely resonant norms like 'freedom', 'privacy', 'democracy', 'equality' and 'political self-determination', opposition to multi-stakeholderism becomes synonymous with opposition to those norms and leaves little room for alternative views.

In exploring the power dynamics of multi-stakeholder Internet governance this article widens the lens that is generally applied to this issue. Although there is quite a lot of literature on multi-stakeholder Internet governance, much of it focuses on a set of events, meetings and agreements like the World Summit on the Information Society (WSIS) from the beginning of the 2000s that led to the emergence and establishment of this particular conception of how the Internet should be governed.⁹ Rather than focus on these specific events, this paper situates multi-stakeholder Internet governance in the context of broader work on global governance and in a political context based on the dominance of liberalism in the last quarter of the 20th century. In doing so, it connects multi-stakeholder Internet governance to some broader power dynamics that demonstrate more continuity than change in terms of 'rule-makers' and 'rule-takers'.

Internet governance is mired in politics, interests, and contested legitimacy. This is not, as some might argue, because governments have undue involvement. Rather, it is because the Internet is a mechanism for the projection of power – soft power through cultural and linguistic dominance, hard power through cyber attacks like Stuxnet, intelligence gathering and commercial gain and (the focus of this argument) a Gramscian conception of hegemonic power through the ability of those dominant actors to set the agenda and the parameters within which global Internet governance can be considered and developed. The more we understand about the opportunities and weaknesses of governance models for the Internet (or anything else) the better equipped we are to effectively refine and amend those practices, functions and roles that comprise it. Thomas Weiss and Rorden Wilkinson argue that a central preoccupation of investigations into global governance more broadly should be "the myriad ways that power is exercised within such a system, how interests are articulated and pursued, the kind of ideas and discourses from which power and interests draw substance as well as which help establish, maintain, and perpetuate the system."¹⁰ This is precisely what this article provides in the context of global Internet governance.

⁸ Marianne Franklin, *Digital Dilemmas: Power, Resistance and the Internet*, (Oxford: Oxford University Press, 2013), p.157.

⁹ World Summit on the Information Society, <http://www.itu.int/wsis/index.html>

¹⁰ Thomas Weiss and Rorden Wilkinson, 'Rethinking Global Governance? Complexity, Authority, Power, Change', *International Studies Quarterly*, Vol.58, 2014, p.207.

Global Governance... of the Internet

Weiss and Wilkinson have described contemporary global governance as “a halfway house between the international anarchy underlying realist analysis and a world state.”¹¹ In the midst of the serious disputes resulting from incidents like Wikileaks, the Prism program and allegations of Chinese cyber espionage, it is easy to overlook the extraordinary success of global Internet governance in this ‘halfway house’. A few decades ago, the notion that the world would be connected through a global computer network – with all of the commercial, legal and political implications that it poses would have been all but inconceivable. Despite continuing challenges, the fact that the Internet *works* on a functional level so very consistently is a significant triumph of global collaboration over competition.¹² However, tensions over the global governance of the Internet are intensifying as actors have come to recognise the power associated with it and therefore it is useful to take a step back from the particular and consider the problem in the context of global governance more broadly. Internet governance does have some distinctive features but it is a subset of challenges defined by shifts in “the character of global problems, the nature of actors, and the perceived limitations of international measures to govern the planet.”¹³

Andrew Hurrell’s work on global order in international society identifies three primary challenges that he argues have prompted us to rethink existing Westphalian based governance arrangements; the need to capture shared and common interests, the need to manage unequal power, and the necessity of mediating cultural diversity and value conflict.¹⁴ This articulation of these challenges incorporates the wide range of material and ideational factors that apply to global Internet governance and make it so difficult to harmonise across legal, cultural and political boundaries. In Hurrell’s view, “it is the difficulty of finding a legitimate form of global politics capable of meeting these three challenges together which makes the problem of order a quintessentially political problem.”¹⁵ However, very often in debates about global Internet governance, the focus is on technical coordination which is much easier to agree upon. This is obviously a significant element of Internet governance but very often, technical decisions and standards have political implications that cannot and should not be ignored. Framing Internet governance as ‘technical’ provides a discursive mechanism for inoculating the issues from important and inescapable political debates.

For those who do acknowledge that Internet governance goes beyond the technical, the question of an appropriate model of governance arises. The two alternatives to multi-stakeholderism that are most widely discussed are multi-lateral governance - very much in the pre-globalisation, Westphalian approach to international politics, and supra-national governance through a body like the United Nations International Telecommunications Union (ITU). Kahler and Lake argue that issues that require coordination rather than collaboration are more likely to be seen by states as suitable for networked,¹⁶ non-hierarchical governance arrangements but where interests diverge too

¹¹ Thomas Weiss and Rorden Wilkinson, ‘Rethinking Global Governance?’, p.213.

¹² Of course, interpretations of what it means for the Internet to ‘work’ are subjective and this in itself is a question that should be opened up for debate. In this context though, I refer simply to the fact that packets of information move across the network more or less as they are intended to.

¹³ Thomas Weiss and Rorden Wilkinson, ‘Rethinking Global Governance?’, p.209.

¹⁴ Andrew Hurrell, *On Global Order*, (Oxford: Oxford University Press, 2007), p.2.

¹⁵ Ibid.

¹⁶ In global governance, networked arrangements are characterised by ‘sharing authority between the nodes or constituting authority from the interactions themselves’. Miles Kahler and David Lake, ‘Economic

significantly, either supra-national or hierarchical arrangements are more likely to emerge.¹⁷ Significantly, in discussing political explanations for choices of various governance models, Kahler and Lake also make the point that “actors have no intrinsic preference for one or another governance structure, but struggle to influence the choice of structure so as to maximize their political aims”.¹⁸ They would argue then, that actors prefer a multi-stakeholder model of global Internet governance not primarily for normative reasons (though not necessarily excluding those altogether) but because they regard that model as most likely to promote their own interests – however those may be defined. In their view “the conflict over governance is largely a conflict over policy, once removed”.¹⁹ With this in mind, the following section details the power expectations of the US government during a critical period in the development of existing arrangements.

