Internet Governance – A Framework
WSIS to IGF, and beyond[*]

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Abstract

Here we investigate a framework for the world's Internet governance regime. This framework combines what are ordinarily considered to be two opposites: stability, on the one side; and innovation, on the other. Regimes from around the world serve as examples. Ultimately, we apply some lessons learned to the new Internet Governance Forum, also to expansion of participation in UN affairs, and finally of course to 'Net governance itself.

What do we hope you 'take away' from this? That you will begin to 'think across time' in this policy question; that you will be prepared to deal with the reality of human behavior, apparently hard wired into us; and that you can be receptive to innovations in theory – in other words, to internalize a framework that describes how already you live your daily life.

Keywords: Internet governance, WSIS, Internet Governance Forum, UN system, community, standards, competition, markets, free flow of information, privacy

The question of 'Net governance split the World Summit on the Information Society (WSIS) completely asunder. By the second of its two summits, those on either side of that governance divide were entirely polarized. Can we find some framework that may shepherd a common way forward?

BACKGROUND

The World Summit on the Information Society proceeded for well over five years, in the totality of the effort. In aggregate at least 100 million USD must have been expended for the repeated meetings of cumulatively tens of thousands of individuals,[1] including of course even some heads of state at the two summits themselves.[2] The summit process had been slated to address the severe divide, between those with the advantages of information and communications technologies (ICT) as against those in the world without. Particularly, the prospective impact of the Internet was a core and focus.

One characterization would be that many of the world's ills were brought to the altar of ICTs. The hope was that these ills, some of them age old, would finally find surcease, with the application of the technology. Instead – this agenda was highjacked by a struggle over Internet governance. On the one side, numerous governments insisted that a new, more multi-lateral approach be found for governance; on the other, the US defended and maintained its approach via ICANN.[3] Because this was a UN event, where the consensus requirement meant any government could prevent forward motion, the summit process concluded with an agreement to disagree. There was also a commitment to a new and ongoing Internet Governance Forum (IGF). The IGF represented a commitment to 'keep on talking,' though not necessarily more than that.

Happily, the summit was not without effect on its original purposes. Likely most important, there was a worldwide conscious-raising, particularly regarding the Internet. For instance, it seems likely that we can now expect – in countries in the South – for many governments to become the largest actor on the Internet. This might be likened to a Keynesian stimulus by the largest actor in a society. A worldwide Stocktaking also details many undertakings to move forward the original goals of the summit. Also, a growing realization that policy makers must understand the technology led to 'capacity building' for them. And there are today a number of 'lines' of followup, under the auspices of different UN organizations. Nor is that the end of it, with for instance the announcement of a new Global Alliance for ICT and Development.

But 'Net governance seized the day, in the summit process itself.

The new IGF needs to be immunized from the highjack and paralysis that struck WSIS. More broadly – and more importantly – 'Net governance needs a way forward that has not yet been found.

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[1] Including the author.

[2] The second and final summit was in Tunis, November of 2005. Followup to WSIS proceeds today.

[3] The Internet Corporation for Assigned Names and Numbers.

Internet Governance – A Framework

A FRAMEWORK

Here we will investigate a framework aimed to those purposes. Like the innovations vaunted on the Internet, this framework is a new idea[4] – so it too will have to be tested.

To state the framework baldly:

A suitable governance regime will put in place two opposite halves of a repeated cycle.

  a. *Stable operations.* Community, and the working of its protocols, are in the fore.
  b. *Change – innovation* – in the stable order. The individual and initiative take precedence.

Dynamics of movement through the two phases, constantly repeated – particularly the handoff between groups in opposite halves – is the essential challenge.

The framework can be characterized by a brief example[5] of its working (in fact, working to remarkable effect):

The history of the creation of the Internet – notably the dynamic used by the IETF[6] – presents a model for the necessary alternation between two opposites, across time repeatedly.

For a network to operate, its pieces have to conform to some standard. But to introduce innovations, which may make for a better network, some of those standards must in effect be broken. Later, the pieces will be re-assembled as a renewed, better network. This is the essential tension, between a stable standard and temporarily disruptive changes for innovation. The IETF moved artfully back and forth between the two opposites in this simple, dynamic cycle, in fact with great frequency across time.

During standardization, the IETF coalesced into the hierarchy of a more formal community, to decide on a common approach – "rough consensus."[7] In a next half of the cycle, but now for innovation, the IETF once again broke apart into its constituent individuals, some of whom would propose new approaches – "running code." The results from these innovations would eventually be considered in yet a *next* cycle, as input to a next phase of standardization. This simple cycle, artfully executed countless times, produced one of the greatest runs in the annals of human innovation.

