



# Influencing the Internet: Democratizing the Politics that Shape Internet Governance

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Ayden Férdeline  
On behalf of the National Democratic Institute





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# Influencing the Internet

## Democratizing the Politics that Shape Internet Governance Norms and Standards

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# Executive Summary

## Democratizing Internet Governance Outcomes

Internet governance refers to the processes that influence how decisions about the internet are made locally, nationally, regionally and internationally. This sociotechnical infrastructure (which includes the people, practices, standards and institutions that govern different components of the internet) has evolved in a way that is indifferent to questions of human rights, justice and democracy. Most successful efforts to govern the internet have been self-regulatory in nature, and where formal internet governance institutions now exist, they have narrow mandates and accountability deficits. Current models of internet governance are being challenged from different directions, not all of them positive for democracy, as different stakeholders acknowledge these flaws.

There is a lack of meaningful participation or oversight in these institutions from civil society, journalists and democratically elected political actors. The voices heard in internet policy and regulatory spaces are not geographically diverse, with inadequate representation from outside of North America, Europe and China. Even among high-income countries, women of all backgrounds, as well as people with disabilities and those who do not speak English fluently, face challenges in participating in internet governance fora. One challenge is in determining how multistakeholder institutions can reinvent themselves to offer a better alternative and avert a slide toward state-dominated governance models, by making themselves into something that stakeholders who currently feel excluded have greater reason to support. If these traditionally underrepresented stakeholders were to gain more negotiating leverage in internet governance institutions, existing and future norms would be renegotiated and the resulting standards, policies and protocols would have the potential to better serve democratic outcomes.

## Insights from Insider Interviews

The National Democratic Institute (NDI) interviewed 25 subject-matter experts on the internet's sociotechnical infrastructure. Our research concludes that the existing structures of internet governance institutions do not necessarily support democratic outcomes:

- These institutions are procedurally open but have culturally closed working practices. Practices have developed around a Western European business style that requires one to be assertive and unintimidated by confrontation;
- The number of internet governance institutions has proliferated in recent years, but it is not always clear to underrepresented actors which venue is the correct place to address a concern. Self-appointed gatekeepers police who may, or may not, identify as civil society, and the culture these individuals project can be off-putting to new participants. Further, chairpersons tend to share mindsets and worldviews and to steer conclusions toward supporting that worldview;
- Topics can be sensitive, and respondents expressed sometimes feeling too ashamed to communicate how much they are suffering or impacted by an issue;
- Strategic Lawsuits Against Public Participation (SLAPPs) are emerging in internet governance fora and may in the future have a chilling effect on participation; and
- Institutions are trying both to change and to remain relevant.

Opportunities are opening that civil society might be able to use to further the public interest; however, civil society needs to develop its skills in negotiation and strategy, as well as its technical expertise, to be more effective in these environments. An imbalance of material resources (both among countries and between civil society and other stakeholders) perpetuates some of these dynamics.

Finally, there is a need to support civil society engagement in internet governance at the national as well as international level, because the nature of the internet's architecture means that adverse domestic regulation has the potential to fragment and undermine the norms and predictability of the global internet.

## **Recommendations**

*Donors and development agencies should:*

- Connect experienced civil society actors to high-impact leaders for mentorship;
- Invest in programs that incorporate training in soft skills such as negotiation and storytelling, and promote the development of actionable theories of change;
- Develop, maintain and amplify timely technical explainers on the issues playing out in policy fora, because technical debates require technical knowledge;
- Invest in people without the resources to engage with issues long-term with stipends or resource allowances to enable their continued engagement;
- Build partnerships between hyperlocal, grassroots organizations and national and international digital rights groups;
- Support independent reviews of internet governance institutions by funding the development and periodic completion of a common mechanism of benchmarking the inclusiveness, transparency and accountability of these policymaking and coordination bodies; and
- Offer support that extends for five years, as the decision-making processes of political environments rarely align with philanthropic funding cycles of 12 to 18 months.

*Governments should:*

- Make space for civil society domestically and advocate for democratic, multistakeholder internet governance institutions and processes;
- Send more diverse delegations to internet governance institutions who can work to address technological harms before they are embedded into protocols, standards and policies;
- Build an operational culture within internet governance institutions that is respectful, ethical and consultative by insisting that all perspectives are afforded the opportunity to be heard;
- Conduct due diligence on proposals, and consider and address the harms that could arise throughout the entire life cycle of a protocol, standard or policy; and
- Promote education and support the development of training programs in sociotechnical infrastructure, sociopolitical advocacy, ethics and diversity.

*Individual advocates and civil society organizations should:*

- Reframe discussions by shifting the conversation away from technical details to focus on the social impact of a proposal, if they see unaddressed harms;
- Set realistic goals and not spread themselves too thin by engaging in too many fora on too many different issues;
- Establish and maintain mature communication channels and processes with other stakeholder groups; and
- Share leadership positions and speaking opportunities with newer, more diverse members of the community, and engage in peer-to-peer mentoring.

*Internet governance institutions should:*

- Actively work to encourage diversity, in particular in chairpersons, so as to avoid one dominant worldview becoming entrenched;
- Identify and mitigate against structural impediments to ensure fair and equitable multistakeholder participation in institutional processes and outcomes;
- Ensure that human rights impact assessments are systematically conducted in order to understand the harms a new technology may cause;
- Assess the competencies and biases of their contributors and, where there are gaps, make available relevant capacity-building support to remedy the situation;
- Offer funding to civil society for outreach to recruit and upskill new volunteers and to hire research assistants to keep on top of the agenda;
- Indemnify good-faith participation by volunteers;
- Revise strategies for face-to-face meetings to ensure events occur in democratic locations and, to the extent possible, where there are limited travel restrictions for those who cannot enter under a visa waiver program; and
- Ensure that meaningful and accessible remote participation is an option for those unable to travel.

*Private sector should:*

- Ensure the interests of small- and medium-sized businesses, including microenterprises, are represented within internet governance institutions;
- Be proactive and help educate civil society on the perspectives and concerns of industry participants;
- Ensure that the skills and backgrounds of representatives of private sector organizations to internet governance fora reflect overall population diversity; and
- Identify key human rights impacts and challenges related to projects, products and policy by opening up meaningful dialogue with civil society

# 1. Introduction

In 2001, only 8 percent of the world’s population was online, mostly consisting of individuals in North America and Europe.<sup>1</sup> By 2021, 63 percent of the world’s population was online, and there were more people using the internet every day in Africa than there are people in North America.<sup>2</sup> Like electricity or water, the internet now touches every aspect of modern life for everyone everywhere, even if we can’t always see how. But the internet is not governed like a public utility. The underlying governance structures of the internet are unequal. A handful of governments and large corporations, largely in high-income countries, hold an outsized influence in determining our online future. This inequality is further exacerbated when explored through the lenses of gender, race, sexual orientation, gender identity, disability, native language, and ethnicity.

In this paper, we explore how we can reorientate the internet’s governance mechanisms to shift power to a broader set of stakeholders who have not traditionally been part of the conversation. If we are successful in doing so, the diversity of skills and knowledge that these missing stakeholders could bring to the agenda-setting and decision-making processes of internet governance coordination bodies and institutions has the potential to shape a more democratic future. A more inclusive, democratically governed internet could deliver more prosperity to more people, offer new capacities to disadvantaged groups like people with disabilities, allow people to bypass state censorship to access information, and give a resilient platform to people organizing against injustice.

## 1.1 Defining internet governance

While definitions of internet governance differ, most fall into one of two categories: (1) addressing the impact of the internet on society (which includes issues such as content moderation, dis- and misinformation and mass surveillance), or (2) administrating the technical infrastructure that powers the internet (which includes issues such as the allocation of unique identifiers like domain names and Internet Protocol [IP] addresses).<sup>3</sup> As the internet grows in importance culturally, economically, politically and socially, stakeholders around the world continue to contemplate how the internet is governed and how the internet *should* be governed.

In this paper, we adopt an intentionally expansive definition of internet governance that blends both of these concepts. **Internet governance refers to the processes that influence how decisions about the internet are made locally, nationally, regionally and internationally.** How these decisions are made is animated through the visions and understandings of society that early internet pioneers embedded within these technologies, institutions and processes. As a result, internet governance reflects the normalization of centuries of structural exclusion related to factors such as race, ethnicity, gender and national origin, which can influence the distribution of justice, wealth and power.

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<sup>1</sup> International Telecommunication Union, World Telecommunication/ICT Indicators Database (accessed March 4, 2022), [http://handle.itu.int/11.1002/pub\\_series/database/2a8478f7-en](http://handle.itu.int/11.1002/pub_series/database/2a8478f7-en).

<sup>2</sup> Ibid.

<sup>3</sup> Lawrence B. Solum, “Models of Internet Governance” in *Internet Governance: Infrastructures and Institutions*, ed. Lee Bygrave and Jon Bing (Oxford: Oxford University Press, 2009), 48-91.

## TERMINOLOGY

The International Organization for Standardization (ISO) defines **standards** as “a formula that describes the best way of doing something.”<sup>4</sup> For example, the ISO 8601 standard introduces an internationally agreed upon way to represent time and date in databases, so that when systems exchange, say, calendar invitations, the correct time and date is transmitted.<sup>5</sup> Because standards seek to structure the behavior of machines and people, and their adoption is typically voluntary, they are most successful on a technical level when they are developed with the input and insights of those expected to implement them. This does not, of course, make standards neutral or rights-respecting: some standards contain racist language,<sup>6</sup> and some standards promote the adoption of harmful technologies.<sup>7</sup>

**Norms** are the often-invisible rules that guide the shared behavior of actors within a community.<sup>8</sup> For example, one norm at the Internet Engineering Task Force (IETF) is measuring consensus on decisions by humming, rather than casting votes.<sup>9</sup> While there is no obligation to hum if you support a proposal, most people abide by those norms, and if you don’t hum, your silence is viewed as disagreement, as the social norm in this setting is to presume a group member’s silence is a lack of support for the proposal. Other fora have other norms: in particular, in intergovernmental organizations, consensus is assumed unless there is a formal objection.

**Values** are “group-level phenomena based on shared agreement”<sup>10</sup> that describe what is important. Values are composed of a group’s likes, dislikes, perspectives, and biases. For example, respect for tradition underlines the virtues of leadership and followership. In the context of internet governance, this could mean deferring to existing working practices, because that is how decisions have always been made.

**As standards create technologies, the institutions and working groups producing these technological building blocks create norms that are based on their shared values.**

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<sup>4</sup> “Standards,” International Organization for Standardization, n.d., <https://www.iso.org/standards.html>.

<sup>5</sup> “ISO 8601: Date and Time Format,” International Organization for Standardization, February 21, 2017, <https://www.iso.org/iso-8601-date-and-time-format.html>.

<sup>6</sup> Kate Conger, “‘Master,’ ‘Slave’ and the Fight Over Offensive Terms in Computing,” *New York Times*, April 13, 2021, <https://www.nytimes.com/2021/04/13/technology/racist-computer-engineering-terms-ietf.html>

<sup>7</sup> See, for example, standards promoting facial detection technologies like the ISO/IEC 30137-1:2019 standard on system design and specifications for the use of biometrics in video surveillance systems.

<sup>8</sup> Martha Finnemore, *Cybersecurity and the Concept of Norms* (Carnegie Endowment for International Peace, 2017), <https://carnegieendowment.org/2017/11/30/cybersecurity-and-concept-of-norms-pub-74870>.

<sup>9</sup> Pete Resnick, “Request for Comment 7282: On Consensus and Humming in the IETF,” Internet Engineering Task Force, 2014, <https://datatracker.ietf.org/doc/html/rfc7282>.

<sup>10</sup> Ten Oever, *Wired Norms*, 37.

While many technologists believe code is neutral and apolitical,<sup>11</sup> leading scholars of anthropology,<sup>12</sup> international relations<sup>13</sup> and law<sup>14</sup> believe that the manner in which internet standards and protocols are developed embeds cultural values and norms into the internet's technical infrastructure. This sociotechnical change occurs in three ways. First, the operating procedures and communication methods of internet governance institutions limit who can participate.<sup>15</sup> Second, the people who participate then model behavior and subconsciously contribute to a group identity that new players feel pressured to emulate in order to assimilate.<sup>16</sup> Third, given the hurdles participants face in finding a seat at the table, the bodies of knowledge that established participants see as credible can be limited and sometimes exclusionary.<sup>17</sup> It is with this awareness that we have approached this research.

## 1.2 The architecture of the internet

The internet we use today is a collection of independently owned networks and devices that communicate with one another by sending packets of data back and forth across layers using common protocols.

Two of the most common protocols currently in use are the Transmission Control Protocol and the Internet Protocol, collectively known as TCP/IP. TCP/IP has been the backbone of the global internet since the mid-1990s. However, there was an internet before TCP/IP, and it is possible that one day there will be a successor to TCP/IP (see section 5.11 New Standards Could Splinter the Global Internet). Because of what is known as the end-to-end principle, networks running TCP/IP merely forward or route packets of data. By design, no part of the infrastructure can differentiate the traffic being sent. Thus, the network cannot know whether a packet of data being transmitted is an email from a human rights defender, a video on Netflix or a page from a news website. All traffic is treated equally, and all traffic arrives at the intended destination. This means that the internet is capable of supporting a wide variety of uses and is resilient to censorship.

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<sup>11</sup> Niels ten Oever and Amelia Andersdotter, "On the Politics of Standards," Internet Engineering Task Force, 2018, <https://tools.ietf.org/id/draft-tenoever-hrpc-political-05.html>.

<sup>12</sup> Corinne Cath, "The Technology We Choose to Create: Human Rights Advocacy in the Internet Engineering Task Force," *Telecommunications Policy* 45, no. 6 (July 2021), <https://www.sciencedirect.com/science/article/abs/pii/S0308596121000483?dgcid=author>.

<sup>13</sup> Laura DeNardis, *Protocol Politics: The Globalization of Internet Governance* (Cambridge: MIT Press, 2019).

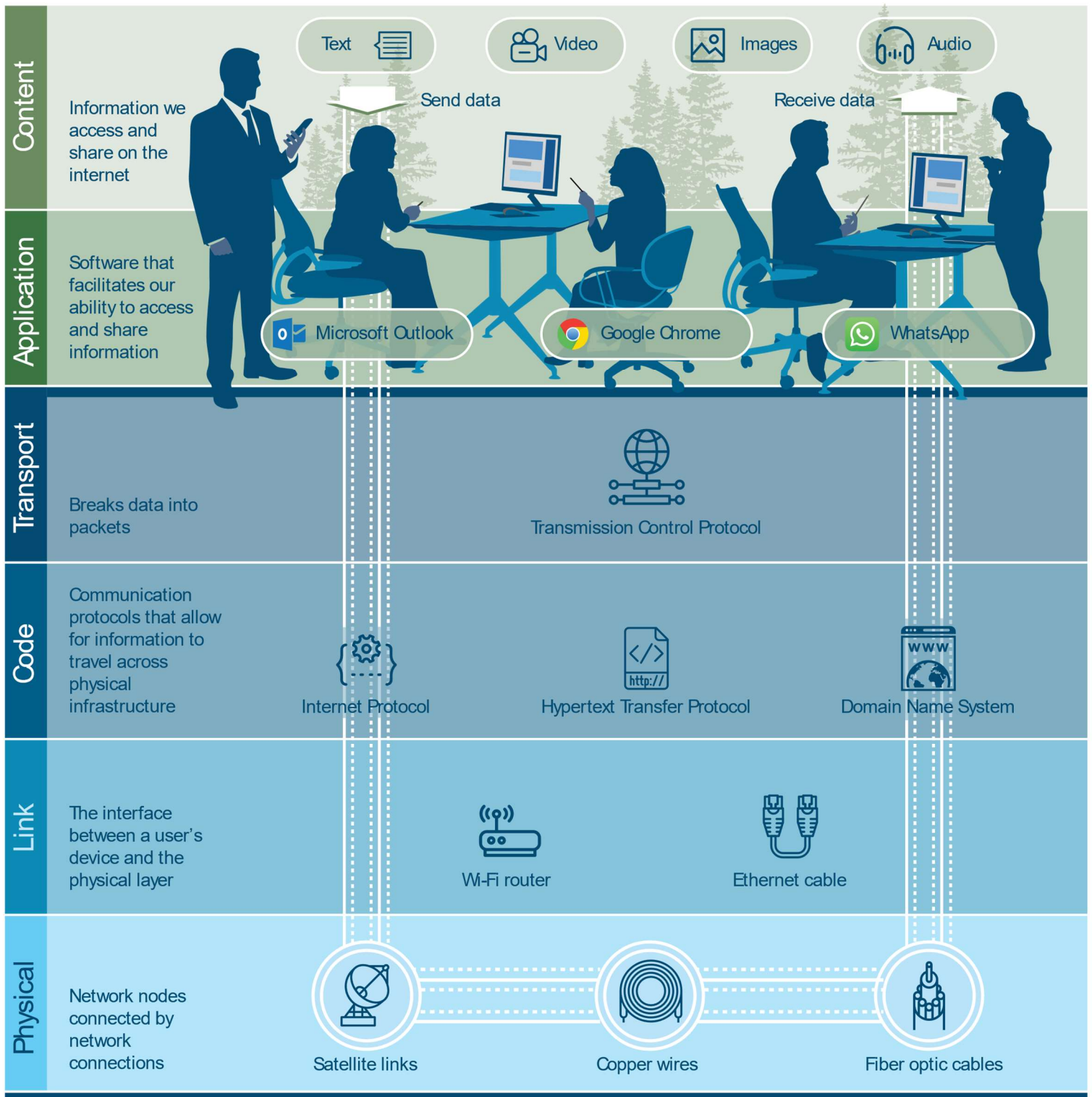
<sup>14</sup> Lawrence Lessig, *Code: And Other Laws of Cyberspace* (New York: Basic Books, 2006).