Internet Governance and US National Interest

As is the case with the governance of other large scale systems like the environment or global finance, Internet governance is not a single, unitary function or practice. Rather, it is a complex matrix of technical standard setting, resource allocation, legal arrangements and the control of access and information online. In part due to this complex array of functions and practices, the actors involved are also diverse and include governments, supra-national bodies like the International Telecommunications Union (ITU), the private sector owners and operators of services, platforms and infrastructure, an array of technical and standard setting bodies, and civil society groups like non-governmental organisations and advocacy groups.²⁰ A complete history of this is beyond the remit of this paper but some of the key political factors are outlined below.

The 1980s had seen a shift in Western thinking about the relationship between people, their governments and the private sector. Both the Reagan and Thatcher governments emphasised ‘small government’, the privatisation of public infrastructure and faith in market forces to deliver on what was ‘best’ for society.²¹ Bill Clinton’s initial presidential campaign in 1992 was run on the slogan ‘It’s the economy, stupid’, and his platform was very much about supporting the private sector expansion globally in order to shore up American power.²² The Cold War was over and the US had emerged triumphant. The Clinton administration’s strategy (with Al Gore as Vice President) was to focus on new technology rather than conventional military technology. They proposed spending the ‘peace dividend’ – that money no longer required for maintaining equilibrium with the USSR - on

Integration and Global Governance: Why So Little Supranationalism?’ in *The Politics of Global Regulation*, Walter Mattli and Ngaire Woods (eds.), (Princeton, Princeton University Press, 2009), p.248.

¹⁷ Miles Kahler and David Lake, ‘Economic Integration and Global Governance’, p.254.

¹⁸ *Ibid.*, p.253.

¹⁹ *Ibid.*

²⁰ Laura DeNardis and Mark Raymond have developed a taxonomy that disaggregates the practices that comprise Internet governance into six ‘functional areas’ and 44 ‘tasks’. Laura DeNardis and Mark Raymond, ‘Thinking Clearly about Multistakeholder Internet Governance’, paper presented at the Eighth Annual GigaNet Symposium, Bali Indonesia, October 21, 2013.

²¹ Stephen H. Linder, ‘Coming to Terms with the Public-Private Partnership: A Grammar of Multiple Meanings’, *American Behavioral Scientist*, Vol.43, No.35, September 1999.

²² This catchphrase began life as a sign in the Clinton campaign headquarters in Arkansas. A message crafted by James Carville, political consultant and lead strategist on the Clinton campaign. See Mary Matalin and James Carville with Peter Knobler, *All’s Fair: Love, War, and Running for President*, (New York: Random House, 1994).

research and development specifically intended to promote sustainable growth in the private sector.²³

This privileging of the US private sector in Internet governance has significant power implications. Without suggesting that the public and private sector in the US have no areas of dispute about Internet governance, Clinton and Gore's initial vision for the Internet as a means of expanding markets to enhance US economic power in a post-Cold War order suggests that their interests have been broadly harmonised from the beginning. Gore made an important observation in a speech to Congress in which he introduced the National High Performance Computer Technology Bill. He drew a comparison between natural resources which he argued are "the natural endowment of nations" and information technology which he regarded as "an endowment which can be created wherever there is sufficient talent and determination".²⁴ He regarded information technology then, as a *resource* or a *source* of power – but one which could be generated through human endeavour rather than extracted from nature. The private sector, in this view, has the capacity to *generate* power and this was at the heart of the Clinton/Gore approach to Internet governance arrangements from the beginning.

Although the Clinton/Gore administration took considerable initiative to steer Internet technology in the direction they felt would be most beneficial for their broader goals of economic renewal and global leadership in this emerging technology, their intention was always that once established, the private sector would move forward with its own momentum. The privatisation and commercialisation of the Internet in the mid 90s was a clear expression of this strategy. Prior to this, the Internet infrastructure was owned and operated predominantly by the US government.²⁵ While it was already clear that there was considerable commercial potential related to its use, the Acceptable Use Policy (AUP) prohibited any commercial data on the network.²⁶ It was restricted instead to research and government traffic. The AUP was intended to prompt the private sector to build out the infrastructure at its own financial risk – something they would not have the incentive to do if permitted to use the existing backbone for commerce. By supporting Internet technology research and implementation enough to demonstrate its potential but prohibiting the commercial use of it, the Clinton/Gore administration successfully shifted the burden from the public purse to the private sector.

It was within this same context of the government taking initiative and 'leading the private sector to water', that Internet governance arrangements began to develop. One of the primary focuses in the

²³ Governor William J. Clinton, remarks at the Wharton School of Business, University of Pennsylvania, Philadelphia, April 16, 1992, <http://www.ibiblio.org/nii/econ-posit.html>.

²⁴ Senator Albert Gore Jr., speech to Congress introducing the National High-Performance Computer Technology Bill, (the Gore Bill) on May 18, 1989. Full text available at http://w2.eff.org/Infrastructure/Old/s1067_89_gore_hpc.bill. The bill would eventually be passed in 1991 as *The High Performance Computing Act of 1991* <http://www.thomas.gov/cgi-bin/query/F?c102:20:/temp/~mdbsTGH4wS:e37166>. For a summary of this legislation, see the National Coordination Office for Networking and Information Technology Research and Development available online at http://www.nitrd.gov/congressional/laws/pl_102-194.html.

²⁵ For an account of how the funding was organised in 1990, see Brian Kahin, 'RFC1192 – Commercialization of the Internet, Summary Report', issued as a Request for Comments by the Network Working Group, Harvard, November 1990, <http://www.fags.org/rfcs/rfc1192.html>.