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[4] Though there is now also a fifteen-year collection of papers on the subject.
[5] Reproduced and adapted from my own Internet governance: A tale of community structure and individual initiative. Also in my The Internet Governance Forum – Framework for design.
[6] Internet Engineering Task Force.
[7] David Clark: "We reject kings, presidents and voting. We believe in rough consensus and running code." In a presentation, A Cloudy Crystal Ball – Visions of the Future, Thursday, July 16, 1992, at the 24th IETF, Boston, MA. Emblazoned on tee shirts and the like, this became the credo of the IETF.

Perhaps the cycle is simple to picture … but, the *social* complexity is obscured because the switching back and forth occurs within a given individual. The same individual first wears an entrepreneur hat, then switches to a hat in a hierarchy for consensus, repeating that switch back and forth, again and again.

When many others groups besides the IETF eventually enter the mix, there must be institutional separation of roles. But the handoff between the opposite halves of the cycle nonetheless needs to carry on. In a global world with numerous cooks for the stew, there is a constant handing back and forth, between groups more concerned with stable operation and other groups more concerned with innovation and change. Socially, that is indeed complex.

The challenge today for 'Net governance is to fathom how to put the two opposites together, but with institutions as the actors rather than individuals. In practical terms, that puts the focus on *dynamic processes* among the institutions, for workability. Successful use of the processes delivers the payoff.

We see that dynamics – conceiving the policy outcome in recurrent steps across time – is of the essence. Typically, this taxes our inclinations. We deal in terms of static pictures. A realistic approach, of this sort, invites us to break those bonds and begin to think dynamically.

Framework – Compare with Extant Theory

Where does this framework fit in our standard 'understandings'?

Competitive markets of neo-classical economics parallel the innovation phase of the cycle. However, there is a key difference. The competition in the cycle is Schumpeterian, a competition among ideas, rather than among fungible commodities.

Competition's Janus face (or the yang, for its yin) is hierarchy. Hierarchy characterizes the standardization phase. In its background sits the prospect for concerted government, rather than individual, action – or more generally, for collective community action.

This dynamic framework brings the two opposites into a common frame, by working dynamically across time – markets with hierarchy.

Does the new, though burgeoning, field of social network analysis (SNA)[8] offer insights on our question? Vitally, SNA gives the means to picture the human networks that underlie our framework. Some of the antecedents to SNA might be grounded in the classically liberal origins that are also in common with competitive market analysis. But conceiving the human landscape in terms of the network among actors takes a fateful step beyond the individualized, atomistic actor of neoclassical theory. Also, in SNA the dynamics are of the essence, as in the framework.

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[8] There are number of 'nodes' for work on SNA. Here is a pointer to one, which offers a wealth of material. There you will also find a wide set of links to others.

As the field of SNA matures, tools to treat our framework analytically may emerge. This is one place to stay tuned.

Equally, the relatively recent behavioral approaches to neoclassicism may turn up more networked, or social, views.

Finally, Schumpeterian economics[9] has for long years pointed the way to a dynamic analysis. Though more active in Europe than in the US, with some work in Asia, there is a lively community at work on the approach.

Framework – In the Real World, Around the World?

Do we find the framework, when we look at societies around the world?

Nominally at least, the US, and more generally the Anglo world, are protector and progenitor for market capitalism as the one true way. Is there a place for community in this ideology? Not advertised in the US is the best legislature that money can buy and, with that, a tilt toward the monied interests who paid the bill. Though this favoritism identifies the (shrinking) group at the top of the pecking order,[10] it does not portend community per se. This is a prominent case how the ideology[11] may lead to groups, but not community.

Continental Europe, though committed to markets as well, also finds justification in its social democracies for the ties that bind, mechanisms that would protect communities as such. There is place for both the market and its community counterpart. Though there may be little or no recognition of a dynamic cycle.

In Asia, there is at least one country[12] where the individual and community seem to coexist in a back-and-forth between necessary stability and fruitful change. The government's role seems to be more that of a cheerleader or coach, rather than traffic cop who nails violators. The whole range of actors, from private firms, through quasi-government research labs, to formal ministries, seems to understand the intricate, repeated dance in which everyone can accede to a higher standard of living quicker. Its history tells of one of the most rapid rises economically. Today it's GDP puts it at the threshold of developed status.

'POWER,' IN 'POLITICAL ECONOMY'

The framework is a throwback to the day when 'political economy' signified that politics and economics had to be considered together. But so far we have looked only at the economics – what of the politics? In other words, what of the exercise of power?