<sup>15</sup> Niels ten Oever, *Wired Norms: Inscription, Resistance, and Subversion in the Governance of the Internet Infrastructure* (Ph.D. diss., University of Amsterdam, 2020), 28, <https://pure.uva.nl/ws/files/50781961/Thesis.pdf>.

<sup>16</sup> Sheila Jasanoff, "Ordering Knowledge, Ordering Society" in *States of Knowledge: The Co-Production of Science and the Social Order*, ed. Sheila Jasanoff (Routledge, 2004).

<sup>17</sup> Ten Oever, *Wired Norms*, 22.





**Figure 1** Architecture of the internet, visualized by the author. Description of layers adapted from Lawrence Solum, “Models of Internet Governance” in *Internet Governance: Infrastructures and Institutions*, ed. Lee Bygrave and Jon Bing (Oxford: Oxford University Press, 2009), 62-63.

TCP/IP is facilitated by a series of layers organized in a vertical hierarchy (see Figure 1). There is an academic debate over how many layers the internet has. Officially, TCP/IP has four levels of abstraction. However, we have visualized six layers because it makes it easier to understand how the internet works in the real world.<sup>18</sup> When information is sent using the internet, the content flows down from the content layer via the application and transport layers, where it is broken down into packets. Those packets then traverse the code and link layers before reaching the physical layer. Once at its destination, the packets then ascend vertically up those same layers in reverse order to be deciphered by an application on the content layer. As an example, say you want to visit a webpage. When you enter a domain name in your web browser, your browser sends a Domain Name System (DNS) query to obtain the IP address for the requested webpage. Your request is broken into packets, flows across the code and link layers, and then travels across cables or radio waves to reach the server that has a copy of the IP address of the webpage your browser needs. That server then sends the IP address back to your device, across cables and radio waves, and up through the link and code layers, where your computer downloads, assembles and interprets the received packets of data. This all happens in milliseconds. Once your web browser has that IP address, it is able to query that machine to open a connection and request content using the same process. All of these layers serve unique purposes and roles. While one policy discussion can touch upon different layers, typically different actors, institutions, and fora are responsible for coordinating policy at that level. These layers are governed according to the principle of subsidiarity, which means that the actors closest to an issue should govern it. As a result, in order to be effective, advocates for an issue may need to monitor and participate in fora at different levels of the internet stack.

| TECHNICAL TERMINOLOGY |   |
|-----------------------|---|
| <b>Data</b>           | Information (like text, images, video or audio) translated into a form that is understood by machines.  |
| <b>Network</b>        | A group of connected devices that are able to send data to each other.  |
| <b>Packet</b>         | A small piece of a larger message. A packet consists of two types of data: (1) the header, and (2) the rest of the data enclosed in the message. The header goes at the beginning of the file and includes information about the data being sent. This tells the receiving device what to do with the rest of the data. |
| <b>Protocol</b>       | A standardized way of formatting data and performing actions so that two or more devices are able to understand each other.   |

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<sup>18</sup> Some scholars and technologists believe that the internet has four layers (which would require the removal of the content and link layers from our graphic in Figure 1) or seven layers (which requires the addition of a session layer in this graphic to encompass encryption).

### 1.3 How decisions about the internet are made

Governments have had limited success in regime-building efforts to create formal internet governance institutions. As a result, there is no central internet governance authority. Depending on how you look at it, this was either a blessing or a self-inflicted error by lawmakers and regulators. In the early days of the internet, it was seen as a novel technological innovation that might succeed or might fail. It was not perceived as an essential service or something that would immediately benefit from regulatory oversight. As a result, market forces drove fundamental decisions, because the interconnected networks that constitute the internet are largely privately owned.

One of these decisions was to create a naming, addressing and routing structure for transmitting data packets that does not respect national borders.<sup>19</sup> Because the cost of sending packets of data does not vary greatly according to distance — it costs the same to send an email from Washington, D.C., to New York City as it does to send an email from Washington, D.C., to Accra, Ghana — there was little economic incentive to localize data to one country. Further, liberalization and privatization resulted in a breakdown of previous pricing practices that artificially inflated the price of international telecommunications. In practice, the result is that much of the internet now lies beyond the reach of control by any one government, as the online activities taking place in one country invariably use infrastructure in other countries (and we cannot identify which countries those would be, because networks, by design, cannot decipher the packets of data being transmitted).

By the time the importance of the internet was understood by policymakers, design decisions had been made whose reversal would, according to some, impose substantial engineering costs. Some national governments do attempt to regulate parts of the internet, typically on the content layer,<sup>20</sup> but such efforts are expensive and can to some extent be overcome.<sup>21</sup> Where internet governance institutions have now been established, they have narrow mandates and accountability deficits because of the inherently difficult nature of cross-jurisdictional enforcement of the law.<sup>22</sup> This stands in stark contrast to how other global policy arenas have been established: in trade, for example, governments created the governance framework through rules setting and slowly opened up to non-state actors. In internet governance, the private sector and the technical community built the frameworks through norms setting and then slowly opened up to state participation. As a result, almost all successful efforts to govern the internet have been self-regulatory in nature. In these settings, a community of interested actors whose networks connect to interoperable internet protocols work together to develop the standards, norms, rules, policies and procedures to allocate finite resources, resolve disputes, and govern the conduct of the people who use their internet applications or infrastructure (see Figure 2).

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<sup>19</sup> James Kempf and Rob Austein, “Request for Comment 3724: The Rise of the Middle and the Future of End-to-End: Reflections on the Evolution of the Internet Architecture,” Internet Engineering Task Force, 2004, <https://datatracker.ietf.org/doc/html/rfc3724>.

<sup>20</sup> Typically these laws focus on internet intermediaries and their legal liabilities for the information they platform. Some countries with strict public decency laws have extended these laws to apply to social media platforms. Data protection laws and intellectual property laws also regulate internet activity.

<sup>21</sup> In particular by using software like Virtual Private Networks, though some methods are getting more technically sophisticated, as with Russia’s Deep Packet Inspection censorship or Cambodia’s National Internet Gateway, which routes all internet traffic through a single, government-controlled choke point.

<sup>22</sup> See, for example, C.N.J. de Vey Mestdagh and Rudolf Rijgersberg, “Rethinking Accountability in Cyberspace: A New Perspective on ICANN,” *International Review of Law, Computers & Technology* 21, no. 1 (July 2006).



- Civil Society: Civil Society and Individual Advocates
- Governments: Governments & International Organizations
- IAB: Internet Architecture Board
- ICANN: Internet Corporation for Assigned Names and Numbers
- IETF: Internet Engineering Task Force
- IGF: United Nations Internet Governance Forum
- IRTF: Internet Research Task Force
- ISOC: Internet Society
- ITU: International Telecommunication Union
- NOGs: Network Operator Groups
- RIRs: Regional Internet Registries
- W3C: World Wide Web Consortium
- WIPO: World Intellectual Property Organization

-  Advice
-  Community engagement
-  Education
-  Operations
-  Policy
-  Research
-  Services
-  Standards

Figure 2 (from previous page) Some of the key actors and institutions involved in setting and implementing internet policy. Adapted from Wade Hoxtell and David Nonhoff, *Internet Governance: Past, Present and Future* (Berlin: Konrad Adenauer Stiftung, 2019), 9, <https://www.gppi.net/media/Internet-Governance-Past-Present-and-Future.pdf>.

Decisions are made through “consensus,”<sup>23</sup> and although the definition of this term varies from institution to institution, broadly speaking it refers to a supermajoritarian standard.

## 1.4 No one actor controls the internet

The internet’s decentralized architecture means that no one person or entity can control the internet. Anyone with an interest in shaping the future of the internet is, in theory, able to do so.

In **section three**, we discuss why the internet’s current governance model fosters its greatest virtues and why the participation of non-state and non-market actors serves the public interest. However, this promise is not yet the reality.

In **section four**, we analyze who is participating in internet governance institutions – and who is not. Non-market actors from rural areas, small developing states, low- and middle-income countries, people with connectivity challenges and/or travel constraints, and people who do not speak English are underrepresented in discussions that impact their communities. Governments participate, but do not send delegations to internet governance fora that represent the full breadth of national interests and concerns. In addition, across sectors and even in high-income countries, disadvantages persist for women as well as for people with disabilities. These factors are often intersectional, so achieving equality will require addressing all forms of exclusion.

Our focus in **section five** is on this reality. Through expert interviews, we explore some of the structural inequalities that stakeholders from underrepresented backgrounds and/or communities face.

We identify potential remedies to these imbalances in **section six**.

We conclude in **section seven** with specific and feasible future research questions which, if answered, would improve understanding of internet governance institutions.

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<sup>23</sup> “Why the Multistakeholder Approach Works,” *Internet Society*, April 26, 2016, <https://www.internetsociety.org/resources/doc/2016/internet-governance-why-the-multistakeholder-approach-works/>.

## 2. Methodology

This report is the product of research conducted between October 2021 and February 2022. The process consisted of two key pillars: a literature review of existing research, followed by 25 semistructured interviews with key figures active within internet governance agenda-setting and decision-making processes.

The expert interviews consisted of stakeholders from civil society (including those affiliated with well-resourced institutions as well as less-resourced independent advocates), representatives from the private sector, and individuals who worked at relevant international organizations. Of these 25 interviews, 22 were conducted on the record, while three interviewees asked that their comments be anonymized. We have respected the wishes of these individuals. Sixteen of our interview subjects were women, and nine were men. We prioritized interviewing people from underrepresented communities, including people with disabilities, people residing in small developing states and people from low- or middle-income countries.

### 3. The Internet Governance Ecosystem at Large

The internet's current governance model fosters its greatest virtues. Its resilience makes it extremely difficult for states to censor content. Innovation flourishes because an entrepreneur need only to invest in innovation at the application layer to scale a service to billions of people (rather than make investments in the transport, code, link or physical layers, though dominant providers have emerged for services such as search engines and social networks, which has arguably stymied innovation). And as civic space shrinks offline, the internet provides a global public space for protest and dissent that can be used to construct networks of solidarity and support.<sup>24</sup>

The laissez-faire development of the internet has underlined the myth that the internet is (or can or should be) a self-governing realm of individual liberty beyond the reach of government control. In the early years of the internet, when the issues that needed resolution were purely technical ones, there was little outside pressure to consider the impact of these architectural decisions on the users of the internet.<sup>25</sup> But as more and more people come online and as movement building, access to information, and the exercise of other human rights becomes dependent on private infrastructure, the challenges that need to be addressed are more often nontechnical in nature. Academics, advocates, civil society organizations, political actors and regulators all want – and need – more of a say in how decisions about the internet are made now that it is generally understood that offline law applies equally online. As the then United Nations Secretary-General Kofi Annan said in 2004, “In managing, promoting, and protecting [the internet’s] presence in our lives, we need to be no less creative than those who invented it.” The internet is not a lawless territory, he added, “but that does not necessarily mean that it has to be [governed] in the traditional way for something that is so very different.”<sup>26</sup>

#### 3.1 Governing a public good in a nontraditional way

The seventeenth century treaties of the Peace of Westphalia accorded nation-states the right to exclusive sovereignty over their territory, thus limiting the right of other states to interfere in that territory. Until recently, cross-jurisdictional disputes were so infrequent that they were resolved through glacially slow modes of interstate cooperation, through bloodshed or threats of force, or through economic sanctions or bargaining – if they were resolved at all. Among the earliest forms of interstate cooperation was in telecommunications (which evolved from telegraphy to become the International Telecommunication Union [ITU]); over time, many other international institutions were developed, including the United Nations. This governance model is known as **multilateralism**: multiple countries band together, through bargaining and compromise, to bind the actions of other countries to achieve an outcome. Multilateralism is slow and challenging, and it comes with high political costs. In these arenas, only governments have a formal role in making decisions (even if non-state actors may

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<sup>24</sup> However, what is allowed in protest and dissent online is largely controlled by a few dominant companies, in particular Alphabet (the parent company of Google, Fitbit and YouTube) and Meta (the parent company of Facebook, Instagram and WhatsApp).

<sup>25</sup> Note, however, that as early as 1968 workers expressed concerns about how interconnected computer networks were being developed. See, for example, Joan Greenbaum, “Questioning Tech Work,” *AI Now Institute*, January 31, 2020, <https://medium.com/@AINowInstitute/questioning-tech-work-fbc7e040274d>.

<sup>26</sup> Kofi Annan, “Secretary-General’s Remarks at the Opening Session of the Global Forum on Internet Governance,” United Nations, March 25, 2004, <https://www.un.org/sg/statements/index.asp?nid=837>.

participate in many institutions, and even have formal rights in the ITU.) The output from these fora is mostly “soft law” that is not binding on states, but states also agree on treaties that will be transposed into national law.

The internet challenges the Westphalian international order because its technical architecture, in particular its naming, addressing and routing structures, was not designed to respect national borders.<sup>27</sup> In the past, other communication technologies also did not respect national borders. From the days of the telegram, wireless telephony and, especially, radio, electromagnetic spectrum transmitted messages beyond the borders of any one country. While in many respects this was desirable, it also at times caused political tensions and technical challenges. An international institution, now called the ITU, was formed in 1865 to facilitate international telegraphy.<sup>28</sup> Because telecommunications infrastructure was complex and deployed by specialists, governments adopted a **collaborative** governance model for the ITU in 1871 that allowed the private sector and later the technical community to become “sector members” who can play a role in decision-making.<sup>29</sup> (While these actors can input their perspective, ultimately governments retain decision-making authority.) As a result of privatization and deregulation, the internet’s protocols and standards have been developed in open, participatory, distributed and interconnected processes in order to maximize stakeholder buy-in. It is thus said that the internet is governed in a **multistakeholder manner** (see Figures 3 and 4).

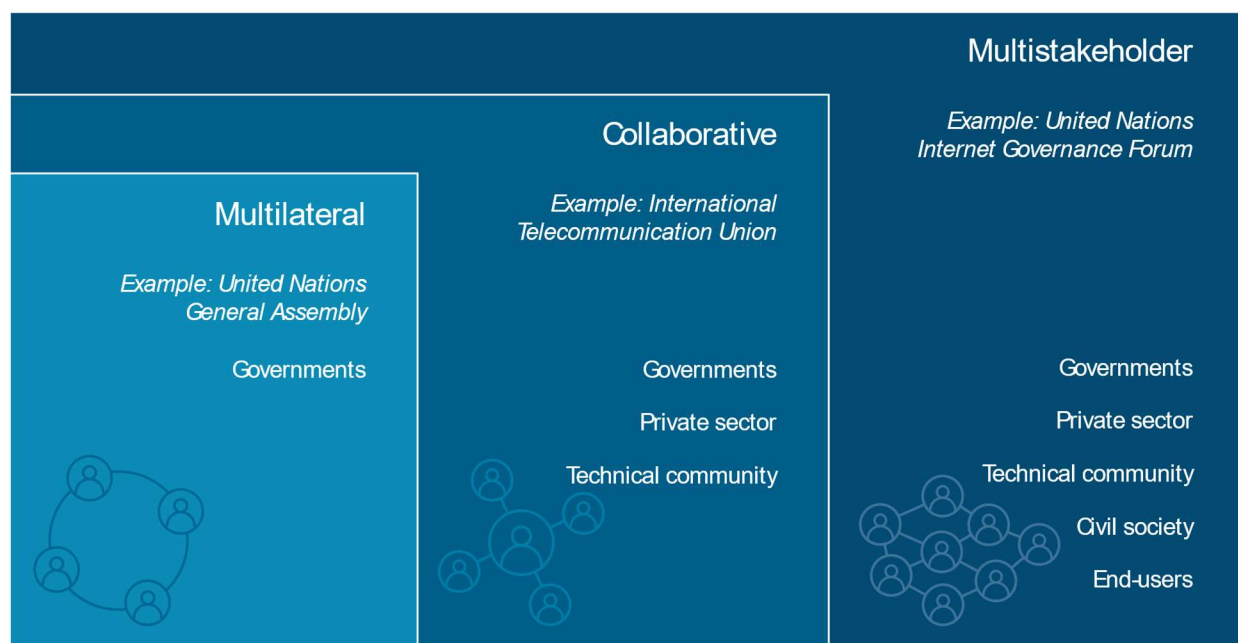


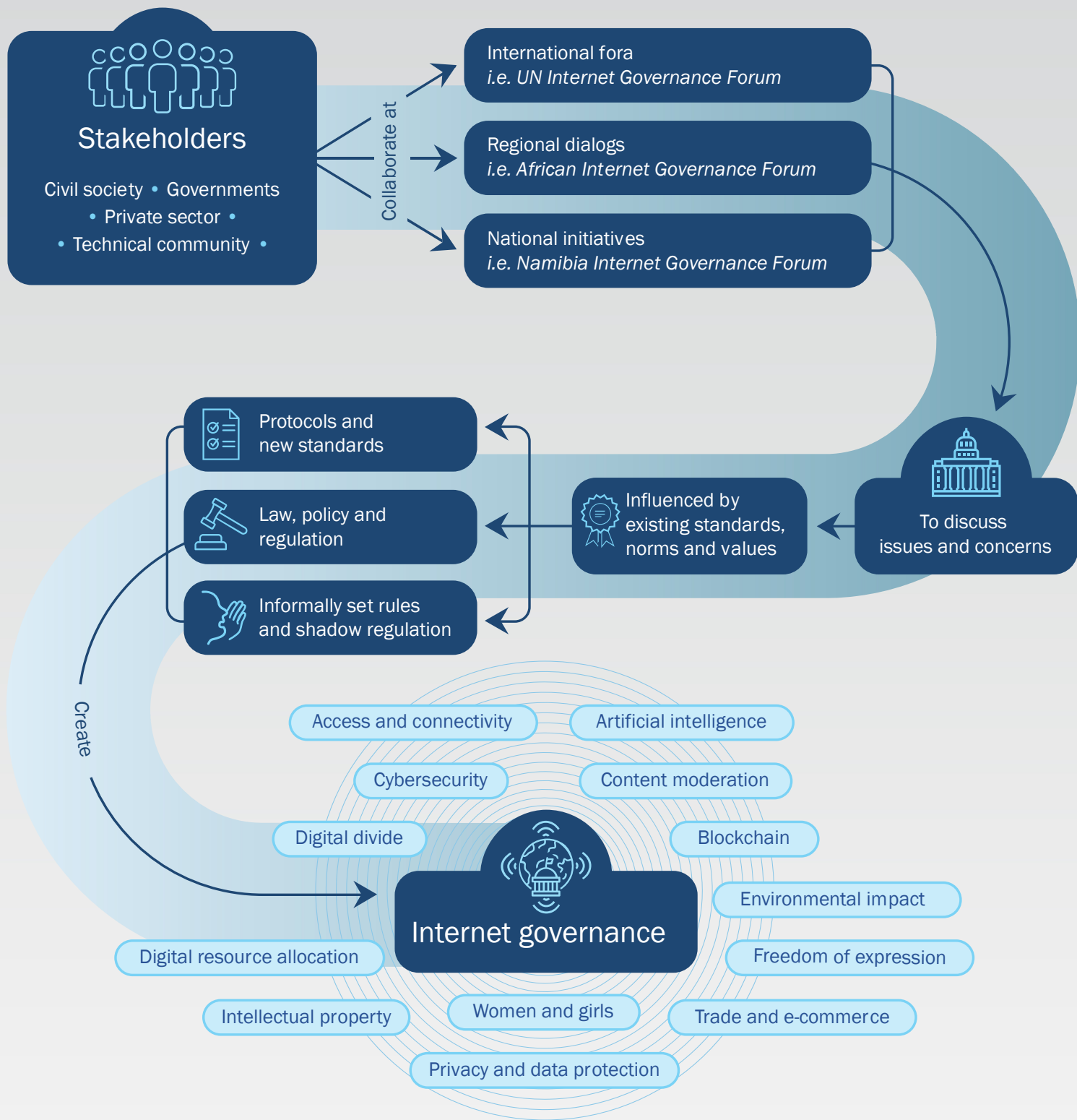
Figure 3 Models of internet governance. Source: author.

