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Internet Governance Institutionalization: Tensions and Trajectories¹

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Abstract

This paper discusses initial results of our joint project that examines the complex interactions among intergovernmental organizations and other transnational institutions and non state actors in the global Internet governance ecosystem.

We highlight, as a central institutional innovation, the creation in 2006 of the Internet Governance Forum as one of the follow-ups of the UN World Summit on the Information Society, and its eight years trajectory thus far. Attention is paid to old and new categories of actors that emerged in this context, and how they have been recognized as stakeholders in the process. We particularly analyze their changing trajectories and the tensions among them, as well as those experienced internally, with regard to certain issues at the core of Internet governance, through the study of knowledge flows and power differentials over time among the different stakeholders.

We focus on the specific dyad composed of IOs and the technical community; and how they have been consolidating their respective roles in Internet governance and at the same time consolidating the Internet Governance Forum itself as an institutional innovation. This paper particularly focuses on the ITU, the UNESCO, the Council of Europe and the OECD as IOs, and on the ICANN and the ISOC as technical organizations.

Keywords

International Organizations; Internet Governance; Non State Actors;
Multistakeholderism; IGF; ITU; UNESCO; OECD; Council of Europe; ICANN; ISOC

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Introduction

While the past decade of Internet governance issues and opportunities has been tumultuous and transformation-filled, the last few years have been particularly interesting in the global Internet governance ecosystem space. Both dramatic and subtle changes as well as continuities characterize the roles of key players in this arena. Much work has been done on nation-states, new institutions such as ICANN or the Internet Governance Forum (for example, Brousseau, et. al., 2012; DeNardis, 2014, 2009; Epstein, 2013; Levinson and Cogburn, 2011; Levinson 2012; Malcolm 2008; Mueller 2002, 2010; Mueller, et. al., 2007; Pavan, 2013) or even the private sector. Less work focuses on the roles of international organizations, including long-standing regional international organizations such as the Council of Europe (CoE).

This paper takes a relatively long term view of international organizations in the Internet governance ecosystem, beginning with the World Summit on the Information Society (WSIS) and its crafting of an institutional innovation, the Internet Governance Forum, convened for the first time in 2006 in Athens, Greece. Using case study data from our research project on international organizations involved in Internet governance, it reports findings from several case studies of international organizations in the ecosystem, primarily here, the ITU, the UNESCO, the OECD and the CoE.²

Particular attention is paid to their roles in the multistakeholder approach to Internet governance, highlighted in WSIS outcome documents and especially to the trajectory of such roles and any accompanying tensions and possibilities. Additionally, this paper tracks and highlights the following trajectories:

- From international organizations as coordinating mechanisms for nation-state members to international organizations as stakeholders themselves in Internet governance policy issues and arenas
- From international organizations focused on member state issues and preferences, participation, and politics to international organizations as stakeholders in their own right in the multistakeholder approach to Internet governance issues and opportunities
- From international organizations focused on serving and interacting with member states to international organizations with subtly (or more direct) broader focus on interactions with civil society organizations, the private sector, and other contemporary stakeholders such as the technical community.
- From international organizations working alone to organizational actors shaping and helping to institutionalize Internet governance innovations such as the Internet Governance Forum (IGF).

² A preliminary version of this work was presented at the 5th ECPR Standing Group on Regulatory Governance Biennial Conference (Levinson and Marzouki, 2014).

In so doing, the paper provides data regarding initial outcomes of these trajectories with special reference to power and possibilities of international organizations in the decade ahead. It grapples with the institutionalization of international organizations as actors in their own right in the Internet governance ecosystem, demonstrating the transformation and empowering of individual international organizational identities and actions vis-a-vis other actors/stakeholders in the complex, messy, and sometimes chaotic Internet governance policy space. It also demonstrates how ever so subtly international organizations have helped to craft synergy and institutionalize parts of the Internet governance ecosystem such as the IGF.

Gupta and Pahl-Wostl's (2013, 54) definition of governance as “the exercise of authority, by different social actors in a society, through the development and implementation of explicit and implicit substantive and procedural rules to manage resources for the social good...however, only a small part of the governance spectrum has the authority and legitimacy to make regulatory decisions” is useful for this research. It allows the capture of the blurry interconnections among governance actors and regulatory mechanisms in an uneven, embedded Internet governance ecosystem. Indeed, this paper especially examines the less studied ‘corners’ of the ecosystem—the intersections of international organizations and other ecosystem actors —using a multidirectional and longitudinal stance.

As Orsini et. al. (2013) point out, global governance today is increasingly ‘dense’; it involves nuanced, interconnected regime complexes. Building on a definition of regime complex as an “array of partially overlapping and non-hierarchical institutions governing a particular issue area” (Raustiala and Victor, 2004), these authors examine regime complexes primarily related to trade and environmental governance and highlight complex institutional interactions and linkages. Other scholars (Zelli and van Asselt, 2013) identify similar ‘dense’ qualities in global environmental governance arenas and argue that it is more powerful to focus on interinstitutional linkages; they prefer to use the term ‘institutional complexes’ rather than regime complexes.

Ecosystem: reference to the interaction between human and artefacts, like architecture and protocols

This density and ‘messiness’ of interinstitutional linkages within environmental governance also applies to Internet governance. Moreover, institutions that may be involved in other domains especially those of the environment, health, trade and, increasingly, security or defense arenas also deal with portions of Internet governance-related issues. While the earlier-cited environmental governance researchers discuss their

own domains, there is great potential in tracing idea and practice flow across domains as well as within interinstitutional policy spaces (Levinson, 2012; Levinson and Cogburn, 2011).

The work of Barnett and Finnemore (2005) began to establish an understanding of international organizations as actors in their own right. Turning to the environmental governance arena, Keohane and Victor (2011) argue that the presence of regime complexes aids flexibility and adaptation. Schemel (2013) provides compelling arguments that international organizations are, indeed, proactive and resilient entities, that adapt and evolve and even shape their own survival in transformative times and under conditions of resource uncertainty. In sum, he argues that international organizations are adaptive organizations, today partnering with non-state actors for multiple purposes.

