This draft document reflects broad research outside the scope of participating stakeholders. It is an external view of the issues involved. Contributors to the process have been providing statements and these will be integrated into the ongoing text. This draft document offers a global view of the issues surrounding developing meaningful multistakeholder participation mechanisms.

1. Definition of the issue

Multistakeholderism: The study and practice of forms of participatory democracy that allow for all those who have a stake and who have the inclination, to participate on equal footing in the deliberation of issues and the recommendation of solutions. While final decisions and implementation may be assigned to a single stakeholder group, these decision makers are always accountable to all of the stakeholders for their decisions and the implementations.

“A multistakeholder mechanism in the realm of Internet governance is one where all the relevant stakeholders are engaged in making the decisions that affect them. Key attributes of a multistakeholder mechanism are that it:

-- is open and known to the relevant stakeholders

-- is accessible

-- works iteratively

-- achieves rough consensus (as opposed to unanimity)

-- balance between all stakeholders. (An 'equal footing' is not enough, if some stakeholders are funded and others are not.)

-- transparency among stakeholders

Crucially, stakeholders must openly share a common understanding of the issues at hand.

At its core, this thread seeks ways for stakeholders to have a meaningful impact on the ongoing process of policy development and implementation. Embedded in this quest is a series of specific challenges that arise from a variety of factors including but not exclusive to history, economics, and power relationships.

Multistakeholder mechanisms rely upon rough consensus requiring a degree of trust among stakeholders. Multistakeholder mechanisms seem to flow from shared trust among stakeholders and shared definitions. While not essential, these factors appear to be excellent predictors of success. If either or both of these factors are weak or absent, a multistakeholder mechanisms successful outcome might well be the strengthening of these factors. Where these factors are present, a multistakeholder mechanism has the potential for reaching substantive agreements among stakeholders. And if not or if not to a sufficient degree, can those stakeholders who find the multistakeholder mechanism undesirable or distrust other stakeholders be persuaded to change their minds? It is entirely possible that some stakeholders have little faith in multistakeholder mechanisms or advance definitions immiscible to those of other stakeholders. Regional specificities observed

There is significant concern and discussion about the balance of regional participation in global multistakeholder discussions along multiple dimensions including developed and developing, style of national government, and type of stakeholder. Moreover the nature of multistakeholder mechanisms, the norms they employ, and their utility may vary for a range of reasons such as social, cultural and religious norms, Stakeholders can be classified in a variety of ways depending on one’s point of view and framework. For discussion purposes, let us distinguish between five broad classes of stakeholders: governments, business, civil society, academic, and technical communities. Governments are UN recognized sovereign entities. Business stakeholders operate out of a profit motive, seeking to return wealth to their owners. Conversely, non-commercial stakeholders do not operate out of a commercial interest. Organizations are defined within these classes by their membership leading to blurring between classes in some cases. The technical and academic communities also fall within these classes depending upon how individuals and organizations position themselves and their speech. [[1]](#footnote-2)

**Government**: As research has pointed out, many developing nations with scarce resources find participating in internet governance discussions more challenging than many developed nations. Moreover the latter also tend to have better capacity in internet governance policy making as well. For many governments, devoting resources to internet governance is an expensive luxury. Secondly, the degree to which governments are democratic also influences their perception of internet governance and stance on a range of core issues including free speech, free association, access, and intellectual property. Strongly democratic governments seek to promote and enhance such rights while non-democratic governments seek to limit them. These two characteristics impact government decisions simultaneously.

**Business**: Looking at commercial stakeholders involved in internet governance reveals that the majority of these organizations hail from the developed world. The depth and range of their engagement with local institutions, including governments, vary widely. Some commercial organizations are based in the developing world and those that are sometimes have a close relationship with the local government extending at times to partial ownership.

**The Technical Community** includes individuals and organizations involved in the technical functioning and operation of the internet ranging from engineers to scientists to programmers.