<sup>27</sup> Teresa Scassa and Robert Currie, “New First Principles: Assessing the Internet’s Challenges to Jurisdiction,” *Georgetown Journal of International Law* 42, no. 4 (Summer 2011), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2116364](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2116364).

<sup>28</sup> George Coddling Jr., “The International Telecommunications Union: 130 Years of Telecommunications Regulation,” *Denver Journal of International Law and Policy*, 23, no. 3 (January 1995), <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1717&context=djilp>.

<sup>29</sup> Patrick McCormick, “Private Sector Influence in the International Telecommunication Union,” *Journal of Policy, Regulation and Strategy for Telecommunications, Information, and Media* 9, no. 4 (July 2007), 74, <https://digitalcommons.wayne.edu/cgi/viewcontent.cgi?article=1003&context=commfrp>.





**Figure 4** How stakeholders from different parts of society contribute to setting norms and rules in internet policy and coordination processes. Source: author.

## Who's who

**Governments** include accredited representatives of nation-states. These are usually civil servants, but can include political actors like parliamentarians, as well as other stakeholders who have been invited by a nation-state to be part of their official delegation, most frequently law enforcement officers.

**Private sector** includes representatives of industry. Generally speaking, businesses that understand they are directly impacted by the policy decisions made in a particular forum tend to be active in that environment's policymaking processes. Some of the more active industry sectors include telecommunication companies, Internet Service Providers, domain name registries and registrars, software developers, online content providers, social media platforms, search engines, and business associations.

**Technical community** can include academics, such as research or teaching staff of universities (but usually not students), as well as researchers, network operators and engineers from the private sector who have technical knowledge of specialized technologies.

**Civil society** is “the arena outside of the family, the state, and the market where people associate to advance common interests.”<sup>30</sup> It includes large and small nonprofit organizations, community groups, grassroots movements, trade unions, independent media, philanthropic institutions, students, and activists.

**End users** refers to all of the individuals and institutions impacted, directly or indirectly, by the internet. This includes both commercial and noncommercial actors. Because everyone who uses the internet is an end user, not all institutions recognize this stakeholder group, as it is difficult to operationalize how to effectively engage such a large community of divergent voices.

In 2005, at the United Nations World Summit on the Information Society (WSIS), member states agreed that “the international management of the internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations.”<sup>31</sup> This was a critical recognition by national governments that everyone who uses the internet has an important role to play in the development and evolution of the internet governance ecosystem. There is not one exact multistakeholder model, but the idea that the internet should not be captured by any single power center is the underpinning of governance structures adopted by many formal and informal internet coordination and governance bodies.<sup>32</sup> In the context of internet governance, we call this *idea* the multistakeholder model.

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<sup>30</sup> Volkhart Finn Heinrich, “Assessing and Strengthening Civil Society Worldwide,” *CIVICUS Civil Society Index Paper Series 2*, no. 1 (2004), 13,

<https://www.civicus.org/view/media/CSIAssessingnandStrengtheningCivilSocietyWorldwide.pdf>.

<sup>31</sup> United Nations, “Tunis Agenda for the Information Society,” World Summit on the Information Society, WSIS-05/TUNIS/DOC/6(Rev. 1)-E, November 18, 2005, <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>.

<sup>32</sup> William Drake, “Multistakeholderism: Internal Limitations and External Limits,” *Multistakeholder Internet Dialog: Co:llaboratory Discussion Paper Series 1*, no. 2 (September 2011), 68, [http://en.collaboratory.de/publications/discussion\\_papers](http://en.collaboratory.de/publications/discussion_papers).

## 3.2 Unique challenges for underrepresented actors

While the multistakeholder model reserves space for a wider array of voices to feed into agenda-setting and decision-making processes than the multilateral or collaborative models do, there are structural challenges that prevent different actors from having an equal impact in these fora.

Small businesses, civil society, journalists, academics and citizens are often underrepresented (or not represented at all) in multistakeholder environments. The reasons for this, as captured in existing literature and through our interviews, are varied. Some actors consider their participation unnecessary because they believe the issues being discussed are of a technical nature and would not benefit from their participation. Others worry that their participation would legitimize an illegitimate process, and therefore do not want to participate in such an effort. Others believe their participation would be fruitless, as commercial or state interests would win out where other actors are in disagreement. Others lack the knowledge to participate, believe they lack the necessary credentials, or do not have the financial resources to sustain their participation.

Where underrepresented actors do participate, they do not do so on an even playing field. Conflict of interest processes don't always exist or aren't enforced. Decision-making bodies can be imbalanced, giving excess seats to commercial interests.<sup>33</sup> Supposedly independent secretariats do not always appear so independent in retrospect given the "revolving door" of staff between internet governance bodies and the private sector.<sup>34</sup> Underrepresented actors generally participate in discussions as volunteers, whereas commercial actors can be paid handsomely by their employers to be present. These factors disenfranchise underrepresented stakeholders and can create the perception that good faith participation is a futile endeavor. It may indeed be. Scholars have cautioned that the multistakeholder model of internet governance puts the onus on marginalized stakeholders to "fix the shortcomings of multilateral regulation"<sup>35</sup> and gives rise to a "fiction"<sup>36</sup> that the conditions exist for effective and equitable participation. On the contrary, the pressure that these institutions face to diversify their participation means that their "structures tend to become increasingly complex and bureaucratic over time, which, in turn, makes participation time-consuming and increasingly difficult. As a result, members with scarce resources may cease to contribute, or never join in the first place."<sup>37</sup>

Other actors, like governments, are not necessarily underrepresented in internet governance fora, but don't send diverse delegations that reflect the full breadth of national interests and concerns. For example, the government representatives present at the Internet Corporation for Assigned Names and Numbers (ICANN) in March 2022 had backgrounds in telecommunications, trade negotiation or law enforcement (which frequently included intellectual property protection) and were therefore interested

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<sup>33</sup> Nicola Palladino and Mauro Santaniello, *Legitimacy, Power, and Inequalities in Multistakeholder Internet Governance* (London: Palgrave MacMillan, 2021).

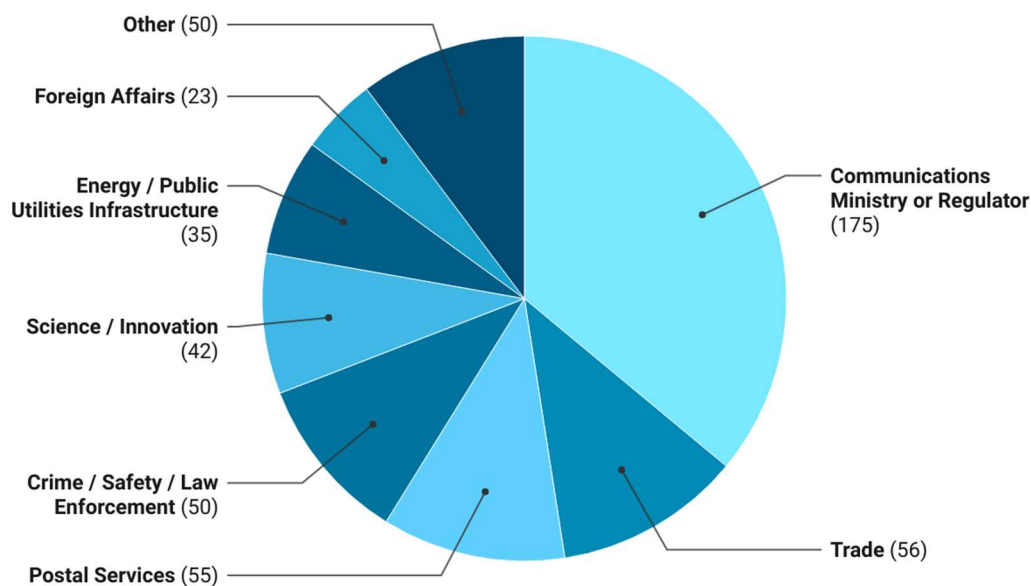
<sup>34</sup> Richard Waters, "Sale of .ORG Domain to Private Equity Firm Sparks Battle over Internet Freedom," *Financial Times*, November 28, 2019, <https://www.ft.com/content/08066a5a-11b2-11ea-a7e6-62bf4f9e548a>.

<sup>35</sup> Jeanette Hofmann, "Multistakeholderism in Internet Governance: Putting a Fiction into Practice," *Journal of Cyber Policy* 1, no. 1 (May 2016), 33, <https://www.tandfonline.com/doi/full/10.1080/23738871.2016.1158303>.

<sup>36</sup> *Ibid*, 30.

<sup>37</sup> *Ibid*, 34.

in a narrow set of issues such as protecting children, promoting trade or preventing cybercrime (see Figure 5). Governments rarely send representatives to multistakeholder environments with human rights, data protection or constitutional law expertise. While treaties negotiated in multilateral fora can be subject to judicial review, and states should therefore not sign off on unlawful treaties,<sup>38</sup> multistakeholder internet governance bodies are subject to judicial oversight only by national courts. But they deal with international issues, which are not well dealt with by national courts.<sup>39</sup> In interviews for this study, civil society expressed concern that some government actors use these fora to pursue objectives that could be found unlawful or disproportionate at home.



**Figure 5** Backgrounds of government representatives appointed to ICANN's Governmental Advisory Committee, March 2022. N = 486 representatives from 179 member states and territories and 38 observer organizations. Registered representatives are not necessarily active participants. Source: "GAC Membership," ICANN, accessed March 4, 2022, <https://gac.icann.org/about/members>, categorized and visualized by the author.

Furthermore, the complexity and breadth of issues can be impossible for many smaller states to follow. Marília Maciel, a senior researcher at DiploFoundation, said in an interview for this study that from her conversations with diplomats from less resourced countries, "There is an understanding that digital issues are important, but they don't participate as they don't have the skills or knowledge to shape the debates in a way that is useful."<sup>40</sup> She said that these states "might have just one representative in Geneva following multiple institutions. Their portfolio is so broad: it is not just the internet, it is fishing, agriculture, everything. They are overstretched."<sup>41</sup> These countries take a more hands-off approach to internet governance, deferring to larger and more vocal states and corporations to drive the digital agenda.

<sup>38</sup> While the principle of *pacta sunt servanda* ("agreements must be kept") is enshrined in the Vienna Convention on the Law of Treaties, in most constitutional systems it is accepted that the act of implementing a treaty domestically can be subject to judicial review. See examples in Mario Mendez, "Constitutional Review of Treaties: Lessons for Comparative Constitutional Design and Practice," *International Journal of Constitutional Law* 15, no. 1 (January 2017), 84-109, <https://academic.oup.com/icon/article/15/1/84/3068322>.

<sup>39</sup> Intergovernmental organizations (with few exceptions) are also not subject to international judicial oversight, but any binding decisions are formally agreed upon by government representatives, who must account for those decisions to national parliaments.

<sup>40</sup> Marília Maciel, interview with the author, November 22, 2021.

<sup>41</sup> *Ibid.*

## 4. Challenges in Assessing Democratic Actor Participation

There has been a shortage of research into *who* participates in internet governance policymaking processes and for *what purposes*. In part, some scholars have said this is because the participation data collected by different fora is inadequate,<sup>42</sup> but also because there are contested understandings of how stakeholders' affiliations and objectives should be classified.<sup>43</sup> Adding to the challenge is the reality that interests are not fixed. While all governments, for example, when discussing an e-commerce matter, may share some priorities, there are nonetheless differences between the concerns a small island nation has versus, say, a large market economy. Grouping all stakeholders from the one sector together creates a signal that they share common interests, but also obfuscates divergences of interests and conflicts, which don't just vary within and among stakeholder groupings, but also among different fora. This is difficult to untangle.

In assessing the legitimacy of different fora to be able to lay claim to performing their functions, it is important to understand who is contributing to the bottom-up processes that shape the internet's public policy issues. In this section, we look at who is participating in three different internet governance coordination bodies: the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Engineering Task Force (IETF) and the Internet Governance Forum (IGF). We chose these bodies because of their formal structures. They have a constitution (bylaws, or a terms of reference), a government (a board, or a multistakeholder advisory group), a quasi-judiciary (an oversight process), and a citizenry (people participating in processes voluntarily and without necessarily accruing benefits). These three bodies have also existed in excess of 15 years, are nominally multistakeholder, and have strong remote participation platforms, making them procedurally open institutions.

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<sup>42</sup> Anri Van der Spuy and Pablo Reneses, *Beyond Multistakeholder Tokenism: A Provisional Examination of Participation in the IGF* (Capetown: Research ICT Africa, December 2021), <https://researchictafrica.net/publication/beyond-multistakeholder-tokenism-aprovisional-examination-of-participation-in-the-igf-2006-2020/>.

<sup>43</sup> Nadia Tjahja, Trisha Meyer and Jamal Shahin, "What is Civil Society and Who Represents Civil Society at the IGF? An Analysis of Civil Society Typologies in Internet Governance," *Telecommunications Policy* 45, no. 6 (July 2021), <https://www.sciencedirect.com/science/article/pii/S0308596121000458>.

## 4.1 Internet Corporation for Assigned Names and Numbers (ICANN)

|  |   |
|--|---|
| <b>What it does:</b> Manages internet names and addresses, in particular the Domain Name System (DNS)                              |   |
| <b>Sample policies:</b>  |   |
| <i>Uniform Dispute Resolution Policy</i>   | <i>Whois</i>  |
| This process resolves conflicts regarding who should be permitted to use a domain name that is confusingly similar to a trademark. | Whois is a directory that identifies the registrant of a domain name. Debates persist around who should be able to access this personal information and for what purpose. |
| <b>Technical concepts in remit:</b>  | <b>Human rights impacted:</b>   |
| Censorship resistance<br>Connectivity<br>Content agnosticism<br>Internationalization<br>Privacy<br>Pseudonymity<br>Security        | Right to freedom of expression<br><br>Right to participate in cultural life<br><br>Right to privacy<br><br>Right to nondiscrimination                                     |

A domain name is an easy-to-remember address used to access websites. ICANN manages the DNS to ensure that when a domain name is typed into a web browser, the correct webpage loads. ICANN’s bylaws hold it accountable to an “empowered community” of stakeholders from government, business, the technical community and civil society. This community seats a majority of ICANN’s board of directors (some seats are also appointed by an independent nominating committee, which has a track record of bringing more diverse voices to the board) and has the ability to unseat the entire board of directors in the event of misconduct. The ICANN board makes the final decision on many matters pertaining to the DNS, though it usually defers to the recommendations developed in a bottom-up manner by a citizenry of different “supporting organizations” and “advisory committees” who have different remits and responsibilities and which represent different interest groups. ICANN is funded through a small annual tax on every registered domain name and large one-time fees for the creation of new top-level domain names.

We assessed the diversity of this empowered community as of January 31, 2022. We limited our study of community diversity to those serving in elected or appointed leadership roles, because these positions require active, ongoing participation, carry decision-making authority, and accrue costs to ICANN by means of covering travel expenses and capacity building, and because the individuals occupying these positions model behavior that newcomers are encouraged to emulate. Individuals self-report to ICANN the geographic region they represent and their stakeholder group, and we have examined public records on this basis. It would be beneficial to further examine the diversity of the ICANN community alongside other variables, such as race, ethnicity, disability status and age; however, ICANN does not currently publish these dimensions.

Our review indicates that the participation and engagement of stakeholders is imbalanced. To begin with, it must be noted that governments have a purely advisory role, through a dedicated committee. As shown in Figure 6, with respect to the rest of ICANN, a majority (63 percent) of individuals seated in leadership roles were from North America and Europe. In addition, a majority (58 percent) in leadership roles represented businesses, with a further 23 percent representing the technical community, as shown in Figure 7. Though ICANN distinguishes the technical community from the private sector in its data, many of the organizations classed as the technical community are private corporations, such as Comcast, NBCUniversal and Verizon. Mallory Knodel, chief technology officer at the Center for Technology and Democracy, said in an interview for this study, “Companies are spending time in technical fora for a variety of reasons that are not necessarily insidious or evil, it’s just practical, because some of the internet’s problems are being recognized and solved by these companies.”<sup>44</sup> Figure 7 shows that civil society occupied only 12 percent of leadership roles in the ICANN community. The imbalance in participation is even more pronounced when seen through the prism of gender. There did not appear to be any nonbinary individuals in leadership roles. As shown in Figure 8, men occupied 74.5 percent of overall leadership roles. However, this does not necessarily tell the full story. Not all leadership roles carry the same authority, and some of the positions occupied by women rank lower in overall leadership hierarchies. There is a need for more gender-disaggregated data that accounts for these discrepancies in responsibilities.

