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## IOs in the Global Internet Governance Architecture: Inconspicuous Strategic Players

Nanette S. Levinson and Meryem Marzouki\*

Paper Prepared for 2014 APSA Annual Meeting<sup>1</sup>

### Abstract

Discussing results of our joint project that examines the complex interactions among intergovernmental organizations and other transnational institutions and nonstate actors in the global Internet governance ecosystem, this study highlights themes related to the changing roles of international organizations from WSIS (World Summit on the Information Society) until NetMundial. Attention is paid to old and new categories of organizations that emerged in this context; and how they have been recognized as stakeholders in the process. These organizations form a network, set in an environmental context, thus constituting the organizational infrastructure for internet governance today. Additionally, tracing knowledge flows and power differentials over time among the different stakeholder organizations helps to illustrate a major finding, the pro-active role of the international organizations studied here in the messy, complex, and cross-national internet governance ecosystem, shaped by and, at the same time, shaping the technical infrastructure.

Keywords: internet governance; international organization; institutions; nonstate actors, multistakeholderism, Internet Governance Forum, Netmundial.

### Introduction

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Research in the field of global internet governance has grown dramatically in the last several decades. (See, 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.) There is also a large range of issue areas studied and a similarly large range of scholarly journals in which such work appears. Rooted in a number of different disciplines, studies have used political science, sociological, anthropological, psychological, economic, and legal concepts to frame their work. Much of the work has focused on the role of nation-states. More recently, other work examines the rise of what is termed 'multistakeholderism', the involvement of nonstate as well as state actors in internet governance and the rise of new institutions such as the Internet Governance Forum (IGF). International organizations are often not explicitly included in listings of stakeholders.

This paper argues that it is time to focus on infrastructure and governance. Going beyond physical infrastructure but recognizing its vital roles, both conspicuous and inconspicuous, we highlight here what we term the organizational infrastructure for global internet governance. In particular, we research and report on a less studied portion of this often-messy and highly complex organizational infrastructure, the portion in which international organizations are involved. By so doing, we consider formal as well as informal interactions among international organizations and between international organizations and other organizational infrastructure components such as private sector organizations, nongovernmental organizations, and governmental organizations including nation-state and regional organizations.

### Organizational Infrastructure: An Overview

Some work considers internet governance as a regime. Krasner (1985,p.2) defines a regime as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations. The focus here traditionally has been on the nation state without much reference to other organizational types or to infrastructure.

Recent work (Orsini, Morin and Young, 2013 and Orsini, 2013) calls for the study of regime complexes in the context of global governance and adds nonstate actors. There are conflicting definitions of regime complexes with Raustilia and Victor (2004) describing a regime complex as an “array of partially overlapping and non hierarchical institutions governing a particular issue area” while Orsini and colleagues (2013,p. 29) provide a more nuanced definition. They argue that a regime complex is “a network of three or more international regimes that relate to a common subject matter; exhibit overlapping membership; and generate substantive, normative or operative interactions recognized as potentially problematic whether or not they are managed effectively;” they provide the example of the global food security regime that encompasses human rights, international trade and agriculture regimes. Further, they conclude (p.31) that perceptions draw the boundaries of the complex and that they produce ‘opportunities and obstacles’ (p. 34) for governance outcomes. But these authors do not specifically define the ‘nodes’ in the networks constituting regime complexes. Nor do they focus on organizational infrastructure. They do, however, include the ‘management of regime complexes’ as an important variable. In this regard, they observe that international organizations are very skilled at such management challenges. (The work they survey stems mainly from the environmental, human rights, trade and energy arenas.)

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.

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).

'Regime', 'regime complexes' and 'institutional complexes' in the international relations field build on an earlier generation of research in the public administration field where the focus was the nation-state; and scholars argued for the importance of studying a 'policy space' (Lambright, 1967). Policy space is the 'turf' or main agency where a specific policy issue has its home in nation state governments. Thus, the policy space for U.S. internet governance in its early days, was transferred to the US Department of Commerce from the U.S. Department of Defense. The key elements in these early policy space approaches are the individual nation-state agency/organization and the issue area. Today's policy spaces are so much more complex and often contested, involving multiple agencies within nation states and crossing national and regional boundaries, with a host of disparate actors, organizations, and interests.

In global internet governance, there is not always a single set of norms and principles; nor are there always clearly demarcated 'homes' for complex, cross-cultural policy issues. The regime complexes literature provides an important advance in dealing with, for example, nonstate actors influences on regime complexes such as those in global environmental governance and outlines ways to trace such influence of nonstate actors on individual institutions. However, the use of an ecosystem approach as advocated here, allows for a more complete and multidirectional examination of interactions/flows/influences among a set of organizations of like or unlike characteristics, including institutions and organizations --and the changes involved over time.

This work, then, looks primarily at the organizational and interorganizational units of analysis. In so doing, we use the term 'internet governance ecosystem', a term stemming from the biological sciences that captures both organizational units and the components/characteristics of their

environmental setting. Ecosystem recognizes that the whole can be greater than the sum of its parts and that interactions (or absence of interactions) among the parts of an ecosystem can be key. Such interactions can include the flow of resources such as knowledge (ideas), personnel, practical expertise, and money. An ecosystem approach also allows for an examination of flows of power and influence, both formal and informal and especially for the flow of ideas. It also allows for studying the evolution of an ecosystem over time.

While the study of regime complexes does include interactions and involves a network structure over time (unlike the policy space work which involved turf dominance by a single agency), the use of ecosystem is less theoretically constraining and more easily captures constant evolution. It facilitates viewing the uncertain, multistakeholder environment for internet governance at local, national, regional and international levels and treats nonstate actors and state actors at multiple levels. Additionally, it highlights the characteristics of the environmental setting and their concomitant impacts on organizations in the ecosystem, includes multidirectional flows and influences, thus recognizing that internet governance is itself highly messy, fragmented and constantly evolving.

### International Organizations and Organizational Infrastructure

The study we report on here examines international organizations in the dynamic organizational infrastructure of global internet governance. It recognizes the complex and subtle interactions among technical/physical infrastructure and organizational infrastructure and among local and global, nation-state and regional, state actors and non-state actors. It also focuses in on interactions among international organizations and other organizations as possible conduits for isomorphic processes among international organizations.

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. Schemeil (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 unlike organizations to meet best the challenges of an ever-changing environment and to ensure their long term survival.