The **Academic Community** includes individuals and organizations involved in the study of the internet and its effects. Typically this community is comprised of universities, research institutes, scholarly professional organizations and individuals holding or seeking a terminal research degree such as a PhD.

Civil Society includes all groups and individuals throughout the world unrepresented by the previous four categories including non profit organizations and individual users.

~~[Where do technical/academic stakeholders and international organizations fit? In a WSIS-based environment, I think this needs to be addressed. You could put the former under non-commercial and the latter under governments, I suppose, but I recommend adding at least a sentence to make that clear.]~~

1. Existing policy measures and private sector initiatives

[A word about “trust”: This section makes broad generalizations to raise critical issues relevant to the multistakeholder process. Trust as used encompasses a broad definition which includes comfort interacting with. This is crucial to multistakeholder mechanisms.]

The trust relationships between these five stakeholder groups is critical for multistakeholder mechanisms, especially for relationships between governments of developing countries. Many of these countries do not have strong local and national experience with civil society. Additionally, their experience with civil society from developed nations may be unsatisfactory. Developed nations on the other hand generally have greater trust in commercial and non-commercial entities by virtue of their experience in dealing with them at the national and international level. Another element of this dynamic is the relative power relationships. Developed nations treat other stakeholders as subordinate or at best complementary in a national contextwhereas developing nations may well be subordinate to those entities, especially when dealing with some businesses.

The democracy scale also impacts relationships between states and other stakeholders. In part, this is attributable to the confidence a government has in its own authority which frequently is a function of how democratic legitimacy. Democratic governments tend to be less threatened by organizations that[?] build parallel power structures while undemocratic governments see such organizations as potential competitors. This competitive element creates a level of distrust. Moreover when organizations offer to empower citizens in ways of which the government does not approve or indeed restricts, it poses a direct attack on the power of the arguably brittle state.

Businesses from developed nations feel a higher level of trust with developed nations than developing nations which frequently have a weaker rule of law. Corporations are legal construct and enjoy their greatest legal rights and constraints in states with a strong rule of law and consequently lowest legal risk. In weak rule of law states, corporations cannot rely upon the law and frequently rely on such things as personal relationships and local knowledge for their existence. From the business stakeholder’s point of view, the level of risk is unknown as are the potential consequences. Business stakeholders from developing countries may be more comfortable with developing nations due to experience, but are also drawn to the stronger legal environments generally found in developed nations. Commercial stakeholders are also affected by the democratic nature of a government. Democratic states tend to be less uncertain due to stronger legal mechanisms whereas less reliable legal frameworks in undemocratic states pose challenges of uncertainty and personality for commercial organizations.

Civil Society stakeholders hold a wide variety of positions relative to other stakeholders depending on their experience. Generally speaking however, civil society organizations in the developed world tend to be better resourced than civil society organizations in the developing world, creating a disparity in voice.

The technical and academic communities also hold a wide range of positions and views towards other stakeholders. While both the technical and academic communities have a tendency towards egalitarianism based on merit, the standing of individual stakeholders in the academic community is subject to the effects of wealth and status and disproportionately western and US-centric in their origins. One of the fundamental hurdles to successful multistakeholder mechanisms is the development of trust among stakeholders. Allaying the concerns of distrustful stakeholders is a primary concern in discussing issues of common interest. This is exacerbated by the power imbalance between some stakeholders especially governments which might view with distaste the idea of viewing other stakeholders as equals in a policy discussion. Nonetheless, part of the implicit nature of multistakeholder mechanisms is a common recognition of parity if not equality of participants.

This is particularly relevant for stakeholders which must return to a non-multistakeholder existence after an event such as NetMundial. Commercial and noncommercial stakeholders in developing countries may have parity of voice at international multistakeholder events, but do not enjoy the same status afterwards in their home nation and indeed may be vulnerable to the power of governments. This recognition may lead such stakeholders to self-censor or even choose not to attend. The power disparity in national political life cannot be underestimated.