²⁶ For background on this, see the National Science Foundation (NSF) web site, 'The Internet: Changing the Way we Communicate', <http://www.nsf.gov/about/history/nsf0050/internet/internet.htm>.

post-commercialisation phase was the management and constant reconciliation of the domain names and IP address numbers that are essential to the smooth functioning of the Internet. This 'Domain Name System' (DNS) had been managed prior to the commercialisation and privatisation of the Internet by an academic at Stanford University, Jon Postel. However, the extraordinary growth in requests for new domain names and IP addresses in the late 1990s made this untenable and dialogue opened up about how to manage what was then regarded as a purely technical function.²⁷ While there is some debate about how consultative this period was, the significant point for this article is that once again, the Clinton/Gore administration saw the private sector as the appropriate locus for managing this function. The Internet Corporation for Assigned Names and Numbers (ICANN) was established in 1998 as a private, not-for-profit organisation registered in the state of California and linked by a zero dollar contract to the US Department of Commerce.²⁸

From a technical and functional perspective, ICANN has been an extremely effective mechanism for managing the DNS in a period of remarkable growth. There are however, a range of political factors that were not anticipated when it was established in 1998 that have led some to challenge ICANN's role as a policy making body. Some of these provide insight into the implications of territory and sovereignty in the multi-stakeholder process.²⁹ For example, in the context of newly emergent states and secessionist movements, ICANN has the power to allocate 'country code Top Level Domains' (ccTLD). These ccTLDs (.uk, .au, .cn) effectively delineate national cyberspace and also to an extent legitimise a sovereign space. In addition, the inequitable allocation of resources has been a contentious issue. Under the original protocol of IPV4, IP addresses have run out – at least, they have now all been allocated to registries.³⁰ Of these IP addresses, some 74% are allocated to the US despite the fact that China now has 538 million people online (only 40% of their population) and the US has only 245 million (78% of their population).³¹ This disparity in the distribution of what is essentially a commercial product with implications for access and expansion situates this aspect of global Internet governance back in a Westphalian framework.³²

ICANN and its functions are just one element of global Internet governance – as articulated in De Nardis' and Raymond's recent taxonomy.³³ However, it has been an important and contentious

²⁷ Those engaged included key figures in the Internet technology community, business and civil liberties organisations amongst others. For a comprehensive list of these stakeholders and their interests, see Milton Mueller, *Net Neutrality as Global Principle for Internet Governance*, (Syracuse, NY: Internet Governance Project, 5 November 2007), pp.166-167.

²⁸ At the time of writing, ICANN operates under a zero dollar contract to the US Department of Commerce though this is up for review in 2015.

²⁹ A whole range of legitimacy challenges have led to ICANN remaining in some form of US government oversight though this is under constant review and revision. For an authoritative account of this, see Milton Mueller, *Ruling the Root*, (Cambridge: The MIT Press, 2002).

³⁰ Steven J. Vaughan-Nicols, 'Don't Panic! It's only the Internet running out of Addresses', *ZDNET*, February 3, 2011.

<http://www.zdnet.com/blog/networking/dont-panic-its-only-the-internet-running-out-of-addresses/656>.

³¹ The US has approximately four IP addresses per capita while China has .2 per capita. See Iljitsch van Beijnum, 'Trading IPV4 addresses will end in tears', *Ars Technica*, August 29, 2011.

<http://arstechnica.com/tech-policy/2011/08/trading-ipv4-addresses-will-end-in-tears/>. For usage statistics, see *Internet World Stats*, figures for June 30, 2012. <http://www.internetworldstats.com/stats.htm>

³² Yuezhi Zhao, 'China's Pursuits of Indigenous Innovations in Information Technology Developments: Hopes, follies and uncertainties', *Chinese Journal of Communication*, Vol.3, No.3, 2011, pp.266-289.

³³ Laura DeNardis and Mark Raymond, 'Thinking Clearly about Multistakeholder Internet Governance', Paper presented at the Eighth Annual GigaNet Symposium, Bali Indonesia, October 21, 2013.

element and it is a site of debates that emerge from sovereign concerns that spill over into the discourse on multi-stakeholderism. In a move that mirrored their handling of commercialisation/privatisation, the US government had taken a lead on this aspect of global Internet governance so as to implement their vision but with the clear expectation that ICANN would roll over into private hands once established.³⁴ Essentially, these embedded expectations of public/private cooperation and collaboration with a strong preference for 'private sector leadership' were the discursive and practical antecedents to the particular form of multi-stakeholderism that we see in place today.³⁵

The Promise of Multi-stakeholderism

The development of ideas about multi-stakeholderism as a progressive means of governance can be mapped onto a view of the world as interconnected and interdependent. The establishment of the UN following the second world war, although initially focused explicitly on sovereign entities reflected the sentiment that fates – even of states – were intertwined and required some coordination at a global level. Many trace the recent momentum in multi-stakeholderism to the Rio Summit in 1992 at which it became unequivocally clear that the environmental and developmental challenges facing the planet were unlikely to be dealt with effectively from within a Westphalian framework.³⁶ In this vein, Cammaerts suggests that multi-stakeholderism is perceived as “the solution to solve a deep crisis in the legitimacy of international (and national) political institutions”.³⁷

More specifically, a common starting point for the emergence of multi-stakeholder Internet governance is the discourse that emerged from the World Summit on the Information Society (WSIS) process initiated by the International Telecommunications Union (ITU) back in the late 1990s. Prompted by the realisation that coordinating global telecommunications was about to become increasingly complex the ITU - quite reasonably given its extensive role in global postal, radio and television coordination - proposed that it would be the best situated organisation to develop emerging communications technologies in such a way as to promote economic, social and cultural development globally. The result was a two part summit – the first phase of which took place in Geneva in 2003 and the second in Tunisia in 2005. One of the outcomes of this process was the following definition of Internet governance:

³⁴ While ICANN is only one of a number of technical/policy/standards organisations that contribute to Internet governance, it is worth looking at in some depth because it is the site of particular contestation about these issues of power, legitimacy, state control and interests.