In this way, Intergovernmental Organizations (IOs), whether regional (such as the OECD or the Council of Europe) or global (such as some UN agencies like the ITU and UNESCO), are crafting roles for themselves as stakeholders. Underlining the need for their invaluable experience, capacity and mandate to co-elaborate binding and non binding standards, they have been trying – with varying degrees of success - to establish themselves as the appropriate settings to deal with the cross-border nature of the internet networks in an effective way.

#### Background: IOs as Actors in the IG Policy Space

A trend today in international relations is the increasing presence of transnational public-private partnerships (Schaferhoff, et. al., 2009; Borzel and Risse, 2005). This reflects the role of nonstate actors becoming involved with governance functions that formerly were functions of nation-states or organizations of nation-states. Such partnerships constitute “continuing and relatively institutionalized transboundary interactions, which include public actors, such as governments and international organizations, and private actors” (business and/or civil society actors) (Schaferhoff, et. al., p. 455). In recent years, much work on such partnerships comes from studies of governance and international organizations, especially as it relates to energy, environment and water. (See, for example, the editorial on “Global Water Governance”, (Gupta and Pahl-Wostl, 2013) or the work of Schubert and Gupta (2013) in the same issue that compares three international organization (United Nations) coordination mechanisms, UN Environmental Management Group, UN-Energy and UN-Water.

These mechanisms, while there are differences within each mechanism, coordinate across the UN system and play general, ‘light touch’ roles

including agenda setting, knowledge sharing, forum providing, and stakeholders or experts' convening. The Schubert and Gupta (2013) study focuses primarily on comparing the mechanisms within the UN system rather than focusing in an in-depth way on interactions among non-UN and UN actors. Highlighting the vacuum in formal governance processes in these arenas, the authors argue that ad hoc processes have arisen in order to meet some of these challenges, often leading to missing governance links (such as that between climate change and water governance).

Much less attention, especially when it comes to international organizations, has been paid to a similarly complex and multifaceted arena, that of internet governance. Nonstate actors and, indeed, a multistakeholder approach are present in the global internet governance ecosystem arena. As noted earlier, there is an increasing and multidisciplinary (international law, political science, sociology, communication, computer science, anthropology) literature discussing internet governance challenges and its ecosystem continuities and changes. (See, for example, DeNardis (2014), Radu et. al. (2013), Brousseau, Marzouki, and Méadel (2012), Mueller, (2002, 2010)).

Ad hoc processes also abound. Within the United Nations system, several organizations are playing lead roles (UNESCO, the ITU, and also CSTD) while there is also a UN-crafted institutional innovation, the Internet Governance Forum (IGF), a multistakeholder entity with a provision for fostering multistakeholder dialogue and not decision-making. The IGF, now in its ninth year, is only one part of the fuzzy internet governance ecosystem, characterized, as noted earlier, by multiple entities at multiple governance levels and with multiple mandates.

The ecosystem itself also includes local, national and regional governments; standards setting bodies (usually composed of technical experts from a range of countries); international organizations most of which have operated in the internet governance space for many years; representatives of the private sector and especially the relatively new and dramatically growing internet domain name registry sector; ICANN (the Internet Corporation for Assigned Names and Numbers), a private organization with a public and global purpose- now in the process of reinventing itself with multistakeholder input after sixteen or so years

directly under the purview of the US Department of Commerce; and a wide range of NGOs from around the world.

Using 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," our research notes the blurry interconnections among governance actors and regulatory mechanisms in an uneven, embedded internet governance ecosystem. Indeed, it looks at these less studied 'corners' of the ecosystem—the intersections of international organizations and other ecosystem actors —using a multidirectional stance.

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 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 (2013,2014) earlier noted 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.

Discussing the empowerment of IOs in the information field, Schemel (2013) 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). He 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.

Weiss and colleagues (2009) craft the argument for a 'third' UN, thus illustrating the transformation of this organization from its beginnings to contemporary times; this third segment refers to those nonstate actors partnering and engaging with the UN today. 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 the triangle to the ecosystem rectangle—including private firms and associations of firms as well.) Pallas and Uhlin (2014) also note that civil society can be strategic and use the international organization 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.) This study, similar to the earlier cited studies, does not focus specifically on the internet governance arena.

This paper provides evidence that builds on these earlier works and looks specifically at internet governance and in a multidirectional manner as well—IOs use of civil society actors and not just the other way around. The data vividly illustrates international organizations as strategic actors vis-à-vis nonstate actors and demonstrates that international organizations today are attempting to craft key roles, interacting with nonstate actors in the internet governance policy space or arena. International organizations, according to our data, are organizations that today can demonstrate agility, 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 over time. This ambiguity stems from a characteristic of governance systems today, institutional fragmentation, also highlighted clearly by the earlier mentioned 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. However, Rogerson (2004), dealt directly with international organizations and internet governance a decade ago. Rogerson (2004) 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 civil society, 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.

### **Findings: A Longitudinal View**

Document analysis and participant observation indicates that during the World Summit on the Information Society (WSIS<sup>2</sup>), 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 (WGIG<sup>3</sup>) spawned as a result of lack of member state consensus during WSIS but prior to its conclusion did not have any 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

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<sup>2</sup> All WSIS-related documents can be found at <<http://www.itu.int/wsis>>

<sup>3</sup> Information available on WGIG website at <<http://www.wgig.org>>

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 such changes.

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.

Of course, each individual international organization has its own special history and niche. The data here illustrate staff/secretariat role changes in each studied 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 NETMundial<sup>4</sup> 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.

## FINDINGS: FOUR THEMES

### 1. IOs in Internet Governance: Part of The Government Sector Or A Stakeholder On Their Own?

Given the period on which this paper focuses (from WSIS First phase PrepCom1 in July 2002 in Geneva to the present), the IOs we report on here (UNESCO, OECD, and COE) have been involved only progressively over time. Moreover, this involvement in Internet governance was by no means framed as such when they began participating in this policy landscape. Three main reasons can explain this relatively late appearance as actors on the Internet policy stage.

The first reason is general, as it relates to the identification, specification and adoption of the very concept of Internet Governance in its broad sense by all the concerned actors, even beyond the sole IOs. Paragraph 34 of the Tunis Agenda<sup>5</sup>, one of the official outcome of WSIS Second phase,

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<sup>4</sup> Information on NetMundial event is available at : <<http://www.netmundial.org>>

<sup>5</sup> WSIS Tunis Agenda for the Information Society, WSIS-05/TUNIS/DOC/6(Rev.1) (2005). All WSIS-related documents can be

provides a formally agreed upon definition that: “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.” However, the scope of Internet Governance still varies according to the background and objectives of those referring to it, as detailed by Brousseau and Marzouki (2012: 368-371). These diverse understandings relate in particular to what is exactly governed, in other words to whether Internet governance field should be restricted to the management of critical Internet resources (mainly infrastructure and protocols) or should embrace any and all Internet policy issues.