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[9] See for instance the International Schumpeter Society.
[10] And is probably the single most salient determinant of that society's future.
[11] As distinct from practice. All human societies manifest community.
[12] Yes, I am not naming names – to protect the innocent, but especially to lower the temperature of the conversation. Calmer temperatures may get beyond polemics and make useful dialog possible.

The exercise of power is ruled out of consideration in the neoclassical market analysis, except as an evil to be expunged via anti-trust. Power, and its exercise – responsibly or as renegade – lie at the center of the framework we are considering. When the hierarchy once again temporarily re-forms, to pick a new standard, does it do so with the interests of the community frontmost? Or, do individuals look for points of leverage whereby they can tilt the field in their individual favor?

One flashpoint[13] for the exercise of power, in the framework, is the free flow of information. A few countries have been castigated for trying to control what their citizens may access on the web. The same question has arisen in the West – if not characterized as such – dubbed 'net neutrality.'[14]

What is the reality, of experience around the world, on this question of free flow of information?

In the US even, there is a generally acknowledged prohibition against 'falsely crying fire in a crowded theater,'[15] as the apocryphal example. Recent attempts to muzzle news reports unfavorable to the current administration are more chilling.

In Europe, there are some sanctions against advertising to sell memorabilia from reviled regimes and also I believe against some related hate speech.

Not just in Asia, but there also, some countries strenuously exert themselves to control certain speech, including to censor the web and related communications.[16]

Power – In Information Flow

How can we understand this? What mechanisms may explain these restrictions on the flow of information?

In all societies, human concerns for privacy limit what is divulged. To be a little technical about it: Human concatenated social hierarchy means each person lives within ever widening concentric circles of affiliation, the closer-in being more intimate, the farther-out less

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[13] Not the only one.

[14] In the US (Europe is now also concerned), telcos want to charge a premium to service providers such as Google and eBay for them to ride in the fast lane of yet-to-be laid, but expensive, fiber optic lines to the home. The telcos complain that someone should pay. The service providers point out that the home users already pay.

Net neutrality is framed as: all information is to travel without prejudice – the net is to be 'neutral' so there is not privileged access for some information. In the West, a failure of net neutrality would use economic levers to exercise power and restrict flow.

[15] US Supreme Court Justice Oliver Wendell Holmes: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a crowded theater and causing panic." (Schenck v. United States, 1919)

[16] In one country there are also reported to be tens of thousands of so-called 'mass uprisings' annually, with the number growing, a point we will reflect on below.

so but also bringing wider community. Privacy concerns typically dictate that certain information can flow within a given circle, but not to those in the next wider circle.

Distinct from privacy, at least in kind,[17] are the 'secrets' for economic or political or social gain. For example:

Intellectual property rights are claimed, in some parts of the world, for economic gain (and purportedly for the gain of all).

The restrictions some societies exercise against certain speech and web access are certainly for political and probably also for social and economic purposes (once again, often claimed to benefit all).

Power – Freedom Of Information Flow and The Framework

Wherefore is our framework in this picture?

The framework, with its dynamic seesaw intended to bring innovation forward progressively, depends intimately on the following proposition about information and its flow:

> No single person can have experience of all the facts necessary to understand the world and perhaps also to find some innovative way forward. So we depend on each other to bring alternative views that a given individual has not understood previously. Hence the free flow of information – *especially that which is contested and/or in doubt* – is essential for the successful operation of the cycle.

It is not too much to say that – for the Internet governance debate – the framework puts freedom of information flow squarely in the center, at least as the first topic.

In this light, how to parse the real world experiences recounted already?

In the US and Europe: can the net neutrality debate keep access open and available? If it is to do so, it will eventually build in accommodation for the 'circles within circles,' of social organization, that are noted above. As usual, the answer can only be as simple as the underlying reality.

In Asia, and in other countries, where there are presently strenuous efforts to control speech and the web: how will this calculus turn?

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[17] Privacy concerns emanate within the community at any given circle / level of affiliation, seemingly as a hard-wired (? protective) response in members of the group. 'Secrets' on the other hand typically begin from the individual, albeit on occasion claimed for the benefit of the group.

In one country,[18] there is the most gigantic attempt ever, in the history of mankind, to catapult that society forward. Does the framework that we investigate here in fact acknowledge the importance of singularity of purpose, a single decision for the entire society? Absolutely, yes. Might it also be that acknowledgement of dissenting views, within and across the country's social landscape – as proffered by free flow in the framework – actually *reduces* the number of 'mass uprisings,'[19] because of a more inclusive environment?

Only time will tell where this calculus goes.