³⁵ Markus Kummer, 'Multistakeholder Cooperation: Reflections on the emergence of a new phraseology in international cooperation', *Internet Society Public Policy Blog*, May 14, 2013. <http://www.internetsociety.org/blog/2013/05/multistakeholder-cooperation-reflections-emergence-new-phraseology-international>

³⁶ Minu Hemmati (ed.), *Multi-stakeholder processes for governance and sustainability beyond deadlock and conflict*, (London: Earthscan Publications, 2002), p1.

³⁷ Bart Cammaerts, 'Power Dynamics in Multi-Stakeholder Policy Processes and Intra-civil Society Networking', in *The Handbook of Global Media and Communication Policy*, Robin Mansell and Marc Raboy (eds.), (Oxford: Wiley-Blackwell, 2011), p.134.

Internet governance is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.³⁸

As well as providing a working definition for Internet governance, this statement is also the point of reference for multi-stakeholderism due to its specification of three distinct stakeholders and their 'respective roles'.³⁹ The strengths and advantages of a multi-stakeholder model for global Internet governance that both underpinned this definition and continue to sustain the momentum for this approach are important to acknowledge – even while offering a critique of the power dynamics of the model.

First, multi-stakeholder governance offers the promise of more effectively recognising and accommodating the multitude of interests around this issue. The Internet impacts significantly on so many diverse spheres including commerce, defense, culture, personal communication and relations, education, and legal issues. This is not to suggest that systems like the environment and the economy do not – but rather that the awareness and perception of stakeholders is quite intense in this particular context. As a consequence of both the awareness of the implications of this technology as well as the competing interests, it is reasonable to expect that multiple actors should have a more direct say in how it is governed and controlled than would normally come about simply through government representation of constituents in a multi-lateral or supra-national model.

In addition to its promise of wide representation, the second reason why a multi-stakeholder model is so appealing in this particular context is that bringing a diverse range of actors more closely into the decision making process allows for the optimum utilisation of expertise. Those closest to the 'bleeding edge' of this technology are able to offer insights and perspectives not accessible to policy makers or international bureaucrats. It also facilitates the flexibility necessary to adapt to change, thereby maximising innovation and market capitalisation.

The third reason why multi-stakeholderism holds out real promise for the future of global Internet governance specifically and global governance more generally can be found in the work of Bertrand de la Chapelle who argues that this forced collaboration has important benefits for developing more sophisticated and nuanced conceptual approaches to both.⁴⁰ Not only do governments have to confront the expertise of the private sector (from which he sees a sense of legitimacy emerge), but the private sector and civil society have to acknowledge the complex policy issues that arise from the expansion of Internet technology. This, he says, runs "counter to early claims that the Internet made governments obsolete and that Internet-related issues should be the sole province of the private sector (via self-regulation) or the technical community."⁴¹

³⁸ Working Group on Internet Governance Report, Chateau de Bossey, 2005, p.4.

³⁹ For more on this discursive shift from 'private-sector leadership' to 'multi-stakeholderism', see Markus Kummer, 'Multistakeholder Cooperation: Reflections on the emergence of a new phraseology in international cooperation', *Internet Society Public Policy Blog*, May 14, 2013. <http://www.internetsociety.org/blog/2013/05/multistakeholder-cooperation-reflections-emergence-new-phraseology-international>

⁴⁰ Bertrand de la Chapelle, 'Towards Multi-Stakeholder Governance – The Internet Governance Forum as Laboratory', in *The Power of Ideas: Internet Governance in a Global Multi-Stakeholder Environment*, Wolfgang Kleinwachter (ed.), (Marketing for Deutschland GmbH, 2007), p.260.

⁴¹ Bertrand de la Chapelle, 'Towards Multi-Stakeholder Governance', p.260.

Stakeholders and Power

Having established some of the background to multi-stakeholder Internet governance and having also explained its strengths, this section turns now to an analysis of the power dynamics evident in each of the three 'stakeholders' defined by the WSIS declaration; governments, the private sector and civil society. As foreshadowed in the Introduction, the argument here is that rather than substantially redistributing power, multi-stakeholder Internet governance reinforces existing power dynamics. Governments continue to exercise power and despite suggestions to the contrary, they benefit from a sense of legitimacy generated by representation of their citizens. The private sector also exercises power though they face considerable legitimacy challenges – but crucially, the private sector in this context is dominated by huge US companies that can serve to aggregate rather than balance US government power. Finally, civil society appears to exert little power in the multi-stakeholder process but it serves the purpose of the other two stakeholders by giving the impression of consultation without generating any significant friction. In this sense, civil society also helps to preserve the status quo which favours those who established and continue to promote the multi-stakeholder model in its current form.

The concept of power at the centre of this argument is Gramsci's work on hegemony. He regarded hegemony not in the sense of "simple dominance, based upon a preponderance of coercive power or material resources" but as a social form of power based on relations of consensus.⁴² In essence, Gramsci regarded the capacity for dominant groups to generate consent through the articulation of "a political vision, an ideology, which claimed to speak for all and which resonated with beliefs widely held in popular political culture" as an important form of power.⁴³ Although Gramsci's work was predominantly situated in the domestic, Robert Cox extended this notion of hegemonic power to develop his own ideas about a reconceptualised state/society complex that brought together a range of actors, loci and structures. In Cox's reading of Gramsci (and Machiavelli), the notion of hegemonic power could be disaggregated from specific social classes and applied more broadly to relations of dominance and subordination wherever they resided.⁴⁴ Through his work on power and international political economy, Cox demonstrated that in large systems like economics (or Internet governance), this notion of hegemonic power and a 'historic bloc' of social forces can operate at a global level.⁴⁵

This expansive view of hegemonic power relations is able to encompass the complexities of state and civil society elements in global Internet governance. In her latest book, Marianne Franklin argues that "[a]s the internet and its (non)regulation becomes increasingly identified with discourses of multistakeholderism, posited as the antidote to state oppression, both corporations and 'good-guy' state actors have been increasingly alert and proactive in controlling not only the agenda but also

⁴² Mark Rupert, 'Antonio Gramsci' in *Critical Theorists and International Relations*, Jenny Edkins and Nick Vaughan-Williams (eds.), (Oxon: Routledge, 2009), p177.