Providing additional support and using a database of international organizations covering a twenty-five year period, Tallberg and Colleagues (2014) cogently write of the ‘opening up’ of international organizations to what they term transnational actors such as civil society organizations. While they do not deal directly with the Internet governance arena, their data do demonstrate international organizations’ growing openness to transnational actors over time and in certain issue arenas (human rights, trade and development as opposed to finance and security); there is, they report, no sign of this abating! In sum, Tallberg and colleagues (2014) argue that international organizations today are actually ‘political opportunity structures’ with, of course, varied opportunity patterns. (See here also the work of Kahler and Lake, 2003 and Avant, 2010.)

In our view, the Tallberg study is very significant but is primarily unidirectional in outlook, focusing on access for transnational actors. We concur with Schemel’s work that goes beyond openness or access and reminds us that IOs can be proactive in their own right, reshaping themselves and, indeed, their environments, including interacting proactively with civil society.

There are studies that focus directly on other actors such as civil society. Focusing on the United Nations, Weiss and colleagues (2009) craft the argument for a ‘third’ UN; this third segment refers to those non-state actors partnering and engaging with the UN. Pallas and Uhlin (2014) examine how and when civil society organizations use state actors to influence international organizations rather than or as a higher priority than interacting directly with the international organization. They argue that one needs to understand all points of what we call the ecosystem triangle—the civil society organization, the state, and the international organization and ask the question as to when civil society organizations use the state/state actors to influence international organizations. (Our work actually extends beyond that of this triangle to the ecosystem rectangle—including private firms and associations of firms as well.) Their answer is that

civil society will be strategic and use the channel (either through state actors or directly) with which they have the best contacts. (Actually, they identify four elements that are present when civil society has direct contact with an international organization: the porousness or degree of political opportunity structure of a state, the availability of contacts, the possibility for interests alignment, and the relative power of state and international organization contacts. Again, this study does not focus specifically on the Internet governance arena.

The research project discussed here provides evidence in support of international organizations as strategic actors vis-a-vis non-state actors: we demonstrate that international organizations today are attempting to craft key roles, interacting with non-state actors in the Internet governance policy space or arena. International organizations, according to our data, are organizations that are demonstrating agility over time, especially in idea generation and diffusion. Further, we argue that the ambiguity surrounding regime complexes contributes to both the messiness and the adaptation of the Internet governance ecosystem. This ambiguity stems from a characteristic of governance systems today, institutional fragmentation, also highlighted clearly by the environmental governance-rooted work of Zelli and van Asselt (2013) or Feiock (2013).

While Bohmelt and colleagues (2014) study civil society in the context of environmental politics and Scholte (2012) researches civil society and the IMF in the context of development, there is very little research focusing directly on international organizations in the current Internet governance ecosystem.

Discussing the empowerment of IOs in the information field, Schemeil (2012) identifies four strategies that weak or jeopardized organizations may develop towards external partners or adversaries: mandate enlargement, coalition and controlled overlap, nesting and mutual recognition (mainly in interacting with NGOs). It further shows that, internally, IOs have no choice but to adopt two deliberating systems: the duplication of decision-making into formal and informal processes, on the one hand, and cross-regulation between bureaucratic and political circuits, on the other hand. We have previously shown (Levinson and Marzouki, 2014) how the case of the Council of Europe - strategizing to put human rights at the center of Internet governance debates and, at the same time, to make itself an inescapable actor in the field - fully supports this analysis.

A decade ago, Rogerson (2004) deals more directly with international organizations and Internet governance. He finds that the international organizations he studied were grappling with Internet policy as it related then to the developing world. Using content analysis of documents and charters, his work provides a historical foundation for our discussion. Rapidly changing contemporary events (from Internet-related security

revelations and cybersecurity challenges at local and global levels to increases in regional and national IGFs and global meetings highlighting multistakeholderism and possible structural transitions for ICANN) during the years 2012-2014 have catalyzed the Internet governance ecosystem and its actors, providing a dramatic and important setting for our current research.

To capture best the rapidly changing, vibrant Internet governance ecosystem and explore a specific corner of that ecosystem, the intersections of international organizations as organizational actors with a special focus on their relations with other involved actors, this research uses multiple methods. Interviews with those individuals charged with Internet related policy functions at the international organizations we studied constitute a major data gathering function. Additionally, content analysis of documents and archival analysis amplifies and provides a foundation for interview findings. Finally, observation and participant observation at key meetings adds to data gathering and data analysis.

From WSIS to NetMundial: Tensions and Trajectories

The overarching finding that emerges from this work is a subtle and growing transformation of international organizations as distinct players and stakeholders in the Internet governance ecosystem during the post World Summit on the Information Society era and an incipient institutionalization/regularization of such roles. While international organization staffs continue to emphasize their roles as serving the preferences of member states, our data indicate a shift in how this perception has been and continues to be implemented in actuality.

To understand this shift, document analysis and participant observation indicates that during the World Summit on the Information Society (WSIS³), even though it was convened by the International Telecommunications Union (ITU) on behalf of the United Nations, the roles of international organizations themselves in the emerging Internet governance ecosystem were traditionally conceived international organization roles: convening and coordinating the multiple actors in a very uncertain and increasingly global Internet governance policy arena. Even at WSIS, the traditional nation state member of an international organization type culture prevailed: Nation state representatives came with and read prepared texts and were called upon to speak in the traditional manner; civil society was relegated physically to the back of the room and to speaking after the nation-state representatives spoke.

The Working Group on Internet Governance (WGIG⁴) spawned as a result of lack of member state consensus during WSIS but prior to its conclusion did not have any

³ All WSIS-related documents can be found at <<http://www.itu.int/wsis>>

⁴ Information available on WGIG website at <<http://www.wgig.org>>

international organization representatives as individual formal members. Rather Nitin Desai, with much experience in the UN System, especially with the related environmental global policy ecosystem, chaired the Working Group; and the Secretariat contained some international organization members (WGIG 2005, 19).