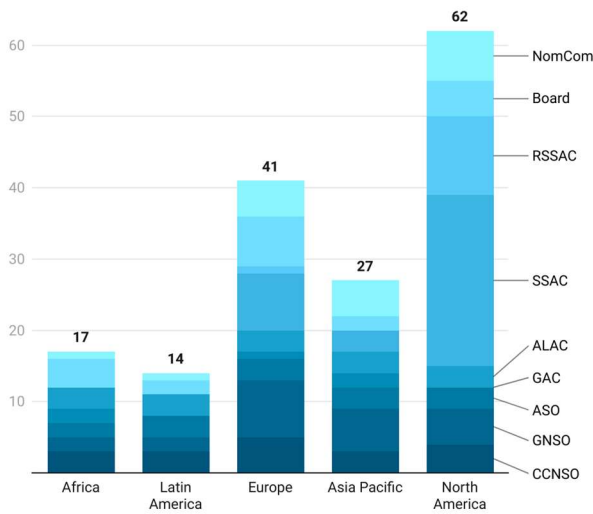


Figure 6 Individuals in ICANN leadership roles in 2022, sorted by geographic region.

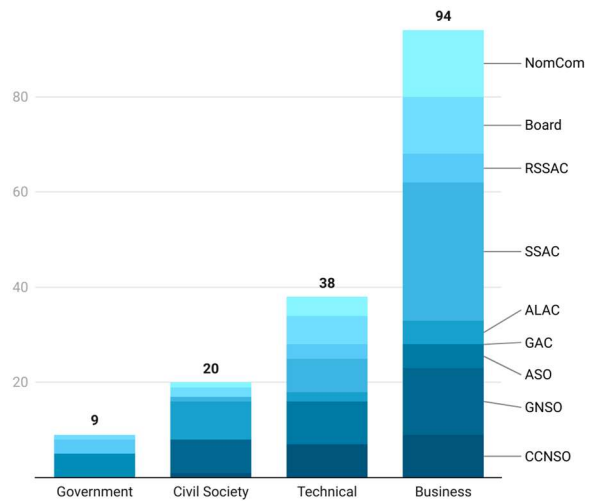
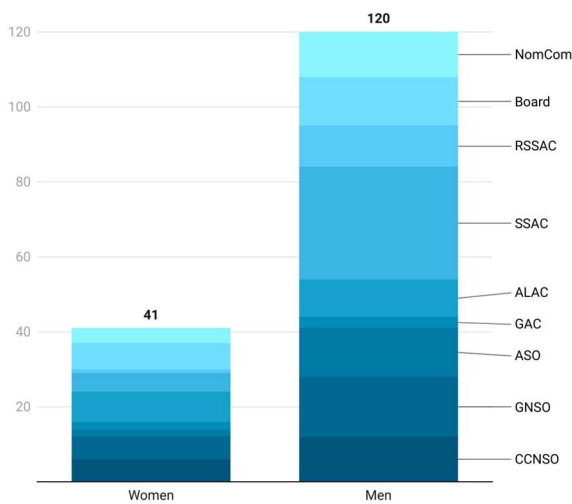


Figure 7 Individuals in ICANN leadership roles in 2022, sorted by stakeholder group.

<sup>44</sup> Mallory Knodel, interview with the author, January 24, 2022.



**NomCom:** The Nominating Committee appoints a number of leadership positions.  
**Board:** ICANN board of directors  
**RSSAC:** The Root Server System Advisory Committee offers advice on the operation, administration, security and integrity of the internet’s Root Server System.  
**SSAC:** The Security and Stability Advisory Committee offers advice on the security and integrity of the internet’s naming and address allocation systems.  
**ALAC:** The At-Large Advisory Committee voices the interests of internet end users.  
**GAC:** The Governmental Advisory Committee consists of government representatives and offers advice where ICANN policies intersect with national laws and international agreements.  
**ASO:** The Address Supporting Organization develops recommendations on IP address resource policy.  
**GNSO:** The Generic Names Supporting Organization develops policies relating to generic top-level domains like .COM and .ORG.  
**CCNSO:** The Country Code Names Supporting Organization develops a limited set of policies relating to country code top-level domains.

Figure 8 Individuals in ICANN leadership roles in 2022, sorted by gender.

Source: Analysis of public data by the author as of January 31, 2022.

## 4.2 Internet Engineering Task Force (IETF)

**What it does:** Creates and promotes internet communication standards and protocols

### Sample protocols and standards:

#### RFC 4271 (Border Gateway Protocol)

The internet is a network of networks. This protocol allows a new server to introduce itself to the rest of the internet, discover what other servers are part of the internet, and find the “best” route to send traffic across to get to any computer on the internet.

#### RFC 3492 (Punycode)

The internet was originally developed for languages using Latin characters. This standard helps internationalize the DNS by “translating” other characters (such as the Chinese alphabet) into a form that is compatible with Latin character systems.

### Technical concepts in remit:

Accessibility  
 Censorship resistance  
 Connectivity  
 Internationalization  
 Privacy  
 Pseudonymity  
 Open Standards  
 Security

### Human rights impacted:

Right to freedom of assembly and association  
 Right to political participation  
 Right to privacy  
 Right to security



The IETF is the principal body engaged in the development of most new internet standard specifications. Participants join working groups that collectively draft documents known as Requests for Comments (RFCs). These may or may not evolve into a new standard. While volunteers participate in the IETF in their individual capacity, given the amount of time that goes into drafting these documents and reaching consensus on issues, along with the travel costs and registration fees that must be paid in order to attend IETF meetings (\$875 to register for a face-to-face meeting, \$330 for remote meetings), in practice these documents tend to serve the interests of those who can afford to devote resources to the IETF drafting process. According to one academic observer, “The most common affiliations of the authors of IETF output documents ... are Cisco, Huawei, Ericsson, Google, Juniper, IBM, Nokia, Microsoft, AT&T, and BBN.”<sup>45</sup>

Working groups are chartered (or disbanded) by volunteer area directors, who are responsible for building and measuring community consensus for proposals. In its newcomer material, the IETF describes area directors as “somewhat godlike creatures”<sup>46</sup> who serve two-year terms. Another important leadership role at the IETF is serving on the Internet Architecture Board (IAB). These members are “responsible for keeping an eye on the ‘big picture’ of the internet, and focu[s] on long-range planning and coordination among the various areas of IETF activity.”<sup>47</sup> Both leadership roles are appointed by a nominating committee.

Our review of IETF participation data reveals that there are few stakeholders drafting RFCs outside of North America, Europe and two countries in Asia (China and Japan). As shown in Figure 9, of the 5,732 RFCs that the IETF has published as of January 31, 2022, only 18 were authored by Africans and a further 18 by people in Latin America.

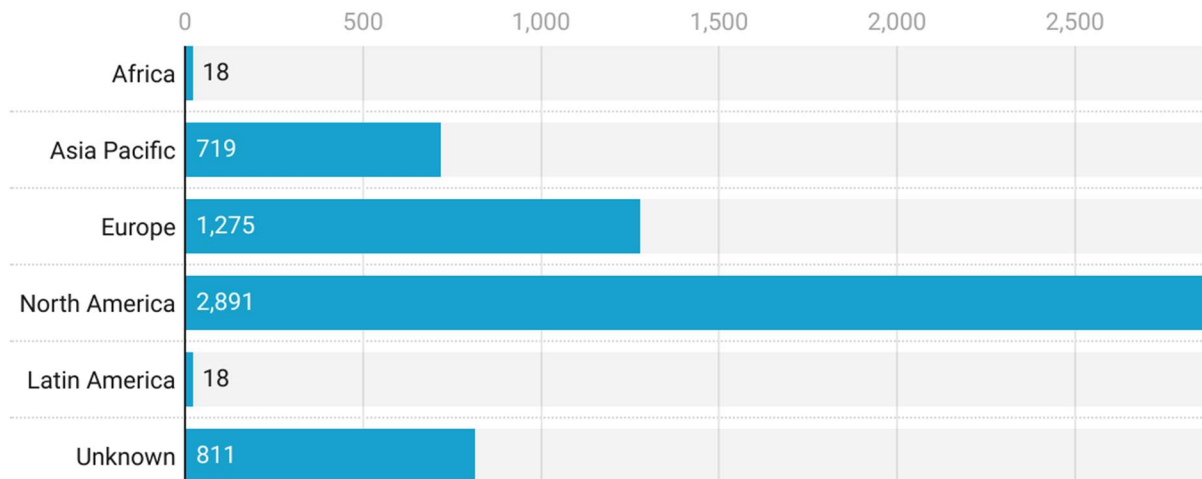


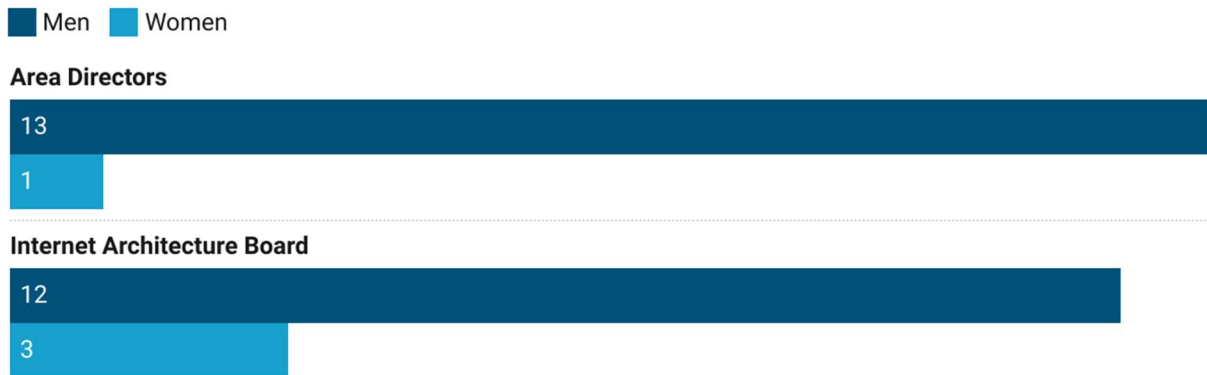
Figure 9 Number of RFC authors, sorted by geographic region, as of January 31, 2022. Country information for authors of RFCs written before 2001 was not collected and thus is listed as unknown. Source: <https://datatracker.ietf.org/stats/document/author/continent/?type=rfc>

<sup>45</sup> Niels ten Oever, “This is Not How We Imagined It”: Technological Affordances, Economic Drivers, and the Internet Architecture Imaginary,” *New Media & Society* 23, no. 2 (February 2021), <https://journals.sagepub.com/doi/10.1177/1461444820929320>.

<sup>46</sup> Paul Hoffman and Susan Harris, “The Tao of IETF: A Novice’s Guide to the Internet Engineering Task Force,” *Internet Engineering Task Force*, May 2006, 8, <https://datatracker.ietf.org/doc/html/fyi17>.

<sup>47</sup> *Ibid*, 6.

The IETF does not collect the gender identity of those authoring RFCs. However, the organization estimated in 2021 that between 9.2 and 10.7 percent of its community were women.<sup>48</sup> As the IETF acknowledges, “Clearly, the gender imbalance within the IETF community is significantly different from that in the general population and the IT profession, with women greatly underrepresented.”<sup>49</sup> As shown in Figure 10, of the 14 area directors that had been appointed as of January 31, 2022, only one was a woman, and of the 15 IAB members (including nonvoting liaisons), only three were women. This data indicates that IETF protocols and standards have been designed and implemented with little female participation. Women, as well as people from other underrepresented communities, should be significantly more involved in the design and development of technologies that impact their lives.



**Figure 10** Men occupy more leadership roles within the IETF than women do, as of January 31, 2022. Source: “Members,” Internet Architecture Board, accessed January 31, 2022, <https://www.iab.org/about/iab-members/>; “IESG Members,” Internet Engineering Task Force, accessed January 31, 2022, <https://www.ietf.org/about/groups/iesg/members/>.

<sup>48</sup> “IETF Community Survey 2021,” IETF Administration LLC, August 13, 2021, 4, [https://www.ietf.org/media/documents/IETF\\_Community\\_Survey\\_2021.pdf](https://www.ietf.org/media/documents/IETF_Community_Survey_2021.pdf).

<sup>49</sup> *Ibid*, 15.

### 4.3 Internet Governance Forum (IGF)

|   |  |
|---|--|
| <b>What it does:</b> Brings governments, businesses and civil society together to discuss issues of internet governance   |  |
| <b>Sample activities:</b>   |  |
| <p><i>Best Practice Forum on Gender and Access</i></p> <p>This forum uses a feminist lens to assess internet-related policy spaces and understand how these spaces protect and foster the participation of women and girls.</p> | <p><i>Dynamic Coalition on the Sustainability of Journalism and News Media</i></p> <p>This coalition serves as a hub for the press freedom, journalism support, and media development sectors to learn about and engage with important digital policy matters.</p> |
| <b>Technical concepts in remit:</b>   | <b>Human rights impacted:</b>  |
| <p>Accessibility</p> <p>Connectivity</p> <p>Internationalization</p> <p>Privacy</p> <p>Security</p>   | <p>Right to education</p> <p>Right to freedom of assembly and association</p> <p>Right to freedom of expression</p> <p>Right to participate in cultural life</p> <p>Right to political participation</p> <p>Right to nondiscrimination</p>                         |

The IGF is a conference formed under the auspices of the United Nations to provide a platform for dialogue on the internet’s public policy issues. The IGF’s output is explicitly “non-binding,”<sup>50</sup> which means that the participation of nation-states in the IGF process does not involve the use of coercive power in implementing its outcomes. However, the nonbinding nature of the IGF’s outputs has led some stakeholders to refer to it as a mere “talking shop” because its discussions do not necessarily lead to anything changing.<sup>51</sup> The U.N. counters this claim by stating, “While the IGF may not have decision-making mandates, it informs and inspires those who do.”<sup>52</sup>

The IGF is primarily funded by the country hosting that year’s annual meeting. The countries that have hosted the IGF, such as Azerbaijan and Egypt, do not always have strong protections for free speech. In interviews for this study, some civil society advocates expressed concerns about traveling to particular meetings given the host country (this issue extends beyond the IGF, as other fora also host meetings in authoritarian or less free countries). The host nation of an IGF meeting will subsequently receive a seat on the IGF’s Multistakeholder Advisory Group (MAG) for three years. The MAG is the

<sup>50</sup> United Nations, “Tunis Agenda for the Information Society.”

<sup>51</sup> David Souter, “Inside the Digital Society: Where Next for the IGF?,” Association for Progressive Communications, updated December 9, 2019, <https://www.apc.org/en/blog/inside-digital-society-where-next-igf>.

<sup>52</sup> Internet Governance Forum, “About the IGF,” United Nations, n.d., <https://www.intgovforum.org/multilingual/content/about-igf-faqs>.

preeminent leadership role within the IGF community, responsible for setting the agenda for the IGF’s intersessional and conference work; other members are appointed by the U.N. Secretary-General following an open nomination process.

In 2022, as visualized in Figure 11, the MAG had 40 members consisting of nine representatives of civil society, nine from the private sector, nine from the technical community and 13 from government. There was overall gender parity; however, not all stakeholder groups had balanced representation. All nine of civil society’s representatives were women, whereas only three of the 13 government representatives were women. Narrowing gender divides and advancing digital inclusion is the responsibility of all stakeholder groups, including governments.

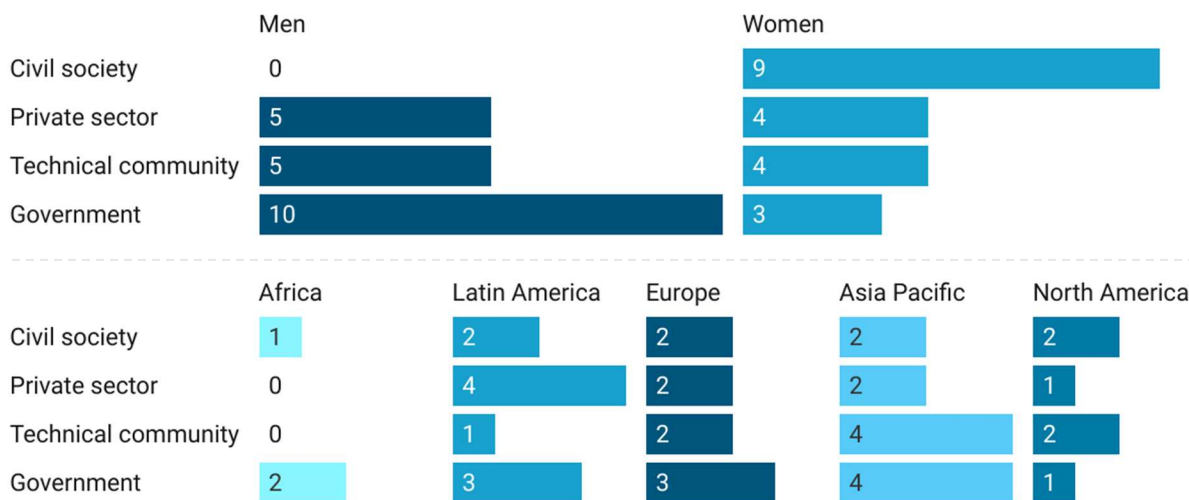


Figure 11 IGF Multistakeholder Advisory Group membership in 2022, sorted by gender and geographic region. N = 40. Source: “MAG 2022 Members,” Internet Governance Forum, accessed January 31, 2022, <https://www.intgovforum.org/en/content/mag-2022-members>.