⁴³ Ibid.

⁴⁴ Robert W. Cox, 'Gramsci, Hegemony and International Relations : An Essay in Method', *Millennium: Journal of International Studies*, Vol.12, No.2, June 1983, pp.162-175.

⁴⁵ Stephen R. Gill and David Law, 'Global Hegemony and the Structural Power of Capital', *International Studies Quarterly*, Vol.33, No.4, Dec.1989, p.477. Also see Stephen Gill, 'Hegemony, Consensus and Trilateralism', *Review of International Studies*, Vol.12, No.3, July 1986, pp.205-221.

patrolling public debates.”⁴⁶ The following sections articulate how each of the relevant stakeholders fit within this Gramscian matrix of hegemonic power.

Governments

There are two primary tensions around the role of governments in multi-stakeholder Internet governance. The first is that if states’ interests are not closely aligned with those of the US which plays a dominant role, both through its oversight of ICANN and its general influence in international affairs, there emerges a preference for greater equity *between* states in Internet governance. In response to the Snowden leaks, Brazilian President Dilma Rouseff hosted an international meeting to re-evaluate global Internet governance. The NetMundial meeting was held in April 2014 in Sao Paulo and in her opening speech Rouseff argued that in this context relations must be based on equality so that all governments participate on an “equal footing”.⁴⁷

The second tension around the role of governments in multi-stakeholder Internet governance is that limiting the role of governments is regarded by some as essential for the health of multi-stakeholder Internet governance. This obviously meets resistance from states that find it difficult to promote their national interest or sense of sovereignty in competition with the interests of other stakeholders. Both of these tensions have power and legitimacy at their core and both need to be taken into account when considering the future of Internet governance. Ultimately though, the first tension – that states would prefer more equity amongst one another, is less controversial and less specific to Internet governance. Limiting government involvement relative to other stakeholders however, is essential to maintaining the status quo in Internet governance – an outcome that is most favourable to those actors that helped establish it in the first place. This section addresses the counter arguments to the assertion that governments should play a limited role in multi-stakeholder Internet governance in order to expose the power dynamics that are served by promoting that view.

The dominant theme that governments should not (or cannot) be the sole arbiters of how the Internet is governed is based in part on the obvious technical factors that call for coordination between non-state actors like Internet service providers, Internet exchange points, telecommunications firms and Internet standards setting bodies. In addition to this though, there is a persistent concern that involving states in Internet governance practices and processes will see the Internet mired in politics which would potentially undermine progress and innovation.⁴⁸ There are two problems inherent in this assumption; first, beyond the most basic intent that the network functions in a reliable manner, there are many competing ideas about what constitutes a ‘good’ or ‘open’ or ‘secure’ Internet. For example, an Internet that is secure for the producers of intellectual

⁴⁶ Marianne Franklin, *Digital Dilemmas: Power, Resistance and the Internet*, (Oxford: Oxford University Press, 2013), pp190-191.

⁴⁷ Dilma Rouseff, Speech opening the NetMundial meeting in Brazil on April 23, 2014., pp.7-8.
<http://netmundial.br/wp-content/uploads/2014/04/NETMundial-23April2014-Dilma-Rouseff-Opening-Speech-en.pdf>,

⁴⁸ Terry Kramer, Ambassador U.S. Head of Delegation to the World Conference on International Telecommunications has stated that ‘All of the benefits and growth of the internet have come as a result not of government action or of intergovernmental treaty. They are an organic expression of consumer demand and societal needs, along with other multi-stakeholder governance.’ Prepared remarks, Dubai, United Arab Emirates, December 13, 2012. <http://www.state.gov/e/eb/rls/rm/2012/202040.htm>

property is primarily of interest to those who produce it, not those who consume it.⁴⁹ Online privacy is important in cultures that value individual rights whereas personal accountability and transparency can be more important in cultures based on communitarian values.

This first problematic assumption leads directly to the issue of legitimate representation. In a Westphalian model of governance, states represent these varied norms and interests of their populations and work to promote and protect them from external influences. The emergence of global governance has opened up the space for us to reconsider alternative modes of representation and political organisation but there is little to indicate at this stage that governments have been absolved of the *responsibility* of protecting and promoting the interests of their citizens – offline as well as online. And because there is little that is universal in these norms and interests, Internet governance remains a politically contentious sphere. Peng Hwa Ang has argued that governments have a role to play because “rights to intellectual property, privacy and reputation would only be most effectively dealt with by governments”.⁵⁰ Self-help, social etiquette and technology, he argues, can take us only so far.⁵¹ In order to counter the power that governments might wield due to this representative legitimacy opponents argue that governments *themselves* politicise these issues – rather than acknowledging that they are already politicised and governments offer representation to their population.

The second reason why limiting government involvement in global Internet governance needs careful thought has to do with sustainability. Thinking about multi-stakeholderism initially emerged from the environmental sector where one of the key incentives was to develop a sustainable governance model in a similarly complex and post-sovereign context.⁵² The object was to bring all parties to the table together to seek a solution that would endure and not break down at the domestic level. One of the reasons why the post-war Bretton Woods arrangement is understood to have been so enduring is because it was seen as more or less designed to promote national interests equally rather than overly privileging one state over another.⁵³ If governments find they are disenfranchised or disempowered in terms of Internet governance, the option of ‘Internet sovereignty’ (in which the Internet is regarded as an extension of sovereign space rather than a global sphere) becomes an attractive option as demonstrated to some extent already by China and Iran. This is represented in the discourse as the threat of a ‘Balkanised’ Internet – one that simply links sovereign networks together. Significantly, Mueller and Wagner make the important point that many of the states that promote a sovereign view of the Internet in which governments should take

⁴⁹ Dan Drezner, ‘The Global Governance of the Internet: Bringing the State Back In’, *Political Science Quarterly*, Vol.119, No.3, 2004

⁵⁰ Peng Hwa Ang, ‘The Evolution of Rules for the Internet as a Model for Internet Governance’, in *The Power of Ideas: Internet Governance in a Global Multi-Stakeholder Environment*, Wolfgang Kleinwachter (ed.), (Marketing for Deutschland GmbH, 2007), p.85.