The report of the WGIG discussed stakeholder roles in detail. In paras. 30, 31, 32 (WGIG 2005, 7-8), it provides a long, bulleted individual list for governments, private sector and civil society (in that exact order) but only devotes one sentence in para. 34 to international organizations as follows: *"The WGIG also reviewed the respective roles and responsibilities of existing intergovernmental and international organizations and other forums and the various mechanisms for both formal and informal consultations among these institutions. It noted that there is scope to improve coordination to some extent"*. It also devotes several sentences to the importance of the technical and academic communities, separate from the aforementioned bulleted lists and ahead of the sentences discussing international and intergovernmental organizations.

The WGIG provides, then, a documentary baseline for examining the role trajectories of IOs in Internet governance and the incipient institutionalization of such roles. What is particularly interesting is the lack of attention to these changing roles and the absence of discussion of any implications or outcomes of such changed roles. There is also less attention paid to the roles of individuals. This paper provides an initial analysis including a look at how individuals persist in the Internet governance ecosystem, even when changing organizational positions. Further research is needed to examine other stakeholder's perceptions and attitudes toward these changes over time.

While each individual international organization has its own special history and niche, the data here illustrate staff/secretariat role changes vis-à-vis their international organization's role in the Internet governance ecosystem over time with the WSIS/WGIG era as a baseline. Drake (2000) compellingly describes, as one example, the dramatically changing role of the ITU. Other international organizations such as UNESCO also were becoming marginalized as new and converging Internet technologies emerged. As one of our interviewees indicates, Internet governance was truly at the periphery of that individual's international organization resources and priorities and even staffing.

Complicating these patterns was accompanying policy turf issues within and across international organizations. Would the ITU or UNESCO be a lead agency even in the traditional sense of convening and fostering cooperation among nation states? However, highlighting international organizations alone allows for only a part of the story. As the roles of nation states as primary Internet governance actors began to change and as

technological complexity and uncertainty increase, the emergence of other stakeholders as identified in the WGIG Report paras. 30, 31, 32 reshaped a rather messy playing field.

Using organizational theory as well as more traditional international relations concepts assists with tracking these often nuanced changes, punctuated by more dramatic change such as that prompted by an increasingly international and growing multilingual Internet, and complex security and privacy issues. The Spring 2014 NETMundial⁵ meeting in Brazil, originally convened by an ICANN alliance with the President of Brazil, a nation state from the global south side by side with the major private sector domain name-related organization with, as it itself notes, a public purpose, provides a measuring point, although only one point in a time of multiple transformations to the ecosystem. Examining data even from that meeting indicates that international organizations are treated by some still as a related part of nation state governments—at least in terms of speaker order and line-ups (Levinson and Marzouki 2014). However, International organizations were clearly and vocally present.

Thus, with WSIS (2003-2005) as a bookmark on one end and NETmundial (2014) as a bookmark on the other, our data highlight three main emergent themes related to international organizations and Internet governance. As bookmarks, these two events also symbolize the transformation from a nation-state- grounded Internet governance policy turf to a much more complex, nuanced and multi-actor policy turf: The ITU convened WSIS on behalf of the United Nations system; the President of Brazil and the CEO of ICANN (with a subsequent high level multistakeholder panel) convened NETmundial.

These three major themes that emerge from a longitudinal view of the IOs we studied in the Internet governance ecosystem space are as follows: a movement from periphery to the core of Internet governance institutionalization; a crafting of their own roles in the process as issue/policy entrepreneurs; a redefinition of their own identities and mandates through their mutual consolidation with the IGF itself as an institution in the making.

IOs from Periphery to Core of IG Institutionalization

This first theme illustrates the movement of international organizations over time from periphery to more core from what appeared to be marginalization across sectors and even marginalization within an international organization secretariat itself. Both data from the interviewees and data from an analysis of international organization roles at the IGF over time highlight these movements.

⁵ Information on NetMundial event is available at : <<http://www.netmundial.org>>

An OECD interviewee points out that OECD had an ‘arm’s length’ relationship with WSIS. This interviewee highlights how OECD roles have grown in the Internet governance ecosystem, just as the Internet has expanded into the economy exponentially. Documenting the change from its 1999 status as a full member of the Governmental Advisory Committee of ICANN (the GAC) to an advisory status to the GAC, OECD and WIPO had no problem with this change in status whereas the ITU was not happy about it. Drake (2000) actually writes about the ITU around this time period, vividly describing its perceived marginalization with the advent of multiple policy actors and the increase (both in size and fuzziness) of then emerging Internet governance ecosystem as opposed to the telecommunications governance ecosystem lead it had held for many years.

Another clear example comes from an IO that, according to an interviewee, had a two year plan in 2006: that plan had no mention in it of the Internet or Internet governance issues. Today Internet governance issues are an essential part of that IOs policy portfolio. In fact, it is promoting distinctive concepts relating to Internet governance and its 2014 missions.

As the notion and use of the term multistakeholderism has grown exponentially from WSIS to NETmundial, there was an opportunity for international organizations to ossify and play lesser roles on the Internet governance stage or to transform themselves, reshaping their identities and differentiated missions, amplifying connections to Internet governance policy issues.

Our data, however, indicates, that while there have been and may continue to be differentiated perceptions on the part of international organizations, their roles in the multistakeholder setting have clearly increased (Levinson and Marzouki 2014).

Paralleling this increase at the organization-wide level, there also has been an increase within international organizations due to a confluence of factors, some of which may have been serendipitous and others clearly proactive on the part of international organizations.

With regard to serendipity, one interviewee proclaims ‘thanks to Snowden’ for making that interviewee (whose portfolio includes Internet governance) a truly ‘essential person’ at that international organization: a dramatic move from periphery to core! At the time of WSIS and the first IGF, there were fewer individuals and almost no budget related to Internet governance. In fact, the interviewee had to justify whatever small work was done in that policy space. (One year there was not even budget to send anyone to the IGF.)