The IGF is procedurally open for anyone to attend free of charge, provided they register by a published registration deadline. However, analyses of IGF participation data by academics and independent researchers have found imbalances in who in practice is able to participate. According to Research ICT Africa, participation at the IGF “from [Least Developed Countries] LDCs has remained more or less consistent and low (approximately 5% of all participants were from LDCs)” between 2015 and 2020.<sup>53</sup> However, researchers from the United Nations University have separately cautioned that IGF registration data “does not necessarily reflect where the organi[z]ations are operational.”<sup>54</sup> Some organizations headquartered in and represented in registration data as being in the Global North, for example, actually send staff who are themselves from the Global South.

<sup>53</sup> Van der Spuy and Reneses, *Beyond Multistakeholder Tokenism*.

<sup>54</sup> Tjahja, Meyer and Shahin, “What is Civil Society and Who Represents Civil Society at the IGF?”

As incomplete as this registration data is, if we nonetheless use it as a rough proxy for assessing diversity, we can see in Figure 12 that 1,113 of the 2,830 civil society participants at the IGF between 2006 and 2019 came from six countries. The same researchers noted “for 27 countries, only one civil society organi[z]ation has ever been able to attend.”

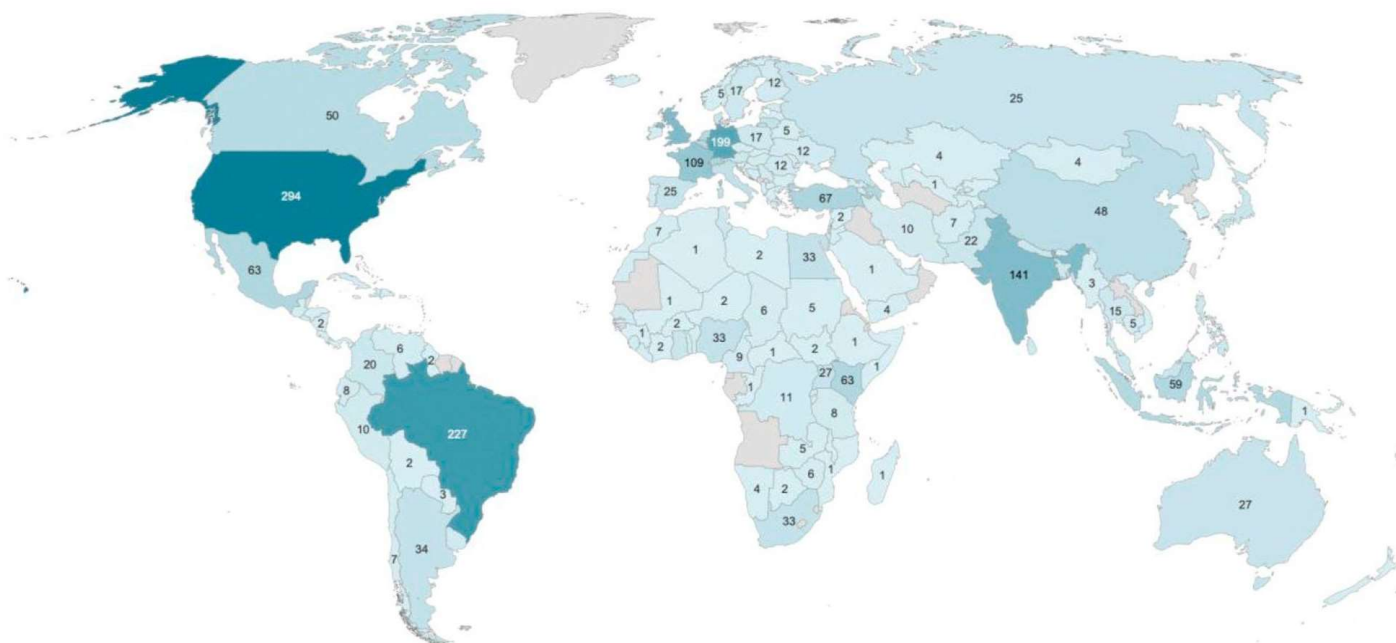


Figure 12 Unique civil society organizations participating in the IGF from 2006 to 2019, sorted by country. Source: Extracted from Nadia Tjahja, Trisha Meyer and Jamal Shahin, “What is Civil Society and Who Represents Civil Society at the IGF? An Analysis of Civil Society Typologies in Internet Governance,” *Telecommunications Policy* 45, no. 6 (July 2021), <https://www.sciencedirect.com/science/article/pii/S03085961210>.

In the context of the IGF, participation refers to registering to collect a badge, which confers on the holder the ability to speak on-site at the meeting venue. This is an imperfect metric for assessing participation, as it does not tell us whether someone spoke up, whether they were listened to, whether their objections shaped an outcome document, or even whether they joined the meeting remotely and made a remote intervention. It also does not tell us how diverse a participating civil society organization is in general. This is important to understand, because it connects to external engagement and who gets to decide what in specific fora.

## 5. Insights and Observations

### 5.1 Institutional structures do not necessarily support democratic outcomes

Multistakeholder institutions are more open procedurally to participation than multilateral institutions, but in interviews with NDI, participants said this cultural practice reinforces the interests of those with hegemonic power.

For example, multistakeholder institutions transcribe their meetings and publish these transcripts for anyone to download free of charge, even those pertaining to the most sensitive of topics. An activist from Tunisia explained that this creates the impression that anyone can speak, but “depending on the background of the person, it’s not that easy to express opinions in public.”<sup>55</sup> This individual expressed concern that people from North Africa won’t necessarily speak out about a powerful actor if a conversation is taking place on the record, as they could face repercussions for doing so. For these more powerful actors, however, transcripts serve as a tool for legitimizing the process to “prove” that the institution is transparent. Indeed, at the IGF the production of transcripts is currently funded by Google,<sup>56</sup> and at ICANN, meeting transcripts were originally funded by AT&T.<sup>57</sup>

***Civil society advocates have lived experiences worth sharing; they are not necessarily trained change agents.***

The cultural practices in effect are also not as permissive as they may seem at first glance. Civil society advocates have lived experiences worth sharing; they are not necessarily trained change agents. Other stakeholder groups send attorneys, diplomats and other professionals with training in debate and persuasion to represent their interests. This, according to Parminder Jeet Singh, the executive director at IT for Change, reinforces why multistakeholderism is “a sham.”<sup>58</sup> “There are people who say that Google and the Brazilian government should have

equal votes because of equal footing multistakeholderism,” he said. “Imagine if you took that to an NGO that works in climate governance and said to them, ‘Shell should have the same voting rights on climate issues as the U.S. government.’” The problem with this approach, he explained, is that it does not account for power imbalances and assumes that all stakeholders want institutions to grow in the same way. In reality, institutions are “becoming more and more captured to prevent proper digital governance from taking place,” and this gives cover to some stakeholders to “dangerously obfuscate

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<sup>55</sup> Anonymous, interview with the author, November 10, 2021.

<sup>56</sup> Since at least 2018, Google has made an annual donation to the Internet Governance Forum Support Association that is earmarked for accessibility. This donation is “used for providing real-time transcription in intersessional calls of the IGF’s Multistakeholder Advisory Group (MAG) and the Dynamic Coalitions”: Internet Governance Support Association, “Annual Report 2020-2021,” December 10, 2021, <https://igfsa.org/annual-report-2020-2021/>.

<sup>57</sup> Marilyn Cade, who was AT&T’s chief lobbyist for internet policy issues until 2004, said in a 2020 interview that in ICANN’s earliest days, “I funded the transcripts out of my budget,” until the organization developed more stable funding mechanisms: Marilyn Cade, interview with Ayden Férdeline, *Power Plays* ep. 1, no. 4, podcast, November 10, 2020, <https://www.powerplays.xyz/podcast/s1-e4>.

<sup>58</sup> Parminder Jeet Singh, interview with the author, January 13, 2022.

discussions happening ... with huge implications for the rest of the world.” To have democratic outputs, Jeet Singh said, “you need to have democratic processes” in the first place.

In order to be effective in multistakeholder fora where institutions have “manipulated [their] civil society participation to where they want it to be,” Stephanie Perrin, a 30-year veteran of the Canadian civil service who now serves on a number of privacy committees, including the Electronic Privacy Information Center’s advisory committee, said civil society advocates must have subject matter expertise and enough confidence to articulate their perspectives when intervening against a skilled professional who is comfortable with confrontation.<sup>59</sup> “If you’re not new in these environments,” she said, “you’re not starstruck and can identify a figurehead from a mile away. Younger people are looking to grow their networks so won’t risk insulting someone by calling out a logical fallacy.” Perrin said that issues can be subject to political bargaining and are not always fought and won on the basis of the evidence. “After I spent 10 years at the [Organisation for Economic Co-operation and Development] OECD,” she recalled, “you could work out who orchestrated something in advance, knew when the final report was written before you arrived, and could quickly apprise yourself of what is going on and get the offending paragraph out.” For participants who are more junior in their careers, who come from cultures that frown upon aggression or speaking out of turn, or who have less fluency in the working language of a meeting, the working practices of internet governance institutions can be uncomfortable and present a significant learning curve.

These working practices exist, according to Chris Buckridge, an advisor at the European regional internet registry RIPE NCC, because institutional processes “developed around a Western European business style [in the early days of internet development] in which the operators have time, interest and lengthy policy debates before consensus is reached.”<sup>60</sup> This was the cultural norm for the engineers and academics involved in allocating internet numbering resources in the early 1990s, but “when you jump to, say, the Middle East or Central Asia, where this development is happening later and in a different [business] environment, you see more traditional hierarchical business models where operators do what they are told by their managers. ... They don’t have the same autonomy,” he said. “Who, then, is best placed to get involved in the policy discussions? The managers who come [to meetings] don’t necessarily have the technical knowledge and the operators don’t have the authority, so you have silence from certain [geographic] parts of the industry.” Opinions were mixed on how this could be solved. Perrin, speaking in the context of ICANN, said the people coming to meetings should be “competent people with experience who can get things done.”<sup>61</sup> The issue, in her evaluation, is that sometimes “people want things to put on their résumés, not to contribute to enhancing the democratic aspects of ICANN,” so those who do participate are not always willing to challenge the status quo and can even be incentivized not to speak up because internet governance institutions will spend their money “on the same old suspects who’ve captured the roles” if their interventions do not threaten the institution in any way.

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<sup>59</sup> Stephanie Perrin, interview with the author, November 12, 2021.

<sup>60</sup> Chris Buckridge, interview with the author, November 11, 2021.

<sup>61</sup> Perrin, interview.

## 5.2 Not every stakeholder prioritizes operating in the global public interest

Some stakeholders liken defining the global public interest to “trying to boil the ocean.”<sup>62</sup> Because there is no homogenous global public, and ideas about what is in the best interests of five billion internet users diverge significantly, there have been insufficient efforts to develop an accountability framework for assessing whether the decisions made by internet governance bodies do in fact broadly serve the needs of the public. In the eyes of some in civil society, the failure to define the global public interest provides convenient cover to other stakeholder groups to support proposals that serve their own interests.

It has been proposed that one way of operationalizing this principle would be to ensure that the adopted standards and protocols intentionally mitigate against threats to human rights.<sup>63</sup> While these impacts are not always obvious when standards, protocols and policies are being developed, many threats can be identified at an early stage in the design process if a human rights impact assessment is conducted. There are different methods for conducting impact assessments, depending on what risks are being scoped. While the U.N. Guiding Principles on Business and Human Rights might be one template,<sup>64</sup> it does not address economic issues such as the equitable distribution of the value-added of aggregated data. Furthermore, very few standards, protocols and policies are subjected to impact assessments, whether regarding human rights or economic issues such as competition policy. According to a report from the digital rights group Article 19, “This problem is due in significant part to the lack of specific tools for conducting assessments or due diligence ... and the fact that human rights are not yet normalized as essential considerations.”<sup>65</sup> As such, many threats to human rights, and economic implications, only become clear when technology has been deployed in the real world.

Internet governance institutions have been either unable or unwilling to address these moral and economic hazards. As internet infrastructure academic Niels ten Oever observed, even “well-understood risks such as surveillance and data security have not been systematically addressed in governance processes” despite being known for decades.<sup>66</sup> Debates continue around which stakeholders are best placed to conduct impact assessments, over whether independently conducted audits could be feasible, and over who should fund this work.

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<sup>62</sup> ICANN, “Discussion Paper: Developing a Public Interest Framework,” June 22, 2020, [https://community.icann.org/download/attachments/58724547/Proposed%20Public%20Interest%20Framework\\_V3\\_22June2020%20.pdf](https://community.icann.org/download/attachments/58724547/Proposed%20Public%20Interest%20Framework_V3_22June2020%20.pdf).

<sup>63</sup> Gurshabad Grover and Niels ten Oever, “Guidelines for Human Rights Protocol and Architecture Considerations,” (Internet-Draft), Internet Engineering Task Force, March 2022, <https://datatracker.ietf.org/doc/draft-irtf-hrhc-guidelines/>.

<sup>64</sup> See, for example, Office of the U.N. High Commissioner for Human Rights, *Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (New York, Geneva: United Nations, 2012), <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/RtRInterpretativeGuide.pdf>.

<sup>65</sup> Article 19, *Human Rights Due Diligence and Internet Infrastructure* (June 8, 2021), 5, [https://www.article19.org/wp-content/uploads/2021/06/A19-and-DIHR-pilot-project-outcome-report\\_FINAL.pdf](https://www.article19.org/wp-content/uploads/2021/06/A19-and-DIHR-pilot-project-outcome-report_FINAL.pdf).

<sup>66</sup> Niels ten Oever, *Human Rights Are Not A Bug: Upgrading Governance for an Equitable Internet*, (New York: Ford Foundation, 2021), 13, <https://www.fordfoundation.org/work/learning/research-reports/human-rights-are-not-a-bug-upgrading-governance-for-an-equitable-internet/>.



One of the challenges for civil society in promoting digital rights, Moroccan policy analyst Hanane Boujemi said, is that as human rights defenders “you want laws to be compatible with international human rights instruments; however, this can’t be achieved.”<sup>67</sup> In some parts of the internet governance ecosystem, “The system you will be working in is not based on democratic values; they are entirely eroded because of the geopolitical situation. ... you can engage but will likely have little impact on policymaking.” It is difficult for civil society to shape national-level norms in international settings, because ultimately governments will ignore decisions made at the international level. What will happen, Boujemi said, “is short-term wins and reactive responses” to criticisms “but in the long term there is no impact because the policy or law isn’t enforced” or a verbal promise isn’t honored. In some international institutions, she said, “there is a strategy of obscurity” that leads newcomers to think “you’re not supposed to know how decisions are made.”

### 5.3 People with lived experiences of disability are underrepresented in institutions

The World Health Organization estimates that one billion people have a disability, with 84 percent living in low- or middle-income countries.<sup>68</sup> People with disabilities operate in communities and societies that are not built for them, so they have lived experiences and expertise that can lead to innovation and creative solutions that benefit everyone, including in internet governance institutions, discussions and policymaking processes. There are different types and degrees of disability, but inclusion, as articulated in instruments such as the Convention on the Rights of Persons with Disabilities,<sup>69</sup> should be to emphasize a person’s abilities by decreasing environmental barriers.

Gunela Astbrink, chair of the Internet Society Accessibility Standing Group, expressed concern that internet governance institutions have an accessibility technical debt due to lack of discipline, knowledge, or awareness of accessibility guidelines.<sup>70</sup> Online meetings are not always captioned in real-time, are run on platforms incompatible with screen-reading software, have reports and slide decks that are not color-blind friendly, and “present people with autism with a barrage of text when something could be written in a much clearer way,”<sup>71</sup> she said. Face-to-face meetings take place in large conference centers that can be difficult to navigate, often in locations where people with disabilities are received with shame or pity, and in venues that cannot or will not accommodate wheelchairs, mobility scooters or other assistive devices. While some institutions have made more effort than others to deploy assistive technologies and support mechanisms, Astbrink also flagged issues of affordability as hindering people with disabilities from participating in internet governance institutions, because many people with disabilities are underemployed or have low incomes. There is a lack of available attendance data measuring the prevalence of participation in internet governance institutions by people with disabilities.

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<sup>67</sup> Hanane Boujemi, interview with the author, November 12, 2021.

<sup>68</sup> Alana Officer and Aleksandra Posarac, exec. eds., *World Report on Disability*, (Geneva and New York: World Health Organization and World Bank, 2011), <https://www.who.int/publications/i/item/9789241564182>.

<sup>69</sup> United Nations General Assembly, “Convention on the Rights of Persons with Disabilities,” A/RES/61/106, December 13, 2006, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>70</sup> Gunela Astbrink, interview with the author, February 10, 2022.

<sup>71</sup> Ibid.

## 5.4 Efforts are not always strategically focused

Underrepresented stakeholders expressed a need for help with game theory, so they can identify where to take issues so that tangible outcomes result. Nnenna Nwakanma, chief web advocate at the World Wide Web Foundation, said her “advice to newcomers is to choose your battles wisely and don’t waste your energy chasing all the winds.”<sup>72</sup> She said she had observed underrepresented actors pursuing ideas in the wrong fora and said it is better to “quarantine ideas and debate them in the right places.” Dorothy Gordon, chair of the UNESCO Information for All Programme, cautioned that civil society advocates sometimes think they have achieved success, when in reality they have not.<sup>73</sup> “Sometimes you ‘win’ the battle but don’t make a difference at all in the grand scheme of things,” she said. “For example, with the .ORG debacle, wide-scale civil society mobilization halted the change, but most people didn’t understand the issue so think we won when we just maintained the status quo, which itself was not very good.”<sup>74</sup> According to Hanane Boujemi, the Moroccan policy analyst, “The energy you need to feed into the policy process requires concentration” and “no funding can cater to this specific need.”<sup>75</sup> But people who spend their efforts pursuing an objective in the wrong part of the internet governance ecosystem can and do become disenfranchised and leave — which is a desirable outcome for the opponents of their proposals.