⁵¹ Ibid.

⁵² Minu Hemmati, *Multi-stakeholder Processes for Governance and Sustainability: Beyond Deadlock and Conflict*, (London: Earthscan Publications, 2002), Karin Bäckstrand, ‘Multi-stakeholder partnerships for sustainable development: rethinking legitimacy, accountability and effectiveness’, *European Environment*, Vol.16, No.5, September/October 2006.

⁵³ Robert Gilpin, *The Political Economy of International Relations*, (Princeton: Princeton University Press, 1987), pp.134-137.

the lead are newly independent and nationalism is regarded as an important element of building social and political cohesion.⁵⁴

It is important to note that this 'Balkanisation' debate is not simply located in non-Western, autocratic states. All states expect their national laws to be obeyed – even when it comes to the Internet. The 'Law Enforcement Report' issued by Vodafone in June 2014 made this clear as it documented the extent to which it is legally obliged to hand over customer data to governments – many of them in the West.⁵⁵ It is possible that a more sustainable model of multi-stakeholder Internet governance may actually be one that allows for competing views such as those outlined above to be articulated and dealt with in a way that leaves governments confident that their national interest is more or less equally accommodated in the arrangements.

Finally, the narrative about the need to limit government involvement in multi-stakeholder Internet governance does not impact on all states to the same extent. Because the US has been so successful in embedding its view in multi-stakeholder Internet governance practices, functions and norms, it and states aligned ideologically with its 'Internet Freedom' approach can afford to promote a view of limited government involvement. Essentially, this serves to limit *oppositional* government input. This played out quite dramatically at the World Conference on International Telecommunications (WCIT) in December 2012.

Hosted by the ITU, this conference was intended as an opportunity to review and update the International Telecommunication Regulations (ITRs), which 'serve as the binding global treaty designed to facilitate international interconnection and interoperability of information and communication services'.⁵⁶ Many developing states which tend to have less privatisation in their telecoms sector and much closer ties between government and industry would prefer to have Internet governance issues handled through an interstate agency like the ITU.⁵⁷ There are differing views on the utility of updating the ITRs but in the lead up to the WCIT the US vigorously promoted the ITU initiative as a proposed 'UN takeover' of the Internet and a potential victory for authoritarian states that believed that some kind of supra-national Internet governance model would better allow them to promote their own interests. Despite the diplomatic power of the US and its supporters like Australia and the EU, 89 countries voted for the changes with only 55 voting alongside the US to dispute them. The result was an impasse with the ITRs being put back on the shelf unrevised but the lesson was that diplomatic leveraging is very much a part of global Internet governance.

Attempts to limit government involvement in the multi-stakeholder process then, serve to preserve the status quo by actually limiting *oppositional* government influence that might promote views counter to those held by the 'north-west' states. Because governments are unlikely to cede sovereign control in areas they deem central to the national interest, this produces concerns about sustainability of the multi-stakeholder model with potential for a further 'Balkanisation' of the Internet.

⁵⁴ Milton Mueller and Ben Wagner, 'Finding a Formula for Brazil', p.3.

⁵⁵ 'Law Enforcement Disclosure Report', *Vodafone*, June 2014.

http://www.vodafone.com/content/dam/sustainability/2014/pdf/operating-responsibly/vodafone_law_enforcement_disclosure_report.pdf.

⁵⁶ World Conference on International Telecommunications (WCIT-12)', *International Telecommunications Union*, <http://www.itu.int/en/wcit-12/Pages/default.aspx>, Accessed June 20, 2014.

⁵⁷ Milton Mueller and Ben Wagner, 'Finding a Formula for Brazil', p.3.

The (US) Private Sector

The private sector is clearly integral to Internet governance and as one of the three stakeholders in the WSIS defined multi-stakeholder model, it exercises considerable power. Much of the Internet infrastructure is privately owned and operated – particularly in the West, as are online services. The elevation of the private sector in Internet governance was a clear agenda of the US from the beginning, as has been outlined previously in this article. Even in the context of ICANN with which the US government has had a complex and challenging relationship, the preference for a private sector led model has been consistently expressed because it ‘reflect[s] the public interest, is best able to flexibly meet the changing needs of the Internet and of Internet users’.⁵⁸ There are two key problems with the private sector legitimacy in global Internet governance; first, the disproportionate influence of the US private sector can serve to aggregate rather than balance US state power due to the longstanding alignment of interests. Second, the private sector faces real challenges to its legitimacy due to a lack of transparency and accountability in terms of representation.

Mueller and Wagner outline the difficulties of constructing representative non-governmental ‘stakeholder groups’ for the NETmundial meeting in Brazil.⁵⁹ Unlike governments, neither the business community nor civil society has the “well-designed institutions or procedures” necessary for appointing representatives that would be regarded globally as legitimate.⁶⁰ In this vacuum, the International Chamber of Commerce’s Business Allied to Support the Information Society (ICC BASIS) proposed five business representatives for the 1Net coordinating committee – all of whom were “Americans working for US companies (Facebook, Google, Microsoft, 21st Century Fox, and an ICANN consultant).”⁶¹ This clearly is not representative of smaller firms or non-western firms. There is an implicit suggestion of legitimacy of these US multi-nationals based on market share and global reach. However, even if those were accepted criteria for legitimate representation in multi-stakeholder Internet governance, questions arise about why we see so few (if any) representatives from Chinese firms like Huawei, Baidu or TenCent engaged in these practices.