The second reason, not limited only to the IOs we studied, is that IOs are not always identified as stakeholders in their own right in all Internet governance processes, at least not as clearly as other stakeholder categories, such as governments, civil society and the private sector. The WSIS Geneva Declaration of Principles<sup>6</sup> shows in its Para. 49 a classical UN understanding of IOs having “a facilitating role in the coordination of Internet-related public policy issues”, clearly different from that of other stakeholders, who are, in this understanding, governments, the private sector and civil society: “The management of the Internet (...) should involve all stakeholders and relevant intergovernmental and international organizations”. The WSIS Geneva Plan of Action<sup>7</sup>, adopted the same year, identifies “International and regional Institutions” as a stakeholder in the same way as governments, the private sector and civil society (Para. 3). The WSIS Tunis Commitment<sup>8</sup> in 2005 (Para. 37) confirms this latter understanding, while the WSIS Tunis Agenda adopted the same year oscillates between both categorizations of IOs (Paras. 29, 33, 35, 61, 72).

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found at <http://www.itu.int/wsis>

<sup>6</sup> WSIS Geneva Declaration of Principles, WSIS-03/GENEVA/DOC/4-E (2003)

<sup>7</sup> WSIS Geneva Plan of Action. WSIS-03/GENEVA/DOC/5-E (2003)

<sup>8</sup> WSIS Tunis Commitment. WSIS-05/TUNIS/DOC/7-E (2005)

The WSIS Rules of Procedures<sup>9</sup>, both written and unwritten (so-called “WSIS practice”), also illustrates this fuzziness of categorization.

The Internet Governance Forum (IGF), by definition and mandate, has been much more flexible in its practical organization and proceedings since 2006, although the Multistakeholder Advisory Group (MAG), whose purpose is to advise the UN Secretary General on the program and schedule of the IGF (and, in practice, to decide on these), is officially composed of “Members from governments, the private sector and civil society, including representatives from the academic and technical communities”<sup>10</sup>. However, the current IGF MAG lists intergovernmental organizations together with the European Commission as a separate MAG category.

Interestingly, the NetMundial meeting<sup>11</sup> convened by the Brazilian government in April 2014, had its multistakeholder Committees composed of representatives of the following stakeholder categories, in addition to governments: civil society, private sector, academia, and the technical community. While two international organizations were also part of these structures, they were appointed by the UN Secretary General and were by no means considered as representative of a stakeholder group. Moreover, during the event sessions, speaking rules were such that speakers stood in line, with one line per recognized stakeholder group, speaking in turn: IOs and governments; civil society; private sector; academic and technical communities. The Chair of Working Session One<sup>12</sup> even confirmed this official division when the representative of the Organization of American States took the floor, telling her that she was mistakenly standing in the civil society line, “while IOs are part of the government sector”.

Finally, at ICANN, another part of the complex Internet governance ecosystem, the GAC or Governmental Advisory Committee originally had

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<sup>9</sup> The multi-stakeholder participation in WSIS and its written and unwritten rules. WSIS document available at <<http://www.itu.int/wsis/basic/multistakeholder.html>>

<sup>10</sup> “About the MAG”. IGF document available at <<http://www.intgovforum.org/cms/magabout>>

<sup>11</sup> Global Multistakeholder Meeting on the Future of Internet Governance. Sao Paulo, 23-24 April 2014. <<http://netmundial.br>>

<sup>12</sup> Transcripts of working sessions are available on the NetMundial website, see supra note 7.

some international organizations (ITU, WIPO, OECD, the European Commission) as voting members, in the same way as individual governments represented in the GAC. As one interviewee in this study indicates, IOs have had only observer status since 2004, following a change in the GAC operating principles. The IOs that we are studying joined the GAC after this change<sup>13</sup>.

The third reason for the relatively late appearance of the IOs we are studying in this paper as actors on the Internet policy stage relates to their structures, mandates and internal strategies, each shaped by their own historical and functional settings.

## Theme 2: IOs in Internet Governance: From Periphery To Core

There are several examples of the ways in which the IOs we study have moved from the periphery to a more core position in the internet governance ecosystem. Here we describe findings from OECD, UNESCO, and the COE (Council of Europe).

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.

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

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<sup>13</sup> See <<https://gacweb.icann.org/display/gacweb/GAC+Observers>>

multiple policy actors and the increase (both in size and fuzziness) of the 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. One interviewee observes how her/his 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.

UNESCO has been involved in Internet governance since the early WSIS days. However, it continues to face the strong competition of the ITU, which was the official UN Agency organizing the Summit. This situation was analyzed as a paradox by many observers, as shown by Raboy and Landry (2006), considering that UNESCO was more appropriate than ITU to take the lead on information and communication issues. However, Brousseau and Marzouki (2012) argue that this alleged paradox proceeds mainly from erroneous analysis, as these observers don't take into account the historical antecedents of the WSIS. The idea of a high-level international meeting aimed at "reducing the digital divide" was indeed proposed at the ITU's 1998 plenipotentiary conference, and the meeting purpose was to discuss and find solutions to the global issues of deploying and financing the infrastructure for digital networks and, in particular, the problem of international interconnection costs and of interconnection agreements between intercontinental network operators.

The idea broadened from an ITU-level meeting to address operational objectives into a much more ambitious proposal for a World Summit on the Information Society, adopted by the UN General Assembly in December 2001. Almost at the same time, the United Nations adopted its declaration concerning the Millennium Development Goals (MDGs). Although the concept of an "information society" was not mentioned, its main elements – an "emancipatory" vision of technical progress and an instrumental vision of the "information society" – were emphasized. As a matter of fact, almost all stakeholders often referred to the MDGs during the WSIS process as key issues, motivations, decisions and actions of the Summit.