Resolving this tension is difficult for several reasons. First, because new working groups emerge frequently and nobody comes straight out with their positions or true objectives, it is hard to assess in real time whether participating would be a good allocation of resources.<sup>76</sup> Tatiana Tropina, assistant professor in cybersecurity governance at Leiden University, said, “civil society like other actors can participate in forum shopping”<sup>77</sup> and that when this occurs, “it is not in bad faith; everyone needs more capacity building and training to understand each other.” Second, while underrepresented stakeholders are typically volunteers, commercial and government stakeholders are paid to monitor developments, so after a timid volunteer exits the stage, thinking they have won, the paid actors are happy to relitigate an issue. “The attention required for civil society to be invested in these processes is a challenge,” Boujemi said. “Knowledge, financial support, continuous mentoring, and going further to identify opportunities for people to do this and that — you have to do it all.” Indeed, some policy discussions, like Whois reform, have been going on for over 20 years without a resolution.<sup>78</sup> This makes it difficult even for professional civil society organizations to sustain their involvement in internet governance policy development processes, as funders are typically looking to support projects with easily attainable outcomes and which can be resolved in 12 to 18 months.<sup>79</sup>

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<sup>72</sup> Nnenna Nwakanma, interview with the author, November 22, 2021.

<sup>73</sup> Dorothy Gordon, interview with the author, November 10, 2021.

<sup>74</sup> This was an initially secretive attempt by the Internet Society to sell the .ORG registry for \$1.1 billion to a newly created private equity company of which the principals were former ICANN insiders. Civil society (the main users of .ORG) vigorously objected and ICANN did not approve the sale. See: Maarten Botterman, “ICANN Board Withholds Consent for a Change of Control of the Public Interest Registry (PIR),” ICANN, April 30, 2020, <https://www.icann.org/en/blogs/details/icann-board-withholds-consent-for-a-change-of-control-of-the-public-interest-registry-pir-30-4-2020-en>.

<sup>75</sup> Boujemi, interview.

<sup>76</sup> Perrin, interview.

<sup>77</sup> Tatiana Tropina, interview with the author, November 17, 2021.

<sup>78</sup> Stephanie Perrin, “The Struggle for WHOIS Privacy: Understanding the Standoff Between ICANN and the World’s Data Protection Authorities,” (PhD. diss., University of Toronto, 2018), [https://tspace.library.utoronto.ca/bitstream/1807/89738/3/Perrin\\_Stephanie\\_E\\_201806\\_PhD\\_thesis.pdf](https://tspace.library.utoronto.ca/bitstream/1807/89738/3/Perrin_Stephanie_E_201806_PhD_thesis.pdf).

<sup>79</sup> Boujemi, interview.

## 5.5 Self-appointed gatekeepers keep newcomers out

Different stakeholder groups police their membership in different ways. In particular, because civil society is the de facto classification for any actor who does not fit neatly into another stakeholder group, there have been instances of problematic organizations and “Trojan horse” NGOs self-identifying as civil society and seeking to speak on behalf of civil society.<sup>80</sup> Because civil society’s legitimacy comes from its actions,<sup>81</sup> which are visible and judged by others, a handful of veteran civil society participants with a long tenure in an institution function as self-appointed gatekeepers, determining who is, or is not, legitimate civil society. Unfortunately, this means that “people can be marginalized very easily,”<sup>82</sup> said the Web Foundation’s Nnenna Nwakanma. “For African volunteers in particular, they have to fend for their families,” she said. “Digital noise makers fill the space, arguing from morning to night, but for others for whom their NGO activities are a passion, the little time we have to spend on advocacy is precious.” She said that “people take your silence as assent and think you are intellectually inferior” if you do not comment on an issue rapidly enough.

These self-appointed civil society veterans are not merely defenders of internet governance institutions and how they operate. In many cases, they were actually intimately involved in establishing the institution decades earlier. They are typically academics from the Global North. Their continued involvement in the institution, and in deciding who may or may not participate, makes it difficult to change working practices and norms. “It is difficult to get rid of the old-timers when someone likes the travel and speaking gigs,” explained Stephanie Perrin, adding, “you need metrics to measure performance” because these veterans “are using up the limited resources allocated to civil society that might be better off going to someone else. Veterans have a lot to contribute in mentoring younger civil society representatives, but they are not always willing to do this.”<sup>83</sup>

Liz Orembo, a Kenyan researcher, said the social approval of these veterans is necessary for participants to take part in coalition-building efforts.<sup>84</sup> “There is a lot of bullying and an element of knowing people,” she said. “Knowing someone on a personal level is important. When you look at mailing lists, people share experiences. They are endorsed, for leadership roles or their positions, not because of the quality of their comments but because they identify you as a buddy. Mailing lists look like a party where everyone knows everyone.” These judgements, she said, can be subject to bias.

The culture that these veterans project, and encourage, can be off-putting to new participants. Tomslin Samme-Nlar, an activist from Cameroon, said that when he entered the internet governance space his “first impression was that there was quite a bit of fighting ... within the same camps.” He said, “It didn’t seem like there was any empathy in the way that work was done. Arguments are zero-sum in civil

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<sup>80</sup> “Trojan horse NGOs” refers to legitimate nonprofit organizations, not ordinarily involved in digital rights discussions, who have more of a commercial focus to their activities. These include trade associations and the social responsibility initiatives of major brands. These organizations appear at key political moments to advance talking points that run contrary to the positions that other, existing civil society participants have expressed, typically supporting the views of private sector actors.

<sup>81</sup> Jeet Singh, interview.

<sup>82</sup> Nwakanma, interview.

<sup>83</sup> Perrin, interview.

<sup>84</sup> Liz Orembo, interview with the author, November 24, 2021.

society; either you are right or wrong.” He said this “really delayed [his] participation” and that the “temptation is to join in stabbing people because everyone else is doing it.”<sup>85</sup> This behavior is not limited to civil society, but if civil society is to advocate for internet governance institutions to become more inclusive, diverse and responsive to marginalized communities, civil society should lead by example and be welcoming to its own newcomers in all their diversity. In particular, efforts should be made to accommodate and encourage non-native English speakers to express their views.

## 5.6 Participation is difficult when issues are sensitive and deadlines are unforgiving

Multistakeholder institutions are procedurally open to participation by new actors. But this appearance of accessibility often ignores the reality that effective participation is very difficult.

Tomslin Samme-Nlar flagged that when institutions report diversity data, they count how many new faces are at a meeting (“The focus is on the quantity, and not the quality, of ‘diverse’ participants,”<sup>86</sup>) but ignore the sociocultural challenges that new participants face in proposing solutions effectively. He said that since there are so few Black people in internet governance, when a Black newcomer joins “they perceive it as it must be too difficult for a Black person to break in. Coming with that perception, it makes entry difficult and can lead to silence or noncontribution from these persons, which is not good for changing the status quo.” This is further exacerbated by the reality that many issues are sensitive and directly impact the communities whose interests civil society represent, or, in some cases, directly impact the newcomer, which is what drew their interest to the policy forum in the first place. Samme-Nlar spoke of his peers in Cameroon who “use the internet just to survive” because of a lack of local employment opportunities. “If you are making a price policy without realizing that the people who will pay this price are just trying to make money to buy food,” Samme-Nlar said, “maybe the policy would be very different. Sometimes people feel ashamed to participate and to express how much they are suffering.”

Nashilongo Gervasius, an advocate in Namibia, said that the sensitivity and complexity of issues can leave her feeling “overwhelmed.”<sup>87</sup> One common criticism of multilateral institutions is that they move too slowly, but multistakeholder institutions can develop policy very quickly. This can present challenges for participants trying to engage who are not working full-time in the field. Gervasius said, “Everyone is literally calling on me and I am doing this work voluntarily. Even the President has called me. Facebook calls me asking me to help.” She said she is all alone because her fellow volunteers, who are typically unemployed, cannot afford to spend their limited [mobile] data on long and frequent Zoom calls. And those who can join the calls and prove to be effective advocates are “scooped up by the private sector.” She said that the “government runs to us, we have to provide input in a short period as the government is required to consult with stakeholders but forgets about us until the last minute, and I then have to ask international partners to help identify loopholes in their proposals.” Some refuse to offer assistance, “think[ing] we are lazy and disorganized when we only [have] a short response window.” Richard Hill, a former senior staffer at the ITU, said that the criticism of multilateral

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<sup>85</sup> Tomslin Samme-Nlar, interview with the author, November 24, 2021.

<sup>86</sup> Ibid.

<sup>87</sup> Nashilongo Gervasius, interview with the author, November 26, 2021.

institutions being slow “is correct,” but “you can go faster in ways you don’t really want.”<sup>88</sup> He said, “Governments should not go too fast; you should take your time before passing laws and regulations that can be enforced through courts,” and he expressed concern that some government entities “take advantage” of multistakeholder institutions “to get things pushed through that would never happen domestically or at the ITU. It’s the lack of formality that makes the difference.”

## 5.7 Threats of legal action can be used to intimidate participants

Strategic Lawsuits Against Public Participation (SLAPPs) are emerging in internet governance fora. In these cases, the plaintiff does not expect to win the lawsuit, or even to take it to trial, but intends to chill participation by burdening the defendant with the cost of a legal defense.<sup>89</sup> For example, after one volunteer co-chair of an ICANN working group suspended the participation of another volunteer for violating the community’s standards of acceptable behavior, the suspended member hired law firms in two countries to “put an end to this campaign to silence him,”<sup>90</sup> seeking the removal of the volunteer co-chair from the space. To date, these legal threats have only impacted private sector actors; however, civil society volunteers have expressed fears that they could become future targets of nuisance suits. Unlike congressional debates, parliamentary hearings, and meetings of intergovernmental organizations where elected officials and representatives have immunity, most multistakeholder internet governance bodies are self-regulatory regimes subject to local laws and regulations where such privileges do not exist. In an interview for this study, one respondent, who asked that this comment not be attributed to them by name, said, “What we need is an explicit recognition that those who are working diligently in a multistakeholder fashion will be protected in the event of liability.” This is a concern primarily for civil society, in part because stakeholders in government and industry are cushioned against nuisance suits by their employer’s liability insurance and access to in-house counsel, but also because a number of countries have adopted legal frameworks that seek to limit civic space.

## 5.8 Institutions are changing to remain relevant

Respondents flagged that international institutions, including multilateral fora, are trying to change and to remain relevant. Opportunities are opening that civil society might be able to use.

For example, Marília Maciel of DiploFoundation said there is currently pressure within the U.N. system to make its processes more outcome oriented. “The U.N. realizes decisions on digital issues are getting out of their hands, either because of self-regulation or because national governments are doing this in regional trade agreements that escape U.N. control,” she said. The U.N. is under pressure from member states to regain authority. Whether they do this in a multistakeholder way remains to be seen. Many governments are opposed to multistakeholder participation in formal decision-making, “but

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<sup>88</sup> Richard Hill, interview with the author, November 23, 2021.

<sup>89</sup> Legal Information Institute, “SLAPP Suit,” Cornell Law School, n.d., [https://www.law.cornell.edu/wex/slapp\\_suit](https://www.law.cornell.edu/wex/slapp_suit).

<sup>90</sup> Andrew Bernstein, partner, Torys LLP, to Samantha Eisner, deputy general counsel, ICANN, October 23, 2018, [https://mm.icann.org/pipermail/council/attachments/20181024/1e7f1344/26409868\\_1-0001.pdf](https://mm.icann.org/pipermail/council/attachments/20181024/1e7f1344/26409868_1-0001.pdf).

might be okay with it some places, like discussions on gender issues.”<sup>91</sup> There is a tension that has been here for 15 years that has been dodged before. “It’s always existed,” said Maciel, “but the U.N. is really under pressure to deliver something.” Similarly, Tatiana Tropina of Leiden University said, “institutions have changed dramatically over the past 20 years.”<sup>92</sup> She said that “so many multilateral venues are opening up to some extent” in ways that were “unimaginable” ten years ago. “It is not full participation,” Tropina stressed, but non-state and non-market actors “can provide input.”

For civil society to be successful in benefiting from these changes, Constance Bommelaer de Leusse, vice president of institutional relations and empowerment at the Internet Society, stressed that intentional, proactive, good faith engagement with governments is essential. She said she “often hear[s] civil society reject invitations to meet with governments or to only want dialogue with industry. This is counterproductive. All stakeholders are legitimate, including government.”<sup>93</sup>

Respondents observed that institutions had changed their working practices in response to the Covid-19 pandemic. Advocates of remote participation note that the pandemic forced classical agencies to modernize themselves after a long period of paralysis. Prior to the pandemic, for example, the World Trade Organization had no remote participation options whatsoever. Now it offers hybrid meetings, albeit with no provisions for participation by non-state actors, not even as observers.

Most respondents, however, were very critical of remote participation. A common theme was that remote participation is only an option for people who have a stable internet connection. Nnenna Nwakanma of the Web Foundation said, “If you have problematic connectivity, people will tag you as the problematic candidate. It becomes your identity. The content of what you want to bring to the meeting is lost.”<sup>94</sup> Others expressed a concern that it is easy to drop people from Zoom meetings by neglecting them: forgetting to send a calendar invite for a call, forgetting to accept them into the room or forgetting to unmute their microphone so they can speak.<sup>95</sup> It is harder at physical meetings to keep an advocate out of a room.

A third concern was that virtual meetings do not necessarily broaden participation in a meaningful way, as long-term policy engagement requires resources. Anriette Esterhuysen, commissioner on the Global Commission on the Stability of Cyberspace and former chair of the IGF MAG, noted, “What always limits inclusive participation is that some institutions have more resources to sustain their engagement. We had a marvelous period last year [in 2020] where everyone could participate and it was fantastic, but not everyone could sustain it and now [in 2021] many people have dropped off.”<sup>96</sup>

A fourth concern was around the length of meetings: when meetings are face-to-face, they tend to be limited to several days for budgetary reasons. When meetings are held online, they can stretch on for longer lengths of time. For example, the IGF in 2020 was held virtually over 16 days, when in 2019 the face-to-face conference lasted four days. Amrita Choudhury of the Cyber Cafe Association of India said that “traveling to a meeting was an incentive to dedicate time to that meeting.” People can be

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<sup>91</sup> Maciel, interview.

<sup>92</sup> Tropina, interview.

<sup>93</sup> Constance Bommelaer de Leusse, interview with the author, November 29, 2021.

<sup>94</sup> Nwakanma, interview.

<sup>95</sup> Perrin, interview.

<sup>96</sup> Anriette Esterhuysen, interview with the author, November 26, 2021.

distracted from policy conversations when joining a meeting from home. “Many cannot dial in to a 2 a.m. meeting because they have to be up for their day job the next morning,” she said. “It is not quality participation that is happening online at the moment. If someone is logged into Zoom, are they really listening?”

## 5.9 Civil society needs to develop its soft and hard skills

Respondents from government and the private sector said they perceived a lack of rigor in how civil society operates. Dorothy Gordon, chair of UNESCO’s Information for All Programme, said, “We don’t have good communication between civil society and government. We need training for people to understand how different players are motivated and how they can work together.”<sup>97</sup> She said that in other sectors, civil society has the skills to be effective in engaging with other stakeholders, but in the technology policy space “maybe not.” Richard Hill, formerly of the ITU, said some civil society organizations who come into the ITU “haven’t read the ITU Constitution and don’t understand treaty-level provisions, so their interventions are embarrassing and ineffectual.”<sup>98</sup>

Respondents from civil society had a more mixed view on whether being perceived as professional was desirable or not. One researcher from Brazil who requested anonymity said there are stakeholders who think civil society is unprofessional because it does not present a united front on the issues. “It is not our place as civil society to remain silent,” that researcher said. “We need to shout. But we need to be more strategic in how we communicate collectively about evidence-informed research.” This lack of uniformity in positions, while inevitable given the divergent interests swept up inside of a stakeholder group as diverse as civil society, can hinder the advocates’ effectiveness. Grant Baker, now of Freedom House, said that in his experience at SMEX in Lebanon he observed that “civil society has coalitions, but they’re weaker than what the private sector has.”<sup>99</sup> This is because the private sector “has the PR training and is prepared to diffuse the controversial questions” and can “present a united front because they’re dealing with similar issues.” Civil society “has less polish” because “it’s hard to advocate on these issues generally” when you can see the bigger picture and the harms that vulnerable communities are facing.

Some respondents explained that civil society was perceived as unprofessional relative to corporate America or the State Department because of real resource constraints. Most civil society participants are volunteers or lowly paid, with little outside financial support. Many are activists or grassroots organizers. One way to organize civil society so that it can mobilize and engage more effectively could be to fund stipends to enable the sustained participation by non-market and non-state actors. This would allow civil society to divert more time to its public interest activities, either alleviating the need for these actors to work other jobs or allowing them to take time away from their full-time work to attend conferences or training sessions. Concerns, however, were raised that this could corrupt civil society, and that civil society’s very legitimacy comes from its lack of financial interest in the issues being deliberated upon. Namibian advocate Nashilongo Gervasius reflected on her own privilege and asked rhetorically, “Who has the time to do advocacy work which is of a voluntary nature?” She said

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<sup>97</sup> Gordon, interview.

<sup>98</sup> Hill, interview.

<sup>99</sup> Grant Baker, interview with the author, January 27, 2022.

that “most government consultations happen during working hours” and that she has “to constantly find excuses to excuse myself from my full-time job to shape important digital policy developments.” She can do it, she said, “because I am very well educated relative to everyone else in my family, but that tells you as well as to who is sharing input.” In addition to funding, which is always key, governments need to ensure that civil society has the space to comment without reprisal. This can be achieved through the adoption of strong legal frameworks that support and promote civil society.