Another interviewee from a different international organization highlights similar changes. “We (anyone interested in working on Internet governance in the early days) had been marginalized” within our international organization. Today that international organization has its own, member-state approved Internet governance related strategy.

Most of those interviewed report at least five years or significantly more experience themselves in the Internet governance field, although some have not remained either in their original organization or original sections/positions. Certain sections or divisions within an international organization gain or lose prominence over time. “You need support from your leadership; if it is not there, the (activities/interests) fizzle out”. These changes parallel what we find as an increasingly proactive stance of international organizations: transforming themselves to both respond to and influence an ever changing complex and uncertain Internet-related environment. In fact, at one IO studied here, a change in leadership catalyzed new and more central roles for that IO in the IG ecosystem.

Interviewees also talked about how their IO could position itself and actually did reposition itself vis-à-vis outside challenges. That IO became a much more active player with regard to the IG policy space, sometimes shifting IG-related work to different and more central/important sections and linking it directly to core IO missions.

Another IO interviewee outlined the move from periphery to core, noting that at WGIG (toward the end of WSIS) they were just observers. That interviewee strategized regarding how to get the member states of the IO to send a message focusing on the Internet and its relation to one of its core IO missions. Another measure is the increase in the number of people over time working on topics related to IG at the different IOs in our study. This was a clear pattern in the data.

In summary, three patterns of periphery to core movements are clear: the heightened link at each IO between IG policy issues/spaces and the IOs’ policy purviews as they change over time; increases in the number of people within the IO working on topics related to IG; and the movement of IG-related topics and the concomitant link to more central/powerful elements/ sections divisions of the IO. One subtheme that emerges is the role of individual leadership within the secretariat with regard to catalyzing interests/resources/ideas linked to IG topics.

IOs Crafting their Roles Through Issue/Policy Entrepreneurship

Directly related to the above-discussed moves from periphery to more core is a pattern of the creation and dissemination of ideas that place each international organization in a more central position in the IG policy space. This pattern has a significant dimension

related to the transformation or re-crafting of an international organization itself in terms of its mission in its ever changing, increasingly global and uncertain environment.

As one interviewee put it, “in a way, we (the OECD) have shaped the IGF dialogue with our work (and ideas!) on data protection”. Another interviewee at OECD notes that “we have not been fully appreciated in our role as a standard setter”, noting that IO’s focus on the social and economic approach and its strength, in the interviewee’s opinion.

Or, take the example of UNESCO. As noted earlier, UNESCO had not a word about the Internet in its 2006 strategy. Now, eight years or so later, it has created (and received member state approval for) its concept of ‘Internet universality’. Its staff has presented this concept at university-invited lectures and at workshops; UNESCO has had open calls for feedback and consultation on the concept and highlights it as a central activity, linked directly to its core missions.

At CoE, interviewees portray a similar picture of the secretariat promoting ideas. The secretariat there used a task force format to formulate a strategy that the member states then adopted. They shifted their Internet governance work more to the human rights arena, a core mission of CoE. As an interviewee there observes, “everyone today agrees that human rights is important. (We just kept talking about it).” This is in contrast to the first IGF where “everyone there looked at us as aliens”, when they talked about human rights. Over time they worked with civil society organizations with regard to the human rights issues and disseminating them through the IGF. “In 2008, we started a discussion regarding what should be our participatory architecture to help us focus on human rights... I have a strong feeling that IG is a priority now at the CoE”, although perhaps not with enough resources and not the entirety of the CoE vision. The interviewee goes on to say, highlighting the importance of a longitudinal and systems view, “it’s a variable geometry —many interlocutors become allies over time”.

Another element relating to this theme is the role of the secretariat vis-a-vis the member states. While interviewees from each IO studied emphasized that in the words of one “we are the member states” or as another said “we can only do what the governments instruct us”, the secretariats in each clearly play a role in crafting ideas, first to be adopted by the member states and then disseminated externally, often with ‘allies’ or ‘partners’. At OECD, for example, where the 1998 Seoul ministerial was vital in highlighting Internet governance issues as they relate to the digital economy, an interviewee noted that it was vital to have civil society there and as an ally. Turning to the earlier mentioned example at CoE, the Diplo Foundation played an important ‘partnering’ role in idea dissemination. And, at UNESCO, there actually has been a much longer history of partnering with civil society than working on Internet governance related issues.

Where do the ideas come from? In some cases, as documented above, the secretariat itself creates the idea and then collects feedback before formalizing. And, in other cases, the secretariat selects consultants to produce a report that, in turn, provides ideas or possibly reifies secretariat ideas. Yet, in other cases, ideas come directly from an IGF meeting. One interviewee provides the example of the IGF Rio (2007) where that interviewee and colleagues brought back ideas concerning the discussion there about children and the Internet.

Mutual Consolidation of IGF and IOs Roles and Activities

Another important mean for IOs secretariats to exchange ideas, test issues or policies in the making and start promoting them on a large and diverse scale before bringing them back home to undertake formal adoption process by their member states is provided by an innovation of the IGF itself: the Dynamic Coalitions. These loose structures are established since the first IGF in Athens in 2006, and described as “informal, issue-specific groups comprising members of various stakeholder groups.”⁶

Though being an informal group, a dynamic coalition has to establish itself with an action plan and minimal coordination means (such as a mailing list), and show that its membership comes from at least three different stakeholder categories. It has to demonstrate the necessity of its creation, and is subject to registration with and approval by the IGF Secretariat. At each yearly IGF meeting, dynamic coalitions are given a specific time slot for a public meeting, and must provide a public report of this activity.

Many IOs are involved in dynamic coalitions, and see them as an important mean of interaction with other stakeholders through the dissemination of their work and the exchange of ideas. Table 1 summarizes membership of the four IOs mentioned in this paper in the dynamic coalitions, as documented on IGF website.