In this situation, and given the UN rules and agency system, not to mention the strength of ITU among the UN agencies, UNESCO realized that its role

could not be that of the WSIS leading organization. During the second phase of the Summit, it thus concentrated on its exclusive domain, namely at that time the discussion and adoption, in its own remit and on its own auspices, of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions<sup>14</sup>. In summary, during WSIS, “UNESCO was marginalized by other UN agencies”, as one of our UNESCO interviewees recognized. One of the WSIS main outcomes was the creation of the Summit implementation mechanism at the international level, through a number of Action Lines to be moderated and facilitated by UN agencies. This “allowed UNESCO to keep some presence, although the IGF was more relevant and influential” on the post-WSIS scene, according to the same source. The UNESCO was indeed assigned the responsibility of 5 out of the 11 defined Action Lines<sup>15</sup>, and thus played a lead role - together with ITU, UNDP, UNCTAD and UNDESA - in the UNGIS<sup>16</sup>, the United Nations Group on the Information Society, created as an inter-agency coordination body. UNESCO had no particular role in the IGF as created by the WSIS Tunis Agenda.

While UNESCO and other UN agencies kept quiet on the Internet governance scene dominated by the IGF and its multistakeholder structures and participation, a first slight upturn resulted from the creation of the WSIS Forum in 2009, designed to give better visibility to the yearly review of achievements of the WSIS implementation Action lines, as acknowledged in Souter (2010:24-25). The 1<sup>st</sup> WSIS Forum was held on the same year as the 4<sup>th</sup> IGF, adopting more or less the same format and “placing Action Line meetings within a context of high-level panels and thematic workshops, which address the ‘big picture’ issues of the Information Society” (Souter 2010). Though rather soft, this first move by UN agencies can clearly be interpreted as a way “to get back in the game”,

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<sup>14</sup> More information on this convention, which was adopted in 2005, is available on the UNESCO website: [www.unesco.org/new/en/unesco/themes/2005-convention](http://www.unesco.org/new/en/unesco/themes/2005-convention)

<sup>15</sup> C3: Access to information and knowledge 30; C7: ICT applications (2 out of 8 sub-lines: e-Learning and e-Science); C8: Cultural and linguistic diversity, and local content; C9: Media ; and C10: The ethical dimension of the Information Society.

<sup>16</sup> See details on UNGIS at : <http://www.ungis.org/>

as one of our UNESCO interviewees put it. This presaged on the one hand future main steps in view of the WSIS+10 Review process<sup>17</sup>, and on the other hand, further positions and initiatives developed by individual UN agencies to regain focus on the Internet governance scene.

In the case of UNESCO, such evolution can be traced through Decisions adopted by its subsequent General Conferences, such as the decision “to strengthen UNESCO’s involvement in the international debate on Internet governance” at the 35th session of its General Conference in 2009<sup>18</sup>, “to participate actively in, and contribute substantively to the global debate on Internet governance in the fields of UNESCO’s competence” at the 36th session in 2011<sup>19</sup>.

By end of 2013, it finally led to the 37<sup>th</sup> General Conference to “request(s) the Director-General to prepare a comprehensive study of the Internet-related issues within the mandate of UNESCO, including access to information and knowledge, freedom of expression, privacy, and ethical dimensions of the information society, containing possible options for future actions through convening an inclusive multi-stakeholder process which includes governments, private sector, civil society, international organizations and the technical community, to inform her report to the General Conference at its 38th session on the implementation of the World Summit on the Information Society (WSIS) outcomes<sup>20</sup>”. This latter Resolution provided the UNESCO Secretariat the green light it wished to present publicly and disseminate its framing concept of “Internet Universality”.

Focusing on UNESCO and one concept, that of internet universality, allows for an examination of IOs crafting an idea that can be called an idea with

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<sup>17</sup> See details on WSIS+10 at <<http://www.itu.int/wsis/review/2014.html>>

<sup>18</sup> Resolution 62, in Records of the UNESCO General Conference, 35th Session (Vol. 1 – Resolutions). 2009. Available at <<http://www.unesco.org/education/institutes/35cresolutions.pdf>>

<sup>19</sup> Resolution 57, in Records of the UNESCO General Conference, 36th Session (Vol. 1 – Resolutions). 2012. Available at <<http://unesdoc.unesco.org/images/0021/002150/215084e.pdf>>

<sup>20</sup> Resolution 52, in Records of the UNESCO General Conference, 37th Session (Vol. 1 – Resolutions). 2014. Available at <<http://unesdoc.unesco.org/images/0022/002261/226162e.pdf>>

multi-tasking modalities. The multi-tasking elements refer to the following tasks faced by IOs in the Internet governance space today: the task of innovatively crafting organizational identity, the task of strategically ensuring organizational survivability, and the task of a stakeholder shaping the internet governance ecosystem and its outcomes.

As noted earlier in the discussion of the increased roles for IOs over time, UNESCO as an IO was in danger of being marginalized in the internet governance ecosystem. The ITU (although it is not the subject of direct study in this paper) found itself in a similar situation. These challenges reflect the challenge of what can be termed ecosystem policy space; the possible jockeying for power within the UN system itself as well as with actors outside the UN system. What our document analyses and interview data indicate is the UNESCO creation of an idea, 'Internet universality', its strategic internal dissemination, and its external dissemination and beginning institutionalization. Reviewing the data also helps us understand the policy space issues within the UN system and the related IO identity issues.

In their 2013 report for UNESCO, Mansell and Tremblay recommend in #8: "UNESCO should take a leading role in all the areas covered by its mandate, encouraging collaborations among those in and outside the UN System with resources to host information portals, to foster measures which support open data initiatives and make information more accessible and provide guidance about how to link data and interpret it in ways that are meaningful to those whose interests are often neglected". The report itself does not use the term 'internet universality'.

On April 18-19, 2011, the CoE held a conference on Internet freedom. As a part of this conference, its Ad Hoc Advisory Group on Cross-Border Internet presented a proposal on the "Protection and Promotion of Internet's Universality, Integrity and Openness". Indeed, UNESCO speakers in listing other existing initiatives related to the concept of 'Internet universality' list this CoE Recommendation<sup>21</sup>.

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<sup>21</sup> Available at <<https://wcd.coe.int/ViewDoc.jsp?id=1835707>>

UNESCO itself reports that the process of discussing ‘internet universality’ began at the WSIS+10 review meeting in February 2013. This appears to refer to external discussion. They collected feedback on this idea at, as they report here, at eight international fora (including the IGF) or by another count, ten fora. (See ITU SIS Newslog, 8 September 2013.) Stating that the concept of ‘internet universality’ helps to frame much of UNESCO’s overall work (not just in the ICT arena), UNESCO highlights this concept’s centrality to its work in education, culture, science, social science and communication-information from now until 2021 as well as the concept’s ability to create synergies among these areas.