We can see the framework brings us some insight about the use of power in information flow. Among others, freedom of flow is foremost in 'Net governance. We see also that governance regimes can only be as simple as the underlying reality: in this case, any regime must accommodate the circles-within-circles of social organization.

WSIS TO IGF, AND BEYOND – THE 'NET GOVERNANCE FRAMEWORK IN PRACTICE

What is the practical message here? Our focus turns to the IGF, then the evolving UN system, and ultimately a new 'Net governance regime.

The IGF

The message from the framework is clear, in the effort to serve an Internet Governance Forum that does reach objectives and does advance the case for a 'Net governance regime.

For one: Deeply held differences, among those in the 'Net governance arena, particularly among governments, must be revealed and brought to the surface. That is the message of free information flow in the framework. In WSIS, though there were countless interventions, the emphasis of diplomacy was not on bringing out the deepest and most direct differences. Such clarity is the essential first requirement for IGF. The protagonists must see clearly and soberly just what is the ground where they differ with each other.

How is this facilitated? One source can be the intellectuals – from university and research – who deal as a matter of course in basic assumptions. It is those basic – often unseen, not even known – assumptions that must come to the surface. Only then are resolutions even possible.

For the other: The two main 'sides' in the 'Net governance struggle tended, in the end, to come down on one or the other side of the framework's two halves. Obviously, *both* halves are needed! Once differences between the two sides are clear, then the next step is to figure how to put the two opposites together, but in a temporal interleaving.

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[18] Again, I am not naming names. Again, the point is to engender useful dialog, rather than polemics.

[19] For comparison, in the US even a few such mass uprisings would be destabilizing; tens of thousands annually is simply inconceivable in the comparative US context. Reducing the number has obvious attraction.

This was straightforward in the IETF, when the shifts back and forth executed within a single person.[20] If the two sides in 'Net governance can agree on outlines of the new regime, as described in the framework, there still remains the serious problem, to institutionalize the handoff between those with quite different tasks. No wonder this has been a challenging debate.

Organizationally, the IGF will have a multi-stakeholder Advisory Group (AG) group. Presumably IGF must also have an open plenary from which there come small working groups (WG) or teams. Such an arrangement is true to the framework. The AG group is the more structured side; the WG or teams can introduce innovation.

The practical message for the WG: For the issue addressed, bring creative thinking first to see the two opposites often running through policy quagmires, then use that same creativity artfully to interleave the two temporally. The practical message for the AG: Assess whether WG have fulfilled this mission, as assigned. For the two together: Build goodwill, trust and legitimacy between the AG and WG. That is sine qua non for the challenging handoff between the two, as the AG tries to identify issues for WG, and WG offer results of their new, creative policy designs for AG perusal.

UN System – Expanding Participation

With WSIS, and other activities, the United Nations is beginning to expand participation in its affairs. Both the private sector and civil society had some role in the summit process, for instance.

The message from the framework: Take advantage of the candor that new parties, such as civil society and the private sector, may bring. New candor would augur a sea-change in the diplomatic culture that has, to date, guided many UN proceedings.

There is little likelihood of substantive steps forward, until basic differences are on the table. Only then is it possible to confront the complexities, such as temporal interleaving. Again, in this wider arena of general UN practice, look specifically to the intellectuals, from university and research, to help bring the differences out. More, consider that further categories of participation may be useful, such as 'Academic research,'[21] perhaps as a specific sub-element within civil society.

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[20] Here we see how each of us, in our daily lives, constantly lives the two opposites of the framework. In one moment, we are striving for our individual selves, to maximize personal aggrandizement; in the next, we have joined hands with those in our community, for some shared and common goal – all as part of an ongoing alternation. This remarkable complexity comes hard-wired into each of us. So, we can approach the seeming-daunting task – to design policy with temporal interleaving – perhaps with new encouragement: We all do this, every day. Realistic policy that acknowledges as much should not be so difficult, after all.

    (To continue the story: in yet a next moment we may switch to yet another, different 'level,' in our circles of affiliation – the rest of that story, though, is for another occasion.)

[21] Academic intellectual work – in its pure form – takes as its guide the opposite that which drives civil society. Civil society traditionally brings out advocacy organizations, those who are concerned to effect some stated change. In contrast, intellectual work, in its pure form, pursues accurate understanding, which [footnote continued]

A New 'Net Governance regime

Finally, let's look to the real emergence of a new 'Net governance regime, one that satisfies all the main concerns and one that is robust. The framework shows the way. It will only be as simple as the people which it must serve – but now we can see the form it might take.

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necessarily must be free from prior conceptions or commitments to a given course of action. (Of course, when we move from the pure form …)