Dynamic Coalition	CoE	ITU	OECD	UNESCO
DC on Platform Responsibility	✓			
DC on Internet and Climate Change		✓	✓	
DC on Accessibility and Disability	✓	✓		✓
DC on Child Online Safety		✓		
DC on Freedom of Expression and Freedom of the Media on the Internet				✓
DC on Internet Rights and Principles	✓			✓

Table 1 - IOs membership in IGF Dynamic Coalitions

⁶ See dedicated page on IGF website at <<http://www.intgovforum.org/cms/dynamiccoalitions>>

While dynamic coalitions are diversely active, and the participation of IOs to their work may differ depending on both the IO and the coalition – or even vary across time and priorities – one example is particularly worth mentioning here since it led to the institutionalization of the work of a Dynamic Coalition into an instrument adopted by one IO. This example is the participation of the CoE to the Dynamic Coalition on Internet Rights and Principles (DC-IRP). The DC-IRP undertook in 2008 a collaborative writing exercise of a *Charter of Human Rights and Principles for the Internet*, based on the Universal Declaration of Human Rights and aiming at adapting these rights in the digital environment, translating their meaning in practice. Franklin (2013, Chapter 5) provides a detailed account of this DC-IRP work. A first version of the Charter was launched at the 2010 IGF in Vilnius, and the DC-IRP started larger consultations on this Charter, collecting comments from various stakeholders inside and outside the IGF community.

Besides its participation to the DC-IRP work, and to discussions on the Charter during IGF consultations, the CoE organized a more formal meeting at its headquarters in Strasbourg in April 2011. Participant to this meeting were civil society representatives of the DC-IRP who were active in the Charter development, and CoE secretariat members beyond the ones participating to the DC-IRP and to the IGF community more generally. The aim of the meeting was to examine whether the Charter could serve as a basis for the realization of an objective of the CoE at that time: devising a CoE instrument mainly intended at citizens as Internet users, in the same way as the European Union produced the “Air Passenger Rights Charter” displayed in all EU airports. Above all, the CoE objective was to compile means of redress and remedy that Internet users could use to have their rights reinstated in case of violation, in an easier, cheaper and more efficient manner than through going to court, while safeguarding this democratic right.

After this meeting, the CoE established and funded in July 2012 a new Expert Committee, the Committee of Experts on Rights of Internet Users (MSI-DUI⁷), composed by 7 representatives of member states and 6 independent experts (4 of them coming from DC-IRP) working on equal footing. According to its terms of reference, the MSI-DUI’s purpose was to establish “*a compendium of existing human rights for Internet users, to help them understand and exercise their rights when, considering their rights and freedoms have been adversely affected, they communicate with and seek effective recourse from key Internet actors and government agencies.*” Reports and outcomes of the MSI-DUI meetings explicitly mention the cooperation with DC-IRP, and the fact that it took its Charter as one of its stating points. After its 18 months of existence, the MSI-DUI came up in December 2013 with a draft Recommendation on a Guide to human rights of Internet users containing the Guide itself as its appendix, and accompanied with

⁷ See MSI-DUI webpage at : <http://www.coe.int/t/dghl/standardsetting/media/MSI-DUI/default_en.asp>

an explanatory report. Finally, on 16 April 2014 and in conclusion of the CoE formal adoption process, both documents were adopted by CoE member states, to respectively become *Recommendation CM/Rec(2014)6 of the Committee of Ministers to member States on a Guide to human rights for Internet users* and its *Addendum*.⁸

This example shows, as earlier said, how informal multistakeholder work conducted through informal discussions and consultations in the framework of the IGF process was fully institutionalized by an IO. While this example is, to date and to our knowledge, the only one having led as far as the adoption of a formal international instrument, many other smaller though firm steps have been undertaken through other IGF dynamic coalitions and with different IOs and could be documented and analyzed in the same way.

In Levinson and Marzouki (2014), we already demonstrated through both examples of UNESCO and, even more, the CoE, how both IOs have managed to redefine their organizational identities by putting Internet governance at the heart of their missions, while at the same time becoming inescapable actors of the IGF. The IGF itself has been experiencing many tensions and was even sometimes put at risk when discussing the renewal of its initial five years mandate (2006-2010), for various reasons and by different actors or categories of actors.

Among the controversies are the IGFs outcomes (with e.g. some arguing in favor of more tangible results such as agreed – or even voted – recommendations, an expectation which obviously could jeopardize the multistakeholder specificity of the IGF with respect to usual United Nations processes) and the fight for power among involved UN organs and agencies, at both levels of secretariats and of respective weights of member states composing them. Added to this, the convening of the NetMundial event in April 2014, jointly by the government of Brazil and the ICANN (who both – though each one for its own reasons - have seen in the aftermath of the Snowden’s revelations in June 2013 an opportunity to show their teeth to the US government) could have constituted a real danger for the IGF continuation, most notably in terms of process. However, the IGF and its multistakeholder process became only reinforced by NetMundial, with almost all participants from all stakeholder groups praising it and only one participant (the government of Ecuador) mentioning a possible follow-up of the event in the form of a NetMundial 2015, offering to host it. In the end, it clearly appeared that NetMundial 2014 would remain a one-shot event.

The thorough analysis of NetMundial’s motivations, outcomes and consequences goes well beyond the scope of this paper. Our interest focuses here on the role of IOs in the consolidation of the IGF as an institutional innovation, reciprocating the role played by

⁸ Available at : <<https://wcd.coe.int/ViewDoc.jsp?id=2184807>>

the IGF in IOs' rejuvenation.

IOs as the IGF Backbone?