Further, and this supports this paper’s argument of a ‘multi-tasking’ concept, UNESCO notes that use of this concept helps UNESCO in its role of promoting international multistakeholder cooperation with reference to the Internet plus underlines what UNESCO itself can bring to the table for the post-2015 millennium development goals. (Note that the Division of Freedom of Expression and Media Development at UNESCO is the part of the organization appearing to have primary responsibility for creating and collecting feedback first internally and then externally on the concept as well as its dissemination.)

This division utilized the normal UNESCO process of gathering external feedback, once internal support had been garnered, and of ultimately disseminating the concept. Thus, there was a first version in 2013 as well as the more recent second version of “Internet Universality: A Means Toward Building Knowledge Societies and the Post-2015 Development Agenda”, opened for further feedback from all stakeholders. Resolution 52 at UNESCO’s 37<sup>th</sup> general conference held in November 2013 utilized this concept as core to the ‘Comprehensive Study of Internet Issues’ it mandated. (It also mandated the multistakeholder involvement in discussions of this study, leading to UNESCO calls for input in finalizing the study design.)

The UNESCO website presents both internal and external visions of the concept. The internal vision graphic, “Internet Universality in UNESCO context” vibrantly portrays 6 dimensions of UNESCO work, showing the integral connection with the concept and surrounding 5 core elements of its UNESCO-wide work: “a laboratory of ideas, standard-setting, capacity-building, catalyst of international cooperation, and a clearinghouse”.

Presenting the external vision with regard to players in the internet governance ecosystem, UNESCO uses another circular graphic with the concept at the center (“Internet universality: Free, right-based, open and accessible for all”) surrounded by 5 circles, each depicting a category as follows: IOs including all the UN system; business community; civil society including NGOs, citizens; Technical and academic communities; and states and national governments. Notice that IOs are listed as a separate category/circle next to the category/circle of states and national governments.

Secretariat officials have been presenting the concept at talks at universities as well as international fora. The UNESCO Press office has also worked on disseminating the concept through its usual means. Additionally, the concept has been promoted in the twitter-sphere. Throughout, there has been a focus on facilitating feedback and building support, thus solidifying its purview in the internet governance ecosystem.

Unlike UNESCO, the Council of Europe is not part of the UN system, but rather a regional Treaty organization. As such, it took part in WSIS as an invited observer organization, and had no special role in its secretariat. It is mentioned by the ITU as one of the IOs that “took a keen interest in WSIS”<sup>22</sup>, with the mention that it “enforced the Cybercrime Convention in 2004”. Actually, while the CoE obviously promoted this Convention at WSIS as it has in any relevant forum since its adoption, the core CoE participation at WSIS was not organized around this instrument.

CoE participation at WSIS was rather coordinated internally through two successive “Integrated Projects”, first the one on “Making democratic institutions work”<sup>23</sup> (until 2004), then the one on “The Good Governance in the Information Society”<sup>24</sup> (until 2005-2006). These Integrated Projects (IP), both formed under the then Directorate General of Political Affairs, were acting as Secretariat task forces on a given topic Depending on the project,

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<sup>22</sup> See <<http://www.itu.int/wsis/basic/actors.html>>

<sup>23</sup> See <[http://www.coe.int/t/dgap/democracy/activities/previous%20projects/default\\_EN.asp](http://www.coe.int/t/dgap/democracy/activities/previous%20projects/default_EN.asp)>

<sup>24</sup> See <[http://www.coe.int/t/dgap/democracy/Activities/GGIS/Default\\_en.asp](http://www.coe.int/t/dgap/democracy/Activities/GGIS/Default_en.asp)>

an IP could involve inter-sectoral and interdisciplinary teams from different Directorates. That was specifically the case of the second IP, where “the media sector gained of course importance”, as one of our CoE interviewees underlined, and as we will later develop this growing importance of the media sector in the field led to a major turn in the CoE perspectives on Internet governance.

WSIS first phase and early steps of the its second phase have thus seen a CoE involvement mainly directed at the respect for democracy and the rule of law, two of the three pillars of the CoE, the third one being human rights. As our above cited interviewee told us, “they are two different communities”, with slightly different priorities. Both the level of involvement of the Council of Europe and the substance of its contributions to WSIS reflected this situation.

The involvement period coordinated by the “Making democratic institutions work” IP served mainly, as a way to raise internal awareness on WSIS, its issues and its various participating stakeholders (in terms of networking with new external communities). It also led to a comprehensive “Political message from the Council of Europe Committee of Ministers to the World Summit on the Information Society”, a formal document<sup>25</sup> adopted in June 2003 which served as the CoE official contribution to the WSIS first phase in December 2003. While the document begins with a section on “Human rights and sustainable development”, human rights are far from constituting the core framing of the message. Other sections, of the same importance, include provisions on “Democracy and citizenship”, “Creating trust by the rule of law”, and “Cultural diversity and educational empowerment”.

These four declarative sections are then followed by an envisaged “Action plan”, which very much reflects possible contributions, within the CoE activities and mandate, to the WSIS Geneva Action Plan. The declarative part of the “Political message” also tried to cope with the diversity of CoE

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<sup>25</sup> See <<https://wcd.coe.int/ViewDoc.jsp?id=45673>>

issues as envisioned in the WSIS Geneva Declaration of Principles. Obviously, it also reflects the main scope of the CoE Directorate in charge of its preparation, (the then Directorate of Political Affairs). The document includes an appendix with the list of key CoE texts relevant to it, and, interestingly enough, the “Declaration of the Committee of Ministers on freedom of communication on the Internet<sup>26</sup>”, adopted just one month before the “Political message” but prepared separately by the Directorate of Human Rights. This Declaration is simply listed as a generally relevant text and not even as a key text related to the “Human rights and sustainable development” of the Political message.

In summary, the involvement and outcomes of the CoE in this first period until 2004, coordinated by the “Making democratic institutions work”, reflected a vision of Internet governance as mainly the governance of political affairs using the Internet rather than as the governance of the Internet itself as integral part of the political affairs. This was, after all, coherent with the other activities and outcomes of this Integrated Project, (for instance the work on public participation or the outcome Recommendations related to electronic voting).