All civil society respondents flagged a need for support in developing skills to strengthen their effectiveness in engaging in internet governance fora. Hanane Boujemi, who previously ran an internet governance capacity-building program for the development agency Hivos, said, “It is very, very difficult to inject civil society representatives from Middle East and North African countries into international processes because processes happen in silos.” She added, “It’s a club culture. There are efforts to include other people, but the work it takes to bring people up to speed on how to contribute is missing.” For example, she said, negotiation skills are missing. Other stakeholders identified this and other soft skills such as public speaking and grant writing as urgent needs for the field. Anriette Esterhuysen, the former IGF MAG chair, stressed that “effectiveness starts with how you conceptualize your work.” She said that civil society needs to “be able to tell [their] story from a place of power” and to “package it in a way that others care” in order to achieve sustainable results.<sup>100</sup> Mira Milosevic of the Global Forum for Media Development similarly raised this theme, adding that she would like to have access to “a group of retired experts from institutions who are available on call, and we would pay their fees, to consult on opportunities, approaches and openings” to help maximize the impact of interventions.<sup>101</sup>

There is a need for good technical explainers that can introduce civil society to the underlying issues playing out in various policy fora. Mallory Knodel, chief technology officer at the Center for Democracy and Technology, said these should “not always be framed as a 101 webinar” for beginners.<sup>102</sup> There is a need for both entry level explainers on some topics and more advanced resources that dive much deeper into other topics. Numerous respondents said that funders allocate significant resources toward developing short policy primers, frequently on the same already-understood topics with a vast library of existing resources, for which there is undersized interest, while there is outsized and unmet interest in reading nuanced technical explainers that explain the mechanics behind a proposal or protocol.

Numerous civil society respondents flagged that institutional funders and the development community offer to fund travel for civil society to attend internet governance meetings. However, many expressed the view that expanding this support was either unnecessary or not their most urgent need,<sup>103</sup> because many internet governance institutions already fund the travel expenses of stakeholders attending their own meetings. One respondent flagged that because this occurs on a reimbursement basis within some institutions, this can be exclusionary as not everyone can afford to wait months for travel expenses to be repaid. Another respondent said they have ethical issues accepting this institutional funding and prefer to have the option to accept travel funded by the development community, because accepting funding from the institution they are trying to reform has the potential to be a conflict of

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<sup>100</sup> Esterhuysen, interview.

<sup>101</sup> Mira Milosevic, interview with the author, November 24, 2021.

<sup>102</sup> Knodel, interview.

<sup>103</sup> Nwakanma, interview; Gervasius, interview; Hill, interview; Samme-Nlar, interview.



interest. It is possible that not all stakeholders are familiar with how to request travel support, are ineligible or are not aware that they are eligible for this support, have been wrongly denied support in the past, do not have access to a line of credit to use existing support mechanisms, or find existing support mechanisms otherwise inadequate.

## 5.10 Engaging in domestic processes is as important as engaging in international processes

Respondents believe that underrepresented actors can likely have a more immediate and lasting impact by engaging in domestic processes.

Richard Hill said that in multilateral fora like the ITU, you need governments to enter already aware of your perspective.<sup>104</sup> “Civil society should start at the national level; that is where decisions are made,” he said. “Imagine what you want and push for it at home. The venue doesn’t matter so much as governments recognizing the issue is legitimate before they come into the ITU.” Tatiana Tropina of Leiden University said that ideally one would encourage their elected representatives to open up fora to more stakeholders, “but if the process is closed, like in a multilateral environment, the only way to support participation is to support elected representatives.”<sup>105</sup> She said the development community should thus “empower civil society organizations in the country to lobby these representatives. Without supporting civil society in a country, you cannot channel input indirectly or directly.” For advocates in authoritarian countries, however, the regional and international levels may be the only spaces where they can actually speak and have a chance to make an impact.

Other respondents said that there were many advantages to engaging at the national level, especially for participants who do not have fluency in a major world language. Nnenna Nwakanma of the Web Foundation said, “there is more return on investment” in national engagement for newcomers because “the possibility someone will speak to you in a language you won’t understand is minimal, the frequency and agenda of meetings is tailored to local concerns, and the time zone issue [of remote meetings occurring in a different time zone than the one someone lives in] won’t happen.”<sup>106</sup> She added that “if you don’t understand your national issues you will be lost at the international level” and said “your authenticity comes from knowing what you’re talking about nationally.”

Anriette Esterhuysen, the former chair of the IGF MAG, said, “Engagement at the national and international levels are equally important, but they should be connected.”<sup>107</sup> She cited the example of the U.N. Human Rights Council and said it is effective because civil society, at the national level, lobbies their national Human Rights Commission to take action. This is then fed back to Geneva in a report, and these reports directly shape the international agenda. “You need a way to ensure accountability at both levels, nationally and internationally,” she said, “otherwise while it is valuable to participate in one layer you won’t have impact. The U.N. human rights system works because there

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<sup>104</sup> Hill, interview.

<sup>105</sup> Tropina, interview.

<sup>106</sup> Nwakanma, interview.

<sup>107</sup> Esterhuysen, interview.

is a system of monitoring and a functional relationship between national processes and multilateral and multistakeholder ones.”

Kenyan researcher Liz Orembo said she could see how this would play out: there would be a “chain of feedback”<sup>108</sup> between grassroots organizations, already active in local communities, and partners from the digital rights community who can take issues forward to international power centers (see Figure 13). “Global organizations concentrate in urban areas and interact with higher-level policymakers,” she said, whereas “grassroots organizations are experienced at the local level, go deep in rural areas and have knowledge and resilience. They’ve survived despite facing a lot of attacks from governments.” Ideally, Orembo said, these hyperlocal grassroots organizations would “plug in” to national and regional internet governance initiatives, and more specialized organizations would ensure their concerns “inform the global IGF.” This way, “everyone keeps doing what they are already doing, but we have a link and a transfer of knowledge.”

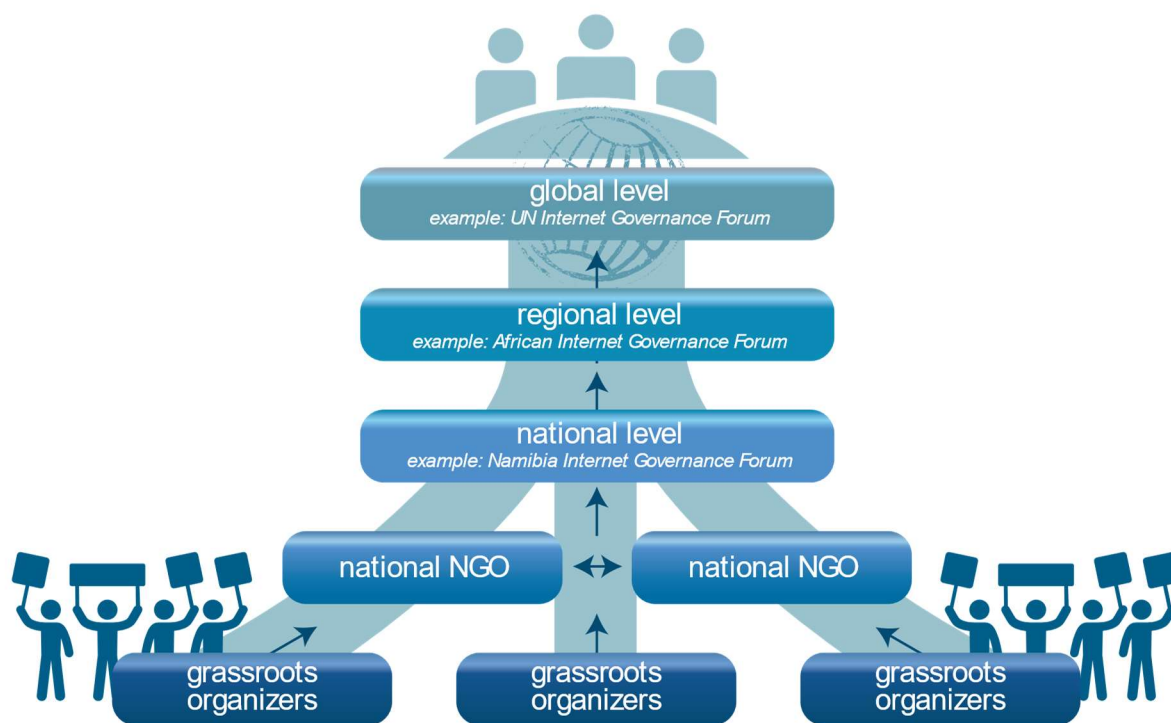


Figure 13 A model of how a chain of feedback could be operationalized using existing institutions between rural, grassroots organizers, and policymakers in international power centers

A Brazilian researcher who asked not to be identified by name said that it is impossible to separate the need to participate nationally from the need to engage globally, because the nature of the internet’s architecture means that global regulation impacts the ability of lawmakers to regulate at the national level. “We cannot talk about internet governance without connecting these domestic spaces together,” they said. “These issues are global ... because what you can do domestically is impacted by what is happening internationally.”

<sup>108</sup> Orembo, interview.

## 5.11 New standards could splinter the global internet

All nation-states that participate in internet governance fora are driven by economic, technical and geopolitical interests. In addition to being a root of strategic and commercial advantage, however, technical standards and protocols are also a justification and legitimization of national regulation, and a mechanism of undermining (or enabling) human rights.<sup>109</sup>

Over the past decade, the People's Republic of China has begun to dominate discussions and leadership positions at standards-setting bodies like the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) and the ITU. According to the Standardization Administration of China, in 2019 China submitted 238 proposals for new standards related to information technology to the ISO and IEC, the most of any country.<sup>110</sup> China submitted another 830 proposals to the ITU in 2019, again the most of any country.<sup>111</sup> By comparison, the United States submitted a total of 405 proposals to the ITU between 2009 and 2020.<sup>112</sup> In addition, Chinese companies such as Huawei have promoted “alternate technologies and a suite of supporting standards [that] could splinter the global internet’s shared and ubiquitous architecture. They also pave the way to a new form of internet governance, one that is multilateral instead of multistakeholder.”<sup>113</sup> The most notable of these proposals is known as “New IP,” which would allow “internet service providers, usually state-owned, [to] have control and oversight of every device connected to the network and be able to monitor and gate individual access.”<sup>114</sup> China perceives existing internet standards and governance mechanisms as “Western” and undesirable because they do not adequately address issues important to “non-Western” countries.<sup>115</sup> China also opposes the multistakeholder model of internet governance, because it gives voice to civil society actors. China is more open to participation by market actors, though not on a level playing field with governments, and its private sector is generally controlled by the state.<sup>116</sup> The challenge, moving forward, for civil society will be in how to counter China’s promotion of problematic standards while maintaining (or developing, as the case may be) more open, multistakeholder governance processes.

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<sup>109</sup> Stacie Hoffman, Dominique Lazanski and Emily Taylor, “Standardizing the Splinternet: How China’s Technical Standards Could Fragment the Internet,” *Journal of Cyber Policy* 5, no. 2 (August 2020), 241, <https://doi.org/10.1080/23738871.2020.1805482>.

<sup>110</sup> Standardization Administration of China, “China Annual Standardization Development Report 2019 - English Translation,” *China Standardization* 106, no. 6, (November/December 2020), 54, <https://share.ansi.org/Shared%20Documents/Standards%20Activities/International%20Standardization/Regional/Asia%20Pacific/China/ANSI%20in%20China%20newsletters/China%20Standardization%20Nov.-Dec.%202020.pdf>.

<sup>111</sup> Hideaki Ryugen and Hiroyuki Akiyama, “China Leads the Way on Global Standards for 5G and Beyond,” *Financial Times*, August 4, 2020, <https://www.ft.com/content/858d81bd-c42c-404d-b30d-0be32a097f1c>.

<sup>112</sup> Julia Voo, “Shaping Global Technology Governance: Why the U.S. Must Adopt a Proactive Approach to Technical Standards for Long-Term Security” (working paper, University of Pennsylvania Project on the Future of U.S.-China Relations, updated Spring 2021), 22, [https://cpb-us-w2.wpmucdn.com/web.sas.upenn.edu/dist/b/732/files/2021/04/Julia-Voo\\_Shaping-Global-Technology-Governance\\_Updated.pdf](https://cpb-us-w2.wpmucdn.com/web.sas.upenn.edu/dist/b/732/files/2021/04/Julia-Voo_Shaping-Global-Technology-Governance_Updated.pdf).

<sup>113</sup> *Ibid.*, 239.

<sup>114</sup> Madhumita Murgia and Anna Gross, “Inside China’s Controversial Mission to Reinvent the Internet,” *Financial Times*, March 27, 2020, <https://www.ft.com/content/ba94c2bc-6e27-11ea-9bca-bf503995cd6f>.

<sup>115</sup> Marianne Schneider-Petsinger, Jue Wang, Yu Jie and James Crabtree, *US-China Strategic Competition: The Quest for Global Technological Leadership* (London: Chatham House, the Royal Institute of International Affairs, November 7, 2019), <https://www.chathamhouse.org/2019/11/us-china-strategic-competition>.

<sup>116</sup> Tropina, interview.

At the same time, the Russian Federation has been piloting next-generation internet technologies domestically that undermine human rights and would potentially enable the Russian web to operate while cut off from the global internet.<sup>117</sup> This process seems to have been accelerated in the wake of its attack on Ukraine, as the Kremlin seeks tighter control over Russia's information space.<sup>118</sup> This acceleration might have been a safeguard against the possibility that ICANN (which Moscow sees as U.S. controlled and thus a risk) would cut off Russian domains in the event of a conflict, as it recently refused to do.<sup>119</sup> Russia has also presented treaties and other proposals to the U.N. Open-Ended Working Group and the ITU Council Working Group on International Internet-Related Public Policy Issues proposing government-led means of regulating cyberspace. The push for a new cybercrime treaty under U.N. auspices, which could undercut free expression norms, is particularly noteworthy in this regard.<sup>120</sup> While Russia has not yet had any real success in promoting its vision of a new approach to internet governance, these developments remain important to watch because both China and Russia seek to become "exporters" of standards, rather than passive consumers of standards developed by others, and, as is evident from their domestic practices, have clear interests in controlling critical speech.<sup>121</sup>

Tatiana Tropina of Leiden University, said Russia and China present visions of what the internet could be that are appealing to some countries. "Transitional democracies and regimes that are not there yet in terms of rule of law and democracy must be present too in internet governance discussions," she cautioned, "otherwise they will feel sidelined and go to Russia and China because they feel excluded from closed, elite clubs."<sup>122</sup> The multistakeholder model of internet governance has always been under attack, with different stakeholders seeking to redraw institutions to benefit those who are engaged and hold power. The challenge moving forward will be in how to reform international institutions without (1) undermining the ability for non-state and non-market participants to be informed, active and equal contributors to processes, and (2) undermining the global reach, content agnosticism and censorship resistance of the internet.

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<sup>117</sup> Alena Epifanova and Philipp Dietrich, "Russia's Quest for Digital Sovereignty: Ambitions, Realities, and Its Place in the World," *DGAP Analysis 1* (February 2022), German Council on Foreign Relations, <https://dgap.org/en/research/publications/russias-quest-digital-sovereignty>.

<sup>118</sup> Craig Timberg, Cat Zakrzewski and Joseph Menn, "A New Iron Curtain Is Descending across Russia's Internet," *Washington Post*, March 4, 2022, <https://www.washingtonpost.com/technology/2022/03/04/russia-ukraine-internet-cogent-cutoff/>.

<sup>119</sup> Jon Brodtkin, "ICANN Won't Revoke Russian Internet Domains, Says Effect Would be 'Devastating,'" *Ars Technica*, March 4, 2022, <https://arstechnica.com/tech-policy/2022/03/icann-wont-revoke-russian-internet-domains-says-effect-would-be-devastating/>.

<sup>120</sup> Deborah Brown, "Cybercrime is Dangerous, But a New UN Treaty Could Be Worse for Rights," *Human Rights Watch*, August 13, 2021, <https://www.hrw.org/news/2021/08/13/cybercrime-dangerous-new-un-treaty-could-be-worse-rights>.

<sup>121</sup> Matt Sheehan, Marjory Blumenthal and Michael Nelson, "Three Takeaways from China's New Standards Strategy," *Carnegie Endowment for International Peace*, October 28, 2021, <https://carnegieendowment.org/2021/10/28/three-takeaways-from-china-s-new-standards-strategy-pub-85678>.

<sup>122</sup> Tropina, interview.

## 6. Recommendations

All stakeholders have a responsibility to work to improve internet coordination and governance bodies and to infuse meaningful democratic values and practices into their structures and outputs. Below are recommendations that different actors can take to make meaningful progress.

### 6.1 Donors and development agencies

- **Connect experienced civil society actors to high-profile, high-impact leaders from other stakeholder groups for mentorship.**

Internet governance institutions are politically, geopolitically, legally and technically complicated. Even the most senior civil society actors need experienced and respected mentors who are on call to help them strategize how to advance an issue and make inroads in hostile environments. Positive mentoring relationships foster the development of a mentee's practical skills and knowledge of institutional environments, and promote collegial relationships between stakeholder groups.

- **Ensure that capacity-building programs tackle soft skills like negotiation and storytelling, and promote the development of actionable theories of change.**

Underrepresented actors need capacity in how to set goals, negotiate, prioritize and understand trade-offs, write grant proposals, and present arguments in a compelling fashion. This helps those who already know the issues at a technical level become more effective in their advocacy. Donors and development agencies should ensure these types of soft skills trainings are incorporated (and budgeted for accordingly) into the designs of the programs they fund and facilitate.

- **Develop, maintain and amplify timely technical explainers on the issues playing out in policy fora, because technical debates require technical knowledge.**

Civil society would benefit from up-to-date and timely resources that unpack technical jargon and dissect technologies. In order for underrepresented actors to know when to intervene, and to be able to speak with authority and fluidity on a matter, they need to intuitively understand the technocratic mechanisms being proposed.