One of the best ways to assess the importance of IOs in IGF activities and processes is, in our view, through the analysis of related empirical data. As we already have shown throughout the previous sections (as well as in Levinson and Marzouki, 2014) qualitative examples highlighting the important role of IOs in the IGF activities, we use in the sequel quantitative data to support this assumption. We worked on the skeletal structure of IGF events, made up of the following kinds of sessions:

- **Main sessions:** 4-5 sessions, each focusing on one of the substantive themes chosen the given year (e.g. '*Security, Openness and Privacy*' or '*Critical Internet Resources*' have become established themes), plus generally one session dedicated to '*Emerging Issues*' and one to '*Taking Stock and the way forward*'.
- **Workshops:** a series or sessions related to each Main session, to feed its discussions and further develop the related substantive theme.
- **Open Forum:** as described by the IGF, "*All major organizations dealing with Internet governance related issues are to be given a workshop slot, at their request, to hold an open forum in order to present and discuss their activities.*"
- **Best Practice Forum:** again as described by the IGF, their objective is "*to demonstrate, in a multistakeholder environment, some of the good practices that have been adapted with regard to the key IGF themes in general and to the development and deployment of the Internet in particular. The sessions can have either a thematic or a country focus.*"
- **Dynamic Coalition Meetings:** as described in the previous section.

We have identified four main IOs active in the Internet governance field, the three that we targeted so far for our data collection in terms of interviews (UNESCO, OECD and CoE), plus the ITU, given its role since WSIS. As our longer term research also addresses non state actors, we extended, for the purpose of this paper, our data collection to the two main representative of a contemporary, specific to the field, category of stakeholders, which is the Technical community (ICANN and ISOC, the Internet Society, a global non state actor which solved in some way the problem of its important private sector membership, in addition to civil society and academic members, by not identifying itself anymore as part of the civil society organizations, but rather as a member of the Technical community).

Main sessions are organized by the IGF itself, and mandatorily show the participation of all stakeholder groups. Dynamic coalition may only be organized by recognized such structures, as previously explained. Regarding the two kinds of Forum, our four IOs (as well as some other intergovernmental organizations) hold their respective Open Forum at

each IGF since the first one in Athens in 2006. When relevant, they can also hold a Best Practice Forum, often co-organized with other organizations, from the IO, Technical Community, Civil Society, or any other stakeholder category. While ICANN and ISOC have organized Open Forum from time to time, they are more active in Best Practice Forum (co-)organization, as this kind of event better fits their technical field and activities. Therefore, we concentrated on the study of Workshops organization and participation, as they are the less formal kind of events, leaving it to each organization or individual taking part in the IGF to submit workshop proposals according to a rather loose process of approval⁹. Moreover, Workshops constitute by far the greatest number of IGF sessions, all kinds considered. Our assessment of organization of and participation in Workshops is based on the analysis of all workshops reports and transcript of the verbatim of each workshop session of the 7 IGFs held since the inaugural one, and which proceedings and transcripts were available at the time we wrote this paper¹⁰. These IGFs are:

- 1st IGF in Athens, Greece (2006): 18 documented workshops in total
- 2nd IGF in Rio de Janeiro, Brazil (2007): 34 documented workshops in total
- 3rd IGF in Hyderabad, India (2008): 44 documented workshops in total
- 4th IGF in Sharm El Sheikh, Egypt (2009): 66 documented workshops in total
- 5th IGF in Vilnius, Lithuania (2010): 68 documented workshops in total
- 6th IGF in Nairobi, Kenya (2011): 85 documented workshops in total
- 7th IGF in Baku, Azerbaidjan (2012): 96 documented workshops in total

All in all, we analyzed a total of 411 workshops, tracking their organizers and their participants as chairs or speakers¹¹. As a methodological note, additional workshops might have been organized over these 7 years, but we considered only those fully documented either through the IGF proceedings or the workshops verbatim transcripts.

The first finding is the overall contribution of the considered 4 IOs and 2 technical organizations, cumulated over the 7 years. It is highlighted in Figure 1. As one can see, all in all the 6 organizations contributed to more than half of the total number of workshops. If we consider the 4 IOs only, they (co-)organized or participated in 31% of all workshops, while the 2 technical organizations account for 21% of the total activity.

⁹ This process is document on the IGF website: <<http://www.intgovforum.org>>

¹⁰ Proceedings of the yearly IGFs are available at:

<<http://www.intgovforum.org/cms/documents/publications>>. Transcripts of sessions are available under each IGF entry on IGF website.

¹¹ When considering ICANN and ISOC in our data collection, we only took into account cases where the organization itself was involved (mainly through members of its board), and not its « satellite » organs (such as advisory committees or other constituencies for ICANN, or regional/national chapters for ISOC)

These figures need to be compared against the share of each stakeholder group attendance to the IGFs¹².

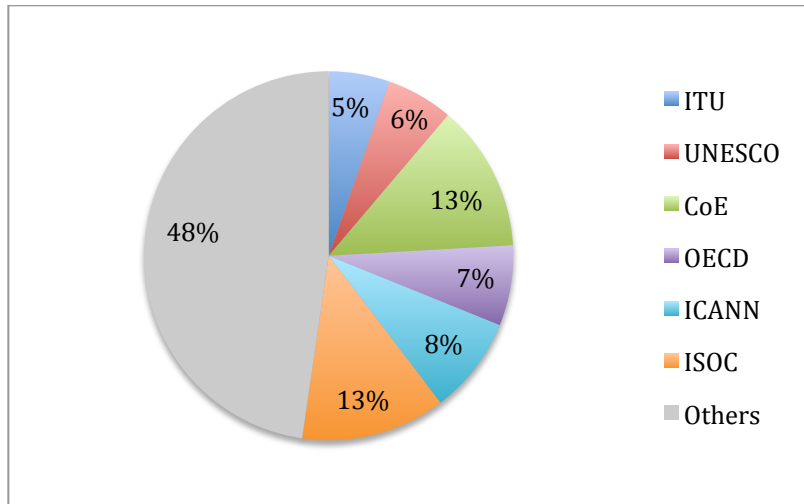


Figure 1. Contribution to total of 2006-2012 workshops as organizer or participant

Figure 2 compares, across time, the share of active involvement (as we identified it w.r.t. to workshop organization and participation) of the 4 IOs to the share of attendance of the whole intergovernmental stakeholder group attendance (which include much more IOs than the 4 we are considering, with many other UN organs and agencies as well as some other regional or sectorial intergovernmental organizations).