However, this first involvement of CoE in WSIS greatly helped with raising the awareness of the Council and its other Directorates to increase the importance of its work in the information society field and to open up its work to external participants. These actions proved in the subsequent years to be a major strength of the Council of Europe over all other IOs in the field. It led to the creation by the CoE of a new Committee, the “Multidisciplinary Ad-Hoc Committee of Experts on the Information Society” (CAHSI<sup>27</sup>) in 2004, with duration of one year. The CAHSI mandate was: to “review how the use of Information and Communication Technologies, in particular the Internet and other electronic means of communication, can affect, positively or negatively, human rights and their protection”, in almost all fields related to the three pillars of the CoE, with, this time, a clear

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<sup>26</sup> See <<https://wcd.coe.int/ViewDoc.jsp?id=37031>>

<sup>27</sup> See CAHSI terms of references available at <<https://wcd.coe.int/ViewDoc.jsp?id=803697>>

insistence on human rights; to prepare draft political Declarations of the Committee of Ministers to be used as its contribution to both the 2005 Summit of Heads of State and Government of the Council of Europe and the WSIS second phase in 2005 as well.

At this point, one can note that the Committee of Ministers also targeted the CoE's own Summit, which means a clear willingness to bring Internet governance issues on its own agenda and that of its Member States. Also worth noting is the CAHSI membership which extends to, besides representatives of Member States and a large number of Council of Europe bodies explicitly listed, two other categories of organizations, beyond the officially recognized observers of the Council of Europe: other IOs, including UN agencies and WSIS secretariat; and civil society and private sector organizations. While only Member States were guaranteed voting rights, as usual and normal, the working methods of the CAHSI allowed non-voting members to participate substantively to the discussions. This choice was a founding format for the subsequent Committees of Experts dealing with information society and Internet governance issues.

Finally, the importance WSIS issues took on for the CoE thanks to this first experience was also reflected in the creation of the second Integrated Project on "Good Governance in the Information Society", starting from 2004 as mentioned above. In addition to the continuation of the work on participation in political affairs (inter alia e-democracy, e-governance, e-voting), that lasted until the end of the duration of the Integrated project in 2010, the cross-Directorate CoE Secretariat task force worked on "Public participation in Internet governance", as documented in the related CoE webpage<sup>28</sup>. But regarding this latter issue, there are clearly two moments to be distinguished in this period, attested by our documents analysis, participant observation and interviews we conducted with CoE representatives.

The first moment is the period 2004-2005, where the cross-Directorate CoE task force mainly worked, through the CAHSI, towards the "Declaration of

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<sup>28</sup> See <[http://www.coe.int/t/dgap/democracy/Activities/GGIS/Public\\_participation\\_internet\\_governance/Default\\_en.asp](http://www.coe.int/t/dgap/democracy/Activities/GGIS/Public_participation_internet_governance/Default_en.asp)>

the Committee of Ministers on human rights and the rule of law in the Information Society<sup>29</sup>” adopted on May 2005, that constituted main CoE contribution to WSIS second phase in Tunis. By many aspects, this document was substantially more advanced and detailed than the “Political message” of 2003. It consists in two parts. The first part, entitled “Human rights in the information society”, details in 8 sections the rights enshrined in the European Convention on Human Rights found relevant to the information society: (1) The right to freedom of expression, information and communication; (2) The right to respect for private life and correspondence; (3) The right to education and the importance of encouraging access to the new information technologies and their use by all without discrimination; (4) The prohibition of slavery and forced labour, and the prohibition of trafficking in human beings; (5) The right to a fair trial and to no punishment without law; (6) The protection of property; (7) The right to free elections; (8) Freedom of assembly.

The second part of the document, comprehensive as well, constitutes the first CoE definition of “roles and responsibilities of stakeholders in a multi-stakeholder governance approach for building the Information Society”. The identified stakeholders are, in relation with the CoE: its Member States, civil society, the private sector, and the Council of Europe itself as an IO.

The format of this document, its substance, the way it addresses the different stakeholders and, as earlier mentioned in the paper, the methodology of its preparation through an ad hoc committee of experts (here, the CAHSI) are foundational to subsequent work of the Council of Europe on issues related to Internet governance, focused on a human rights approach, that led to a number of Recommendations. These recommendations, though non-binding instruments, are the second level under the Convention or Treaty in the CoE hierarchy of legal standards. Moreover, the section related to the Council of Europe in the part on the role of stakeholders sets the agenda for the CoE work program in subsequent years.

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<sup>29</sup> See <<https://wcd.coe.int/ViewDoc.jsp?id=849061>>

Consequently, from this point on, the Council of Europe became the major, inescapable actor of any and all Internet governance arena, fighting hard to put human rights at the center of any Internet governance arrangement, as well as practicing and encouraging the participation of all stakeholders in these debates and their outcomes. Obviously, there could be and there have been critical views, sometimes strongly expressed on the detailed provisions or one or the other document<sup>30</sup>. However, in addition to the fact that this discussion is not the purpose of this paper, the fact is that the satisfaction with the CoE participation to the global Internet governance discussion is attested and largely shared, especially in civil society circles, including those organizations that are sometimes critical. As a matter of fact, one of our interviewees was proud to mention that people tells them: “the CoE is the most advanced IO in Internet governance in the world”.

This major turn of the Council of Europe vision after 2004, which “puts back on its feet” the concept of Internet governance as the governance of the Internet itself, its actors and its usages finds its main explanation in the institutional interplay inside the CoE Secretariat, as the interviews we conducted and the observations we made have shown. First of all, as we mentioned earlier in the paper, “the media sector gained of course importance” with the establishment of the second Integrated Project on “Good governance in the information society”.

Our interviewees acknowledged that, inside the Council of Europe Secretariat, “there is a competition between departments, which is not unique to the CoE since it happens everywhere”, and especially in all administrations, including that of IOs. Each department tries then to flesh out the common project with its own concerns and visions. This is what happened with the media division involvement in the project since 2004, bearing in mind that the media division was part of the Directorate of

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<sup>30</sup> See for instance the petition campaign of the European Digital Rights NGO against the Council of Europe Recommendation on promoting freedom of expression and information in the new information and communications environment (2007) <<http://edri.org/coerec200711/>>

Human Rights at that time<sup>31</sup>, and it “took over” the responsibility of CoE Internet governance post-WSIS. As other interviewees from the CoE told us: “when we wanted to work on human rights in the information society, we were told that the world out there is that there is nothing more to discuss about human rights. Then we strategized.” The first result of this internal dynamics which started in early 2005 was the strong human rights orientation of the CoE contribution to WSIS Tunis second phase, as discussed above.