The interests of these large US corporations and the US government are aligned through what Stephen Gill has termed ‘disciplinary neoliberalism’.⁶² In a 1995 article in this journal, Gill described the way in which discourses about governance that emphasise “efficiency, welfare, and freedom of the market” actually produce hierarchies that privilege corporate capital.⁶³ Mobilising the private sector to drive Internet growth was a proxy for US national interest and it continues to be. Or at least, it is so closely aligned as to produce relatively little tension between these stakeholders. From the US private sector’s perspective, strong relations with the US government on Internet governance has worked advantageously. Despite the US government emphasis on Internet Freedom, the US private sector has arguably done more to ‘Balkanise’ the Internet than any other actor through the

⁵⁸ ‘Affirmation of Commitments by the US Department of Commerce and the International Corporation for Assigned Names and Numbers’, *ICANN website*, September 30, 2009.
<https://www.icann.org/en/system/files/files/affirmation-of-commitments-30sep09-en.pdf> .

⁵⁹ Milton Mueller and Ben Wagner, ‘Finding a Formula for Brazil’, p.17.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Stephen Gill, ‘Globalisation, Market Civilisation, and Disciplinary Neoliberalism’, *Millennium – Journal of International Studies*, Vol.24, No.3, 1995, pp.399-423.

⁶³ Ibid, p.401.

promotion and enforcement of digital rights management and it has been able to rely upon US government support throughout. The overlay of a sovereign map on top of the Internet has most effectively been established through a combination of location based services, intrusive software applications that exploit user privacy in return for services and the promotion of international norms that allow for the control of information on commercial but not cultural or political grounds. This ‘re-territorialisation’ of the Internet has worked very much in the favour of the US private sector (and the intelligence community).

In the context of these mutually reinforcing interests and synergistic power dynamics, questions remain about how the private sector (US or global) generate legitimacy in multi-stakeholder Internet governance. Unelected, lacking in transparency and accountability (except to their shareholders), the private sector prefer, find Padovani and Pavan, “non-publicly accessible ways to conduct their business in the Internet governance context, and are therefore not interested in the democratic potential of multi-stakeholder practice.”⁶⁴ Instead, the sector derives legitimacy in the context of Internet governance from two alternative sources; from its ‘expertise’ which has been discussed already as a positive attribute of the multi-stakeholder model, and also from its discursive alignment with civil society interests.

Despite the concerning privacy breaches built into the business model of free online applications and services, the private sector works hard to promote a discourse about its capacity and desire to reinforce the wants and needs of civil society – especially in the face of government heavy handedness. This has been an essential element of the private sector’s legitimacy but it is a flimsy platform. Prior to the Snowden leaks that revealed the extent to which the US intelligence community relied upon personal data gathered by these US information firms, a number of private sector organisations established the Global Network Initiative (GNI) specifically for the purpose of supporting one another to deal with government requests of information on their clients.⁶⁵ In a post-Snowden world though, the GNI would appear to have been conceived to address information requests by non-Western governments as it appeared to have little impact on the (still unclear) collaboration of the private sector and the US intelligence community on the Prism project. Recent revelations about Facebook secretly manipulating the news feeds of 700,000 customers for a research project further undermines this narrative of private sector and civil society alignment.⁶⁶

These legitimacy challenges and the mechanisms that the private sector use to mitigate them, combined with the synergy between the dominant US private sector and the US government serve to aggregate rather than balance or counter power in the multi-stakeholder process. The final stakeholder to be considered is civil society.

Civil Society

Looking at the taxonomy of Internet governance functions produced by DeNardis and Raymond, civil society is notably absent. Within the six functional areas they have identified and the 44 specific

⁶⁴ Claudia Padovani and Elena Pavan, ‘Diversity Reconsidered in a Global Multi-Stakeholder Environment’, p.109.

⁶⁵ Global Network Initiative. <https://www.globalnetworkinitiative.org/>

⁶⁶ Katy Waldman, ‘Facebook’s Unethical Experiment’, *Slate*, June 28, 2014. http://www.slate.com/articles/health_and_science/science/2014/06/facebook_unethical_experiment_it_made_news_feeds_happier_or_sadder_to_manipulate.html.

tasks within those functions, civil society is not the primary institutional actor for any of them which suggest that it has a role distinct from either government or the private sector.⁶⁷ In an analysis of power dynamics in multi-stakeholder Internet governance, civil society appears to be the least influential stakeholder despite its equal billing in the WSIS definition. This section argues that power is virtually indiscernible in civil society participation in the multi-stakeholder process. This is due in part to legitimacy challenges that arise from the difficulties of coordination and representation. However, this inefficiency and consequent powerlessness is an important element of the overall power dynamics in multi-stakeholderism. Essentially, it allows the other two stakeholders to acknowledge the validity of civil society input and obtain “the endorsement of civil society-based organizations” without having to contend with them in any significant way.⁶⁸

Jan Aart Scholte has studied civil society in global governance extensively – particularly in the global financial sector. He argues that there is an accountability deficit in many contemporary global governance arrangements due to a lack of adequate oversight of increasingly powerful institutions and actors like UN agencies, multilateral financial institutions and regulatory bodies.⁶⁹ This accountability deficit has in part prompted the rise of civil society organisations intent on bringing “greater public control to global governance”.⁷⁰ In multi-stakeholder Internet governance, this promise of providing oversight and accountability to the other stakeholders is coupled with a normative agenda of promoting values like human rights, a free and open Internet, equal access and net neutrality. Civil society, not driven by pecuniary gain or public office focuses instead on enhancing the rule making undertaken by other stakeholders. Despite even this relatively constrained role in the multi-stakeholder process, civil society suffers from legitimacy challenges due to the difficulty of representing wide and diverse views and also due to the lack of oversight and accountability *within* civil society itself.