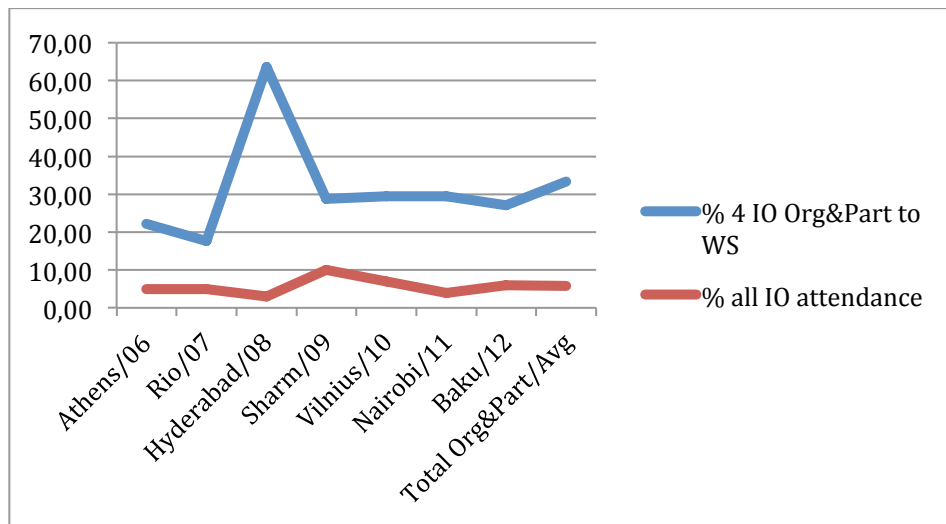


Figure 2. IO Participation level in IGF activities

¹² Attendance breakdown statistics by stakeholder group are provided each year by the IGF, on the basis of issued badges. They are available on IGF website.

The peak in involvement appearing for Hyderabad IGF in 2008 can be explained by the bloody shooting and bombing attacks during four days in Mumbai, from 26 to 28 November 2008, less than one week before the beginning of the IGF in Hyderabad (though not related to it). Given the situation, many IGF participants from all stakeholder groups, cancelled their trip, and cancelled their workshops as well. That was not the case of the workshops where the 4 IOs were involved, which were held with their physical or remote participation. Besides this remarkable incident which doesn't contradict the overall observation but simply artificially amplify it, Figure 2 clearly shows that the 4 IOs involvement in workshops is much higher than their attendance level (all IOs cumulated), with the former stabilizing around 30% starting from IGF 2009 in Egypt, while the latter only accounting for less than 10%.

Figure 3 provides similar comparison between the active involvement of the 2 considered technical organizations and the group of 'Technical and Academic Community' identified as a standalone stakeholder, until the Baku IGF in 2012 where members of the technical community appeared under the category of "Internet Community" on its own, while individual academic participants were registered under the "Civil Society" stakeholder group. Without further comments in this paper, we would like to note that this move from the IGF in stakeholder definition and characterization is, in itself, meaningful of the rise of the technical community in this arena.

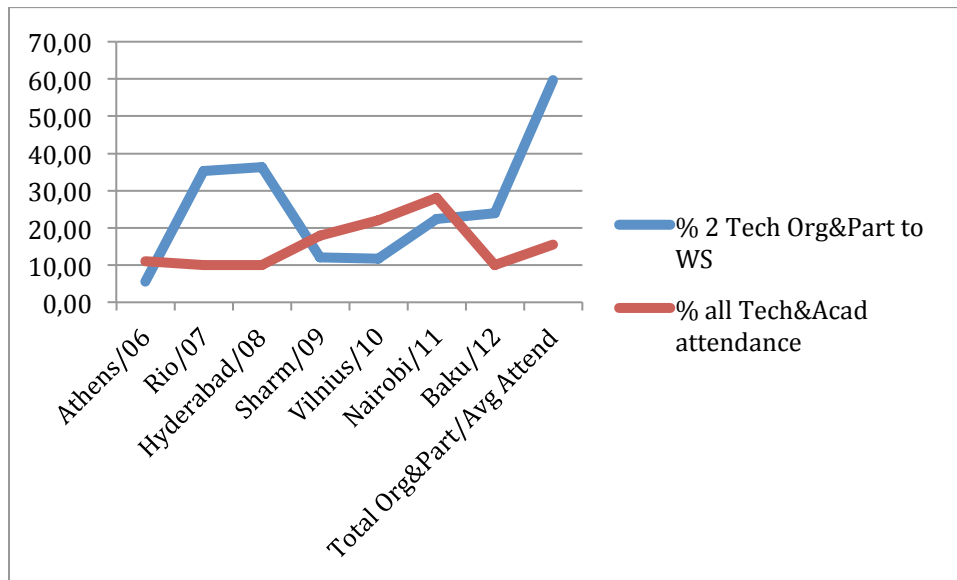


Figure 3. Technical Organizations Participation level in IGF activities

The two curves of Figure 3 cross each other at two points. The first one corresponds to Sharm El Sheikh IGF in 2009, and the second one to IGF Nairobi in 2011. Before IGF 2009 and after IGF 2001, we note the same phenomenon shown in the case of IOs: the level of involvement of the 2 technical organizations almost reaches 40% at its peak,

while the share of the whole technical community stakeholder group remains around 10% of the overall IGF attendance. However, in the case of IGF 2009 and 2010, and to a lesser extent IGF 2011, we observe an inversed trend, where technical organizations involvement does not scale with its level of attendance, and is even lesser. These two inflexions have a twofold explanation. The first aspect relates to the IGF evolution in terms of substantive focus and diversification of attendance: until 2009, issues raising high controversy were not directly addressed at IGF, at least not as such. It was then natural to see technical organizations involved a lot in these sessions, with many events dealing with the technical management and stewardship of the Internet. 2009-2011 was a kind of transition period in the evolution of the IGF towards more political issues, in the wide sense of the term; moreover, the IGF itself and all the IGF community were somehow on hold between IGF 2010 and IGF 2011, waiting for the UN decision to extend – or not - IGF mandate by another 5 years period. The second aspect relates to the evolution of these two technical organizations themselves, who opened up to the more political considerations mentioned above, because of one or more of the following causes: internal tensions, external pressure, and (especially remarkable for ISOC) the deployment of a global strategy to gain a prominent role in the whole Internet governance ecosystem, rather than simply remaining in a stewardship capacity. For all these reasons, both technical organizations restricted themselves to the position of observer, much more than actor of the IGF in 2009-2011.