After 2005, the CoE involvement in the Internet governance arena rapidly increased, in such a way that it has become the inescapable actor as we mentioned earlier: at the global level a growing power at the IGFs attested by the growing number of workshops and main sessions organized, co-organized, or showing its participation, from the first one in Athens in 2006 to the last one to date in Bali in 2013; at the regional level the launching in Strasbourg in 2009 of the first European dialogue on Internet governance (EuroDIG<sup>32</sup>), which acts yearly since then as a regional IGF with the CoE being the focal organizer of the event; and even at the national level, since the CoE tries to participate, even if with a single representative, to each national IGF organized in Europe and its neighborhood.

The CoE also participates in the ICANN Governmental Advisory Committee (GAC) as an observer (given its IO status). Internet governance also gained a high profile internally to the Council of Europe since 2005. The “strategized” vision of an information society and an Internet governance concept founded on human rights led to the adoption by the Committee of Ministers of no less than 9 Declarations between 2008 and 2013, and 12 Recommendations between 2006 and 2014, to only mention documents adopted so far and directly related to human rights in Internet governance. These documents were successively drafted by 4 Committees of experts established after the CAHSI: The Group of Specialists on Human Rights in

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<sup>31</sup> A major restructuring of the Council of Europe Secretariat organigram occurred in 2012, leading inter alia to the creation of the Directorate General 1 on Human Rights and the Rule of Law, under which media, information society, and Internet governance works are conducted since then.

<sup>32</sup> See <<http://www.eurodig.org>>

the Information Society (MC-S-IS, 2005-2008); the Committee of Experts on New Media (MC-NM, 2009-2011), the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI, 2010-2011); The Committee of Experts on Rights of Internet Users (MSI-DUI, 2012-2013).

Finally, the main achievement of the “strategized” vision culminated with the adoption in 2012 of the “Council of Europe Internet Governance Strategy 2012-2015<sup>33</sup>”. The CoE Internet governance strategy is described in a very comprehensive document that articulates the works of the different CoE sectors around “a coherent vision for a sustainable long-term approach to the Internet. Its success will depend greatly on multi-stakeholder dialogue and support”. It is “implemented using existing Council of Europe resources, establishing necessary links between activities and actors, using available tools to address specific issues and establishing strategic partnerships”. “At programme level, internal and external co-operation will be ensured by the Council of Europe’s Directorate General on Human Rights and Rule of Law which will lead the strategic planning, implementation and evaluation of the strategy”. And, as one expects in terms of objectives, the CoE Internet governance strategy “identifies priorities and sets goals (...) to advance the protection and respect for human rights, the rule of law and democracy on

### Theme 3. IOs Crafting Their Roles Via 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

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<sup>33</sup> See <<http://tinyurl.com/puogxgj>>

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.

#### Theme 4. Mutual Consolidation of IGF and IOs Roles and Activities

Another important way 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.”<sup>34</sup>

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

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<sup>34</sup> See dedicated page on IGF website at <<http://www.intgovforum.org/cms/dynamiccoalitions>>

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

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 in 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-DUI)*<sup>35</sup>, 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

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<sup>35</sup> See MSI-DUI webpage at : <[http://www.coe.int/t/dghl/standardsetting/media/MSI-DUI/default\\_en.asp](http://www.coe.int/t/dghl/standardsetting/media/MSI-DUI/default_en.asp)>

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 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.<sup>36</sup>

This example shows, as noted earlier, 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.

The earlier discussed examples of UNESCO and, even more, the CoE, illustrated 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

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<sup>36</sup> Available at : <<https://wcd.coe.int/ViewDoc.jsp?id=2184807>>

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 the IGF in IOs’ rejuvenation.

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 present here quantitative data to support this argument. We examined first 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 approval<sup>37</sup>. 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 paper<sup>38</sup>. The IGFs we analyzed are:

- 1<sup>st</sup> IGF in Athens, Greece (2006): 18 documented workshops in total
- 2<sup>nd</sup> IGF in Rio de Janeiro, Brazil (2007): 34 documented workshops in total
- 3<sup>rd</sup> IGF in Hyderabad, India (2008): 44 documented workshops in total
- 4<sup>th</sup> IGF in Sharm El Sheikh, Egypt (2009): 66 documented workshops in total
- 5<sup>th</sup> IGF in Vilnius, Lithuania (2010): 68 documented workshops in total
- 6<sup>th</sup> IGF in Nairobi, Kenya (2011): 85 documented workshops in total
- 7<sup>th</sup> 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 speakers<sup>39</sup>. As a methodological note, additional workshops might have been organized over these 7 years, but

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<sup>37</sup> This process is document on the IGF website: <<http://www.intgovforum.org>>

<sup>38</sup> 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.

<sup>39</sup> 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)

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. These figures need to be compared against the share of each stakeholder group attendance to the IGFs<sup>40</sup>.

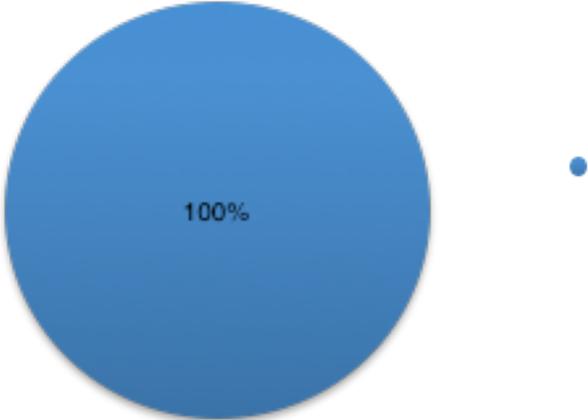


Figure 1. Contribution to total of 2006-2012 workshops as organizer or participant

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).

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<sup>40</sup> 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.