1. What worked well, identifying common practices

In an environment where a common level of trust is not universally shared, selecting smaller, incremental challenges to address can be useful in developing trust between stakeholders. On these issues where broad consensus already exists, working together can facilitate the development of broader trust on future, more challenging issues.

1. Unintended consequences of policy interventions, good and bad

One common outcome of this situation is a perception of government stakeholders from developing nations that *internet governance* *multistakeholder mechanisms are inherently unbalanced* with little hope of redress. Given that the majority of business and civil society stakeholders come from the developed world, in a consensus focused discussion, developed nations are no longer a minority voice as they are in intergovernmental discussions. Multistakeholderism has effectively stripped away the advantage of numbers the developing world held in intergovernmental venues. Additionally, while stakeholders might be peers within the framework of a multistakeholder mechanism, outside of the framework power disparities exist. Decisions and actions within the mechanism pay be rewarded or punished outside the mechanism. This is especially problematic with respect to states which hold monopolies of force.

One question which has been raised is the legitimacy of stakeholders which claim to speak on behalf of or in the interest of its constituents. The legitimacy bar for the second type of speech is lower because there is an implicit claim that the constituents might not know what is actually in their interests. In a multistakeholder sense, governments have legitimacy to the degree to which they represent the interests of their people. In some cases, this may be questionable. The legitimacy of business stakeholders may be the strongest of the three groups as they derive their legitimacy through their ownership. Civil Society organizations stakeholders have the most problematic claim to legitimacy. In many cases, they claim to speak for their adherents and members but rarely poll them on issues. The claim that a member supports all of the activities of an organization is as problematic and sometimes oppositional to a governmental claim. However, representative governments can point to elections to demonstrate public support. Civil society organizationsare frequently governed by unelected directors. Governance, funding, and membership are not always open and transparent, weakening the legitimacy claims of such organizations.

The NetMundial meeting raised many hopes but has in some ways raised more questions than it answered. While participants reached a degree of consensus, civil society stakeholders were noticeably vexed with an outcome document which they did not address their concerns. Business stakeholders were generally pleased while governments suspicious of multistakeholderism issued critiques. In some cases, this came down to diplomatic maneuvering over definitions which are crucial to the discussion and left unattended poison the well for a multistakeholder consensus outcome.

1. Unresolved issues where further multistakeholder cooperation is needed

These concerns only address the situation surrounding stakeholders who can participate in the discussions presently. Participants have pointed out that the concept of stakeholders must become much more broadly inclusive. However, just as governments of developing nations find their capacity and resources taxed by internet governance policy discussions, it should be recognized that many of their citizens have little concern about internet governance relative to the other day to day concerns of life, especially citizens who live in poverty. If the concerns of these stakeholders are to be heard in a multistakeholder mechanism, it is likely that surrogates will need to stand in to give them voice and standing. Business stakeholders (or at least successful ones) frequently have a better understanding of at least some of the needs of their customers. Civil society stakeholders need to strongly assert their claims to knowledge and legitimacy in such circumstances. If the formation of new surrogate entities is supported, these organizations will need to legitimize themselves by representing the needs and views of those they purport to stand for.

1. Insights gained as a result of the experience

Since WSIS, all stakeholder communities have learned know each other better and to work together. They have also developed a set of mechanisms to continuously improve their participation in multistakeholder mechanisms. Civil Society, Business and the academic and technical communities have, in a self-organized way, defined a set of criteria especially to appoint representatives to discussions on Internet governance that include all stakeholders. The designation of representatives to the IGF Multistakeholder Advisory Group (MAG), to the UN CSTD Working Groups on Internet governance, or even o groups sitting outside the UN such as the Committees put in place to prepare for NETmundial in April 2014, illustrate this capacity of al stakeholder groups to enhance openness and transparency mechanisms for meaningful multistakeholder mechnaisms.