- **Invest in people without the resources to engage long term in issues by providing stipends or resource allowances to enable their continued engagement.**

Investing in smart and effective advocates is more than just funding travel to attend a meeting: people need to be able to pay their bills on an ongoing basis. This might include funding stipends that are tied to active and effective participation within internet governance policymaking bodies, or it may include providing practical resources to effective advocates (such as prepaid mobile data or equipment like a laptop to facilitate participation). This support should not be permanent, so as to democratize opportunities and not institutionalize elite

space takers, but it should reflect the reality that internet governance institutions make decisions over 24- to 36-month time lines.

- **Build partnerships between hyperlocal, grassroots organizations and national and international digital rights groups.**

Provide space for movement building that forms coalitions between those who understand the needs and concerns of local communities with those who are able to take these issues forward to policymakers at the national and international levels.

- **Support independent reviews of internet governance institutions by funding the development and periodic completion of a common mechanism of benchmarking the inclusiveness, transparency and accountability of these policymaking and coordination bodies.**

If internet governance institutions are independently reviewed and scored against a common, human rights-respecting framework, these institutions will have a stronger incentive to improve their practices and to reform their internal culture. If they do not do so, they may suffer loss of trust, loss of legitimacy, regulatory backlash or reputational damage.

- **Because the decision-making processes of political environments rarely align with philanthropic funding cycles, offer support for projects that extend across longer time frames.**

Decision-making processes within internet governance institutions can move rapidly, or they can move at a glacially slow pace. Successfully engaging with these processes means that civil society must actively engage throughout every step of the life of a working group. Depending on the funding cycle of a particular funder, this can make it hard for civil society to have an impact, as funding cycles are typically shorter than the full length of time it takes to develop and implement a standard or protocol. Rather than support engagement for 12 to 18 months, consider what structural changes civil society could achieve if it had support for five years.

## 6.2 Governments

- **Make space for civil society domestically and advocate for democratic, multistakeholder internet governance institutions and processes.**

Repeal laws that impact the ability of civil society to function effectively, efficiently and safely at the national level. Proactively engage with civil society organizations and individual advocates to understand their concerns, and make space for these perspectives within internet governance bodies. This is especially important at multilateral processes like the ITU, where civil society is locked out of the room unless assisted by governments.

- **Send more diverse delegations to internet governance institutions who can work to address technological harms before they are embedded into protocols, standards and policies.**

There are imbalances in representation in government delegations to internet governance fora. Governments should invite the offices of their data protection commissioners and their equality and human rights commissioners to send representatives. They should work to ensure their overall delegations of technical experts are interdisciplinary and diverse, including from the perspectives of communities and identities that have traditionally been excluded, such as people with disabilities and women. Governments should also bring people from their countries who are affected by the internet, and who are not part of the internet governance establishment, into their delegations to inform their decision-making.

- **Build an operational culture within internet governance institutions that is respectful, ethical and consultative by insisting that all perspectives are afforded the opportunity to be heard.**

Governments are afforded deference and respect that other stakeholders are not. Use this power to ensure that working groups have fair and balanced representation that mirrors the diversity and interests of the people who will be directly or indirectly impacted by a proposal. Where voices are absent, invite them to the table and empower their full participation through access to briefing materials and funding. For example, in a discussion over, say, a new emoji, ensure native or indigenous stakeholders are present, especially if the image touches on their cultural heritage.

- **Conduct due diligence on proposals advanced in internet governance fora, and consider and address the harms that could arise throughout the entire life cycle of a protocol, standard or policy.**

Nation-states have a responsibility to protect against human rights abuses through regulation, policymaking, investigation and enforcement. Put the U.N. Guiding Principles on Business and Human Rights into practice and assess the potential harms that a proposal at an internet governance institution could cause by completing or funding a human rights impact assessment.

- **Promote education and support the development of training programs in sociotechnical infrastructure, sociopolitical advocacy, ethics and diversity.**

Technology and technological infrastructure are not neutral. There is a need for training materials and education programs, for all stakeholders, in how innovation can be better understood and how internet governance spaces can be made more equitable.

### 6.3 Individual advocates and civil society organizations

- **Reframe discussions by shifting the conversation away from technical details to focus on the social impact of a proposal if there are unaddressed harms.**

Internet governance institutions attract many technocrats who see technology as the solution to all of society's problems. Technology is not always the answer. It is hard to reframe a conversation to have it on your own terms, but advocates who see a bigger picture should try to shift the discussion in a respectful way so that other actors understand their point of view. Where possible, include examples and perspectives from local and regional communities, especially if they are not present.

- **Set realistic goals and engage in a manageable number of issues.**

Internet governance institutions are complicated technically and politically. Advocates should reflect on their skills and interests and who else (if anyone) is fighting the battles they care about. Once an advocate has analyzed the field and understands where they can really make a difference, they should set achievable goals for themselves that will advance the public interest. By prioritizing issues and specializing in topics that they are knowledgeable and passionate about, they are more likely to be seen as credible and informed by other actors and thus will be in their best position to engage in discussions in a strategic manner.

- **Establish and maintain mature communication channels and processes with other stakeholder groups.**

Embrace the spirit of the multistakeholder model and set up regular meetings with other stakeholder groups, both to understand their perspectives on different issues and to share your position. On contentious issues, deference will inevitably be paid to the most powerful actor in a room, so build relationships and coalitions with the private sector (who have economic power) and governments (who hold state power) and proactively help them understand where you are coming from with your proposals.

- **Share leadership positions and speaking opportunities with newer, more diverse members of the community and engage in peer-to-peer mentoring.**

You don't have to be big and visible to be effective. Effective participation can entail being at the table firmly establishing your position and insisting on something that others won't. For newcomers, being visible is important to building up their networks. Help train the next generation of leaders by creating specific opportunities for external engagement targeted at those who are not the traditional spokespeople for an organization.



## 6.4 Internet governance institutions

- **Actively work to encourage ideological and regional diversity, in particular in chairpersons, so as to avoid one dominant worldview becoming entrenched.**

Those who are vocal can steer the tenor of the conversation. The loudest voices in the room should not be the only ones driving the policy agenda. Institutions must ensure that respect is paid to softer voices and the issues and preferences that these stakeholders bring forward. One way of achieving this is by ensuring working group chairpersons are supported in their efforts to open the floor to more participants.

- **Identify and mitigate against structural impediments to ensure fair and equitable multistakeholder participation in institutional processes and outcomes.**

Internet governance institutions have a responsibility to analyze and understand what space they provide for non-state and non-market participation in their policymaking processes, and to ensure – in the spirit of the multistakeholder model – that all stakeholder groups and participants have a fair and equitable means of shaping outcomes. This should include the deployment of appropriate strategies and technologies to ensure access and accessibility for people with disabilities. It must also include recognizing the discrimination that has been normalized and repeatedly experienced by underrepresented individuals and groups, such as (but certainly not limited to) women, indigenous communities and LGBTQI+ communities.

- **Ensure that human rights impact assessments are systematically conducted in order to understand the harms that a new technology may cause.**

Protocols, standards and policies can harm or enable the exercise of human rights. However, these risks can often be identified during the development of a technology. Institutions have a social responsibility to develop and implement a process for consistently and thoroughly considering the human rights impacts of their activities, and to remove or mitigate against any harms identified.

- **Assess the competencies and biases of contributors and, where there are gaps, make available relevant capacity-building support.**

As policymaking within institutions is volunteer driven, institutions should not assume that volunteers are skilled in managing conflicts and disputes or in elevating others' voices. In order to achieve this, it may be necessary to offer working group chairs and other volunteers access to capacity-building programs in areas such as cultural awareness, leadership skills and conflict resolution.

- **Offer funding to civil society to perform outreach to recruit and upskill new volunteers and to hire research assistants to keep on top of the agenda.**

The internet is evolving, so it is understandable that internet governance institutions are evolving too: the complexity of issues is increasing, the scope of tasks their secretariats can handle is growing, and budgets are expanding. While institutions have been able to handle the increased workflow, volunteers from civil society have not been able to grow their capacity at the same pace. If the volunteer-driven, multistakeholder model is to continue, institutions need to think creatively about how they can help traditionally underrepresented communities grow their presence and ability to contribute actively to processes. This might include providing civil society with modest grants so that they can perform targeted outreach to recruit and upskill new volunteers, and enabling civil society organizations to hire staff or consultants to perform research to feed into policy position development.

- **Indemnify good faith participation by volunteers.**

Internet governance institutions should ensure their bylaws contain provisions indemnifying volunteer participants from liabilities incurred as a result of their good faith volunteer participation in the institution's activities. This should also include the purchase and maintenance of insurance coverage against any such liabilities incurred.

- **Revise meeting strategies for face-to-face meetings to ensure events occur in democratic locations and, to the extent possible, where there are limited travel restrictions for those who cannot enter under a visa waiver program.**

While there is no one location in the world where everyone, no matter their nationality, can obtain a visa to enter the country, some locations are easier than others for participants who face such travel restrictions. There are also locations where some individuals or communities, such as civil society, women and/or LGBTQI+ people, cannot freely express themselves. Some meeting venues cannot accommodate people with disabilities. Internet governance institutions should explore the travel restrictions and obstacles faced by their community and develop a roadmap so that meetings are held only in locations where these barriers are reduced.

- **Incorporate meaningful and accessible remote participation options into meeting strategies for those unable to travel to face-to-face meetings, such as those with care responsibilities.**

Internet governance institutions must ensure their remote participation platforms are accessible, usable and fit for purpose so that they are an option for those who cannot or do not want to travel. Strong remote participation options do not excuse choosing exclusionary venues for face-to-face meetings; they simply allow more people, including those with fewer resources, to potentially participate in working groups.

## 6.5 Private sector

- **Ensure that the interests of small and medium-sized businesses, including microenterprises, are represented within internet governance institutions.**

At present, large businesses dominate the discussions that the private sector has within internet governance institutions. But small and medium enterprises account for the majority of employment worldwide and are important contributors to global economic development. Make sure smaller businesses are present and meaningfully a part of the discussions concerning the future of the internet.

- **Be proactive and help educate civil society on the perspectives and concerns of industry participants.**

If there is the perception that civil society does not understand where industry participants are coming from with a proposal, the private sector could proactively reach out and share their homework behind why an issue needs addressing. Civil society is pragmatic, flexible and interested in collaborating with other stakeholders to address shared challenges.

- **Ensure the skills and backgrounds of representatives of private sector organizations to internet governance fora reflect overall population diversity.**

There is a need to send engineers and other people with deep legal and technical knowledge to participate in internet governance institutions. But the private sector may also be able to send people with backgrounds in social responsibility, community engagement, or diversity and inclusion initiatives. The internet is an extension of society, so the delegations of industry should echo the lived experiences of society, including, for example, women and people with disabilities.

- **Identify key human rights impacts and challenges related to projects, products and policies by opening up meaningful dialogue with civil society.**

Assessing the human rights impacts of business activities is a key component of corporate social responsibility. These assessments should not be conducted in silos and should incorporate feedback from civil society organizations that support and/or represent individuals and communities that may be adversely impacted by a project, product or service.

## 7. Next Steps: Future Research Questions

- **Understand how donors and/or implementers can assess within which internet governance processes it is most important to support engagement, and how success in engagement can appropriately be measured.**

What might be some of the ways that donors and/or implementers can assess success in terms of internet governance engagement? Is it reasonable to have specific goals to achieve in terms of securing progress on human rights and freedom of expression, for example? Should donors identify venues for engagement and target their assistance based on this assessment, or are those in the field already “doing the work” best placed to determine where to continue pursuing objectives?

- **Conduct a deep dive into how different networks of actors and behaviors operate.**

There is a need to study the tactical, operational and financial environments and the behavioral dynamics of different stakeholders within the internet governance ecosystem to provide transparency into how policy is formed.

- **Perform a stakeholder analysis of the participation of civil society actors in key internet governance institutions in order to identify any gaps in expertise.**

Who is representing the interests of different communities within internet governance institutions? What is the strength of their expertise? What is their prior experience? How effective are they? What has encouraged retention or exacerbated volunteer abandonment? What issues are explored, and what issues are neglected? Is the representation informed, interdisciplinary and active? Such research could help the development community better understand where to focus resources, address gaps, and devise new incentive structures and mechanisms.

- **Conduct further research into some of the more common perceptions about participation inside internet governance institutions.**

Respondents had a number of perceptions about participation in internet governance institutions. It was often unclear whether these perceptions were reality, and if they were, why that would be the case and whether it is problematic or not. For example, there was a widespread perception among respondents that internet governance institutions have high participant turnover and issues retaining newcomers. There is a need to examine why participants leave internet governance institutions, including whether their departure is because of the institution itself, the community, or a change in personal or professional circumstances. There was also a perception that institutions are too difficult for Black people to break into, a perception from the technical community that civil society is overrepresented in deliberations, and a perception that some stakeholders have “more to lose” or more need to be at the table than others (for example, if a stakeholder has to pay to implement the recommendation, they should have more input than someone imposing costs on others.) Such research could help institutions make more focused interventions to improve their diversity.

- **Undertake more substantive research and collaboration with researchers in China to understand Chinese participation in the development of standards and norms.**

Chinese involvement in internet governance institutions is growing. However, Chinese participation in and of itself is not problematic. It is also unlikely to diminish, as China is exerting influence like other governments are. There is a need to better understand how China is evolving and what this may mean for the future of the internet. (It should be recognized, though, that there will be constraints on who researchers in China can talk to and what they can talk about.)

- **Create an index, built by an independent party, that ranks and assesses the inclusiveness and accountability mechanisms of internet governance institutions.**

Much like initiatives, such as Ranking Digital Rights, benchmark technology and telecommunication companies to nudge them to improve their practices, such an index would allow activists, policymakers and the media to hold internet governance institutions accountable for operating in a manner that respects and sustains human rights.

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Any errors are the responsibility of the author.

## 9. Appendix: Key Institutions and Policymaking Fora

| <u>Entity</u>           | African Network Information Center | Asia Pacific Network Information Centre | Comitê Gestor da Internet no Brasil   | European Commission  | Facebook Oversight Board                            | Global Forum on Cyber Expertise  | Internet Corporation for Assigned Names and Numbers   | International Chamber of Commerce |
|-------------------------|------------------------------------|---|---|--|---|--|---|-----------------------------------|
| <b><u>Acronym</u></b>   | AFRINIC                            | APNIC                                   | CGI.br  | EU Commission  | FBOB  | GFCE   | ICANN   | ICC                               |
| <b><u>Role</u></b>      |                                    |   |   |  |   |  |   |                                   |
| Description             | Internet number resources          | Internet number resources               | Recommend standards, policies and operational procedures for the internet in Brazil | Ensure that international rules are in line with EU legislation, policy and strategic objectives | Facebook and Instagram content moderation decisions | Strengthen cyber capacity and expertise through international collaboration, knowledge sharing and high-level policy discussions | Coordinate management of the technical elements of the Domain Name System to ensure universal resolvability | Promote commerce                  |
| Sphere                  | Coordination                       | Coordination                            | Coordination, Policy  | Policy   | Formal Arbitration                                  | Coordination   | Coordination  | Policy                            |
| Region                  | Africa                             | Asia-Pacific                            | Brazil  | Primarily Europe, sometimes global   | Global  | Global   | Global  | Global                            |
| Policymaking            | Yes                                | Yes                                     | Yes   | Yes  | Arguably Yes  | No   | Yes   | No                                |
| Coordination            | Yes                                | Yes                                     | Yes   | Yes  | No  | Yes  | Yes   | Yes                               |
| Regulation              | Yes                                | Yes                                     | Yes   | Yes  | Yes   | No   | Yes   | No                                |
| <b><u>Structure</u></b> |                                    |   |   |  |   |  |   |                                   |
| Mechanism               | Rules                              | Rules                                   | Networks  | Rules  | Rules   | Rules  | Networks  | Norms                             |
| Composition             | Multistakeholder                   | Multistakeholder                        | Multistakeholder  | Nation-States  | By Invitation                                       | Multistakeholder   | Multistakeholder  | Private Sector                    |
| Membership              | Open                               | Open                                    | Democratic  | Restricted   | Restricted  | Restricted   | Restricted  | Open                              |
| Representation          | Representative                     | Representative                          | Representative  | Representative   | Individual  | Representative   | Representative  | Representative                    |
| Executive               | Democratic                         | Democratic                              | N/A   | Consociational   | Oligarchical  | Democratic   | Oligarchical  | Democratic                        |
| Secretariat             | Hierarchical                       | Hierarchical                            | Governmental  | Hierarchical   | Hierarchical  | Hierarchical   | Hierarchical  | Hierarchical                      |

| <u>Entity</u>           | Institute of Electrical and Electronics Engineers | Internet Engineering Task Force        | Internet Governance Forum                                  | International Organization for Standardization | Internet Society | International Telecommunication Union | Latin America and the Caribbean Network Information Center | Open-Ended Working Group                            | Organisation for Economic Co-operation and Development  |
|-------------------------|---|--|--|--|------------------|---------------------------------------|--|---|---|
| <b><u>Acronym</u></b>   | IEEE  | IETF                                   | IGF  | ISO  | ISOC             | ITU                                   | LACNIC   | OWEG  | OECD  |
| <b><u>Role</u></b>      |   |  |  |  |                  |                                       |  |   |   |
| Description             | Develop standards for cybersecurity               | Develop and promote internet standards | Forum for policy dialogue on issues of internet governance | Standards development                          | Advocacy         | Telecommunications, Spectrum          | Internet number resources                                  | Address how international law applies to cyberspace | Set standards for responsible business conduct on issues such as human rights, labor rights and the environment |
| Sphere                  | Standards   | Standards                              | Coordination   | Standards                                      | Coordination     | Standards                             | Coordination   | Policy  | Policy  |
| Region                  | Global  | Global                                 | Global   | Global   | Global           | Global                                | Latin America and the Caribbean                            | Global  | Democratic countries with free market economies   |
| Policymaking            | Yes   | Yes                                    | No   | Yes  | No               | Yes                                   | Yes  | Yes   | Yes   |
| Coordination            | No  | No                                     | Yes  | Yes  | Yes              | Yes                                   