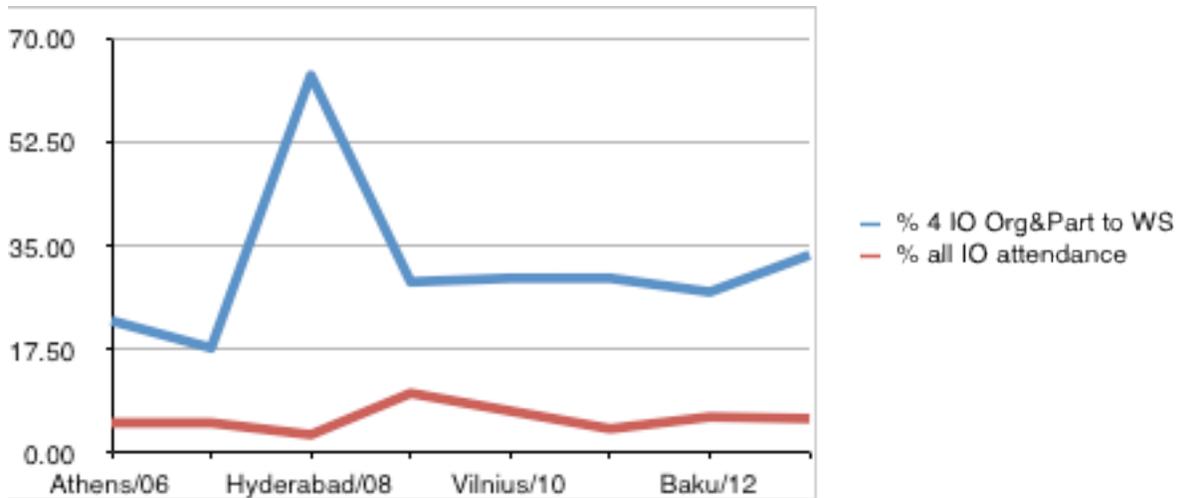


Figure 2. IO Participation level in IGF activities

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.

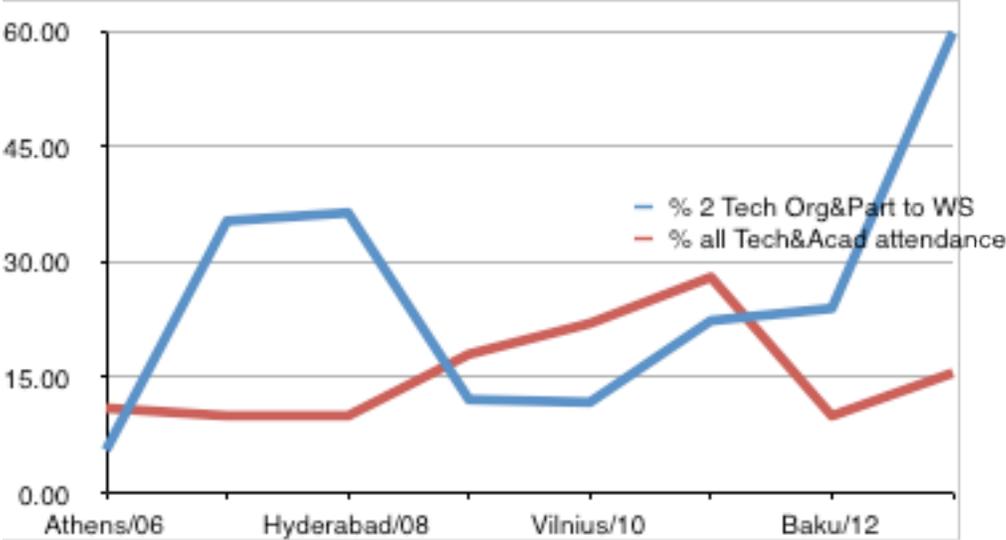


Figure 3. Technical Organizations Participation level in IGF activities

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 2011, 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 refined additionally 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 not only corroborates our findings presented in Figures 1, 2 and 3, but also singularly highlights 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.

In any case, the quantitative data we collected, analyzed and presented here leads us 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.

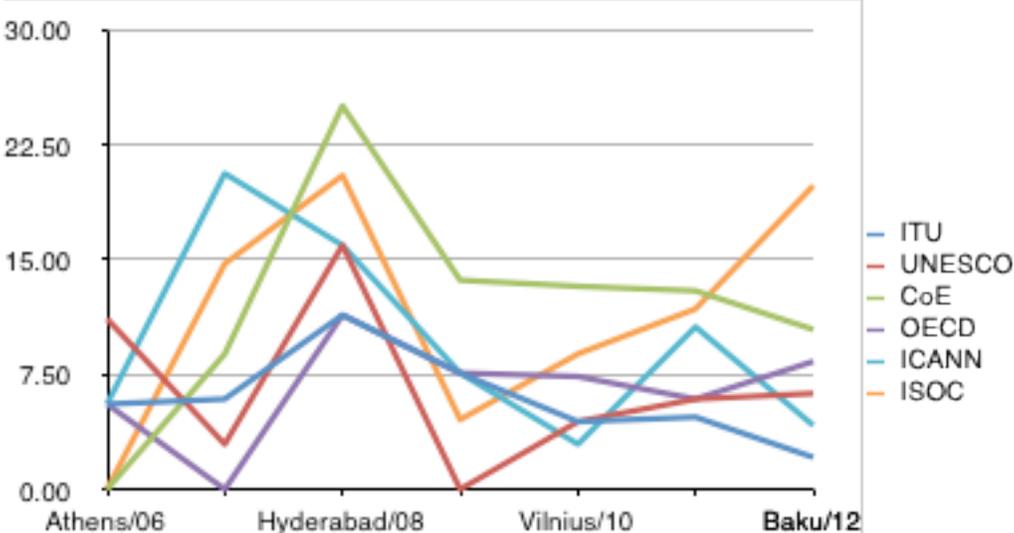


Figure 4. Evolution in time of contribution (%) to total of workshops

### Conclusion

In sum, the Internet governance arena is one characterized by dramatic change in almost all of its dimensions and it is still evolving. Whether the complexity of its ecosystem or the rapidity of technological change, the research reported here illustrates the related change in one set of ecosystem actors, the International Organizations. It also underlines the importance of examining organizational infrastructure. From residing in the periphery, the IOs we are studying and the cases presented here illustrate that these IOS have proactively promulgated identities and ideas to reenergize their organizations and move more toward the core, also demonstrating the importance of approaching IOs as organizations and not just as entities created by nation states to carry out their work.

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 constitute major contributors to the institutionalization of this innovation seen by many in its early days as quite fragile and quite different from other organizational actors. In many ways, the IOS we are studying constitute the backbone of the IGF as a process; and possibly a guarantee of its institutionalization in a very turbulent environment.

There is a need now for further research on these and other international organizations, continuing to trace ecosystem (and organizational infrastructure) changes over time, using a range of research tools calibrated to capture these nuanced and changing roles, as they continue to evolve. 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 support further 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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