The diversity of views that could be represented by civil society in multi-stakeholder Internet governance is less than the reality due in part to the problems of participation. Attendance at international meetings is expensive and beyond the reach of all but the well-funded who tend to work for NGOs that promote a particular agenda. Very often, this is a human rights agenda – an important and desirable one, but as contentious in an online context as it is offline. For example, in preparation for the NetMundial meeting, one aggregate group – Best Bits, coordinated a planning meeting for over 90 civil society groups that would have input into the dialogue and process.⁷¹ These groups and individuals represented a broad spectrum of interests but many of them fell into human rights, freedom of information, intellectual property and/or privacy categories. Of 60 organisations participating, more than two thirds were from the West or Brazil. Many of the remainder were non-western chapters of Western funded NGOs. Although there is a growing literature on the important role that civil society is playing in Chinese Internet politics – particularly in the oversight and

⁶⁷ Laura DeNardis and Mark Raymond, ‘Thinking Clearly about Multistakeholder Internet Governance’, pp.4-5.

⁶⁸ Marianne Franklin, *Digital Dilemmas: Power, Resistance and the Internet*, p.157.

⁶⁹ Jan Aart Scholte, ‘Civil Society and Democratically Accountable Global Governance’, in *Government and Opposition*, (Oxford: Blackwell Publishing, 2004), pp.211-12.

⁷⁰ *Ibid*, p.212.

⁷¹ ‘Civil Society Pre-NETMundial Coordination Meeting’, *Best Bits*, April 22, 2014.

http://bestbits.net/events/netmundial-coordination/?instance_id=

accountability sense that Scholte would anticipate, there is little representation of these views, values or approaches in the established multi-stakeholder dialogue about civil society.⁷²

These problems of participation and representation have led to suggestions that we are witnessing the emergence of a “global civil society elite”.⁷³ Civil society in this view is a small group of people who feel strongly enough to get involved and who are funded to do so. This is a concern reflected in a recent Internet Society poll that found that almost 75% of respondents agree or strongly agree that inclusiveness is an area requiring more attention. Specifically “increased participation of actors from developing countries”, “funding solutions (especially for civil society representatives)”, and “focus on end users of the Internet”.⁷⁴ Mueller has observed the fine line between “the openness, diversity, and informality that are the hallmarks of civil society, and ... the need for formal mechanisms for representation and decision making to be effective in governance processes.”⁷⁵ This is a broader challenge for civil society representation in global governance but it has specific implications for power in the multi-stakeholder model.

Although these dominant civil society groups do not always promote policies that are perfectly aligned with US interests, where they do not, their influence is so minimal as not to generate any significant friction for maintaining the status quo. One of the key issues that the civil society chose to focus on at NetMundial was network neutrality – a complex and indistinct problem around managing data flows. Opinions on this issue are deeply divided but despite their emphasis on it, civil society actors at NetMundial felt they were unable to make any headway on net neutrality at all.⁷⁶

Civil society is – or should be, important to global Internet governance for a number of reasons. Its capacity to provide oversight and also to promote the interests of human beings over business and governments is certainly desirable. However, the legitimacy challenges that stem from a lack of accountability, a lack of a clear constituency and poor representation limit the power of civil society in the multi-stakeholder process. Perhaps of most concern is the way in which their involvement in multi-stakeholderism serves to placate calls for greater attention to the interests of human beings while not effectively curbing the power exercised by other stakeholders.

Conclusion

Laura DeNardis argues that the decentralized and diverse nature of multi-stakeholder Internet governance is its strength and indeed, she regards it as a major factor in the ‘resilience, stability and adaptability of the Internet’.⁷⁷ Certainly the multi-stakeholder model offers a lot of benefits both in

⁷² Zixue Tai, *The Internet in China: Cyberspace and Civil Society*, (New York: Routledge, 2006).

⁷³ Arne Hintz, ‘Deconstructing multi-stakeholderism: The discourses and realities of global governance at the World Summit on the Information Society’, p.9.
<http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=66A4E1F7E91574AD08A73A0638A92D2C?doi=10.1.1.408.5532&rep=rep1&type=pdf>, .

⁷⁴ ‘Internet Society Questionnaire on Multistakeholder Governance’, *Internet Society*, October 2013, P.7. Available at <http://www.internetsociety.org/doc/internet-society-questionnaire-multistakeholder-governance-report-and-summary-results-october>.

⁷⁵ Milton Mueller, *Networks and States: The Global Politics of Internet Governance*, (Cambridge: The MIT Press, 2010), p.83.

⁷⁶ ‘Civil society closing statement at NETmundial 2014’, *BestBits Website*, April 24, 2014.
<http://bestbits.net/netmundial-response/>.

⁷⁷ Laura DeNardis, *The Global War for Internet Governance*, p.230.

this specific issue area and arguably, more broadly for other global governance issues. It is equally important however, to critically analyse its weaknesses as it is to celebrate its promise. One of the fundamental problems with the current arrangements is that rather than disperse power to a wide range of actors, multi-stakeholderism reinforces existing power dynamics that have been 'baked in' to the model from the beginning. It privileges north-western governments – particularly the US, as well as the US private sector. With the vast majority of Internet users still to come online residing in North and Southeast Asia, greater respect for diverse voices and approaches to Internet governance will be essential to sustaining the success of the past 25 years.

Internet governance encompasses so many factors both material and deeply ideational that debates about it are difficult to conduct with clarity. It forces decisions and approaches on issues that are divisive in the extreme at a civil society level as well as an elite level. While some aspects of Internet governance are a matter of technical coordination that present low barriers to cooperation, there are many other aspects that have political, commercial, legal and cultural implications. Acknowledging the deeply political side of Internet governance is unavoidable and so is recognising that governments will continue to expect to promote their national interest in this context. A much broader cross section of private sector actors needs to be empowered in the process and perhaps most crucially; a role for civil society that is representative and can make a meaningful contribution needs to be developed. In the words of Thomas Reiss and Rorden Wilkinson, "[e]verything is globalized – that is, everything except politics."⁷⁸

⁷⁸ Thomas Weiss and Rorden Wilkinson, 'Rethinking Global Governance?', p.213.