The findings presented so far may be even more refined by observing the level of involvement across time of each 6 considered organizations, whether IO or technical organization, individually. Figure 4 provides these results, as the percentage of workshops where each organization was involved (as organizer or participant) among the total of workshop held, at each IGF.

Figure 4 is not only corroborating our findings presented through Figure 1, 2 and 3, but also singularly highlighting the roles of the CoE and ISOC, among IOs and technical organizations, respectively, with a major involvement in IGFs. Regarding the CoE, we have qualitatively analyzed this trend in a comprehensive manner in Levinson and Marzouki (2014), and already shown how the CoE managed to become an inescapable actor of the IGF – and, more generally speaking, of the whole Internet governance ecosystem – by succeeding in putting the main issue of its mandate, human rights, at the center of any Internet governance process. Regarding ISOC, our same assumption and first findings remain to be corroborated through a set of interviews we plan to conduct with its main leaders by end 2014.

In any case, the quantitative data we collected, analyzed and presented here lead to conclude that IOs and other transnational organizations (such as ICANN and ISOC and,

as we expect to show through further research, some global non governmental organizations from the civil society stakeholder group) currently form the actual backbone of the IGF, taking into account that the very existence and significance of the IGF as an institution rely, above all, in its capacity to gather, through its annual meetings, the Internet governance community at large and to make its members dialogue with each other to craft a common understanding of Internet governance.

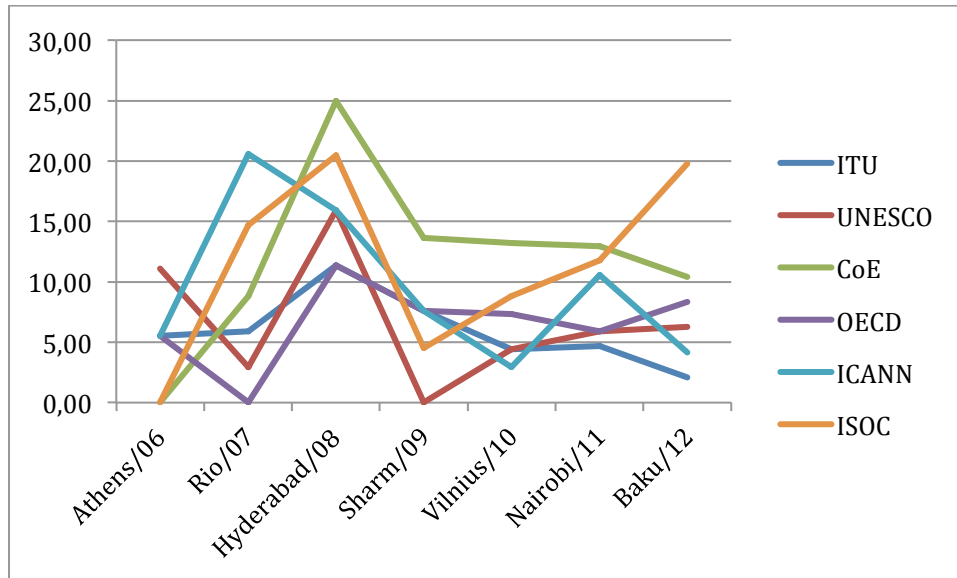


Figure 4. Evolution in time of contribution (%) to total of workshops

Conclusion

In sum, the data presented in this paper demonstrate vibrant changes not only in informal interactions of international organizations in this arena over time but also a compelling portrait of international organizations as pro-active entities, shaping or attempting to shape their environments, crafting and pushing ‘ideas’ as issue/policy entrepreneurs in this space. In that very manner, they strengthen or try to strengthen the international organization’s own distinctive identity and even organizational survival over time.

Additionally, in so doing, each of these international organizations have defined Internet governance and their related ideas for the policy space as integral to their own organizational identity and future survival, thus substantiating important recent research that redefines the study of international organizations using organization theory (See, for example the work of Schemel (2013) or Levinson and Marzouki (2014).

Moreover, by the level of their involvement in the IGF, they are the main contributor to the institutionalization of this innovation seen by many as an UFO in its first years of existence. By many aspects, they constitute the backbone of the IGF as a process, and probably the only guarantee of its perennity in a somehow turbulent environment.

In sum, we demonstrate empirically that the passive view of international organizations' roles in global governance today is not an accurate one: analyzing longitudinal data from the international organizations we study helps also to solve what we term the institutionalization puzzle in the Internet governance ecosystem. These IOs played and continue to play active roles, both alone and with other actors, in, for example, institutionalizing and regularizing the IGF, an organizational innovation in their ecosystem. In so doing they also amplify their own organizational identities and concomitant roles.

There is a need now for further research on these and other international organizations, continuing to trace ecosystem changes over time. In particular, research (especially via in depth interviews) with actors in civil society and nation state governments as well as with private sector organizations in the ecosystem is necessary to corroborate the international organization data we have collected. Also required is in-depth data regarding the inner workings of the international organizations we are studying, particularly with regard to secretariat-member state interactions/outcomes and inside secretariat division or section interactions, changes, and outcomes in longitudinal perspective.

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