The technical community has identified a number of mechanisms which have been important and effective for them. How applicable are they? The technical community seeks solutions to technical problems. There are always trade-offs for the adoption of a standard. However, everyone in the room is in a sense an engineer. They all agree on the underlying rules of the system: the science of the technology. Inefficiency can be measured. Sound public policy should be based on good social science. However, a historical frame may suggest a different solution than an economic frame. Neither is wrong but they lead to potentially different outcomes. The technical community operates under a more unified engineering frame that acknowledges and asserts common definitions and beliefs. They are still influenced by national and organizational culture, but agree on the definitions of underlying concepts and principles. The same cannot be said of the internet governance community as a whole.

The academic community also benefits from a common socialization. Its members are ensconced with academic research traditions and share common standards for rigor and the scientific method. While academics might support a particular theory or method, they recognize and acknowledge the legitimacy of a wide range of theories and methods. This legitimacy is meritocratic in the sense that legitimacy is attained by utility and explanatory power. Similarly, governments and the business community are socialized to the logics of power and profit respectively. Only civil society lacks such a common socializing factor.

[I still have a bit of trouble with the paragraph preceding. Instead of being peculiarities of the technical community, is it possible that some principles could be drawn; e.g., -- agreement that the stakeholders are going to seek a solution to a defined problem; agreement in advance to the underlying rules of engagement; a commitment to finding workable (efficient) solutions. In general, I’d say one of the principles that makes the techies effective is their understanding of the need for adequate preparation. This not to suggest that working in an environment with a more nearly homogeneous set of stakeholders is anything but an advantage.]

* 1. Open and inclusive participation: Are stakeholders interested and informed?
  2. Consensus-based: Is consensus possible on policy issues?
  3. Permission-less innovation: Do central authorities already exist?
  4. Collective stewardship and involvement: Is there mutual respect among stakeholders?
  5. Transparency: To what degree is there transparency in policy?
  6. Pragmatic and evidence-based approach: To what extent does objective empirical work exist to inform policy?
  7. Voluntary adoption: Do users and the global public assert the success of internet governance?

The suggestions of the technical community directly point to areas of weakness with the current internet governance multistakeholder mechanism. The technical community has a working steam engine. We want to build one and but find ourselves with an array of assembled parts all of which have wildly varying specifications and moreover don’t seem to quite work together. We can learn from the technical community and their suggestions provide a helpful blueprint, remembering though that we may have to modify things because we have different suppliers. [A concluding sentence here would be helpful]

1. Proposed steps for further multistakeholder dialogue

At present and as pointed out by contributors, some voice a distinct skepticism about the IGF multistakeholder process, in part emanating from the lack of outcomes. Additionally, while there is consensus that the multistakeholder process works in situations where stakeholders share common concerns, it is unclear whether this is in fact true of internet governance stakeholders. The large size of the stakeholder community may be a contributing factor to this issue.

Contributors point to the global environmental and sustainable development movement as a potential model for effective multistakeholder mechanisms. However as one referenced paper points out:

“The following characteristics are important for any initiatives on global [environmental and sustainable development] governance:

consensus-building and inclusive, participatory within reasonable limits, and with

partnerships; clear and feasible objectives and well-defined implementation authority;

supported with suitable knowledge and capacity development; adaptively managed to consider changing situations and progress assessment; appropriately funded; with

transparent accountability mechanism; plus perceived and actual effectiveness.”[[2]](#footnote-3)

Do these conditions exist at the internet governance community? The article goes on to note that these mechanisms play “second or third fiddle” to other international governance structures. Like the suggestions of the technical community, the findings from multistakeholder mechanisms are instructive but from a different frame. The environmental community is much more diverse than the technical community and hence more like the internet governance community. It however has enjoyed less success than the technical community. It offers a pragmatic framework for looking at how internet governance multistakeholder mechanisms might evolve.

1. This may actually be problematic. While many in the multistakeholder community feel that it is advantageous to wear or have worn “multiple hats” for experience, as a practical matter within the multistakeholder mechanism, it may have the effect of confusing issues. [↑](#footnote-ref-2)
2. http://www.iisd.org/pdf/2007/igsd\_global\_gov.pdf [↑](#footnote-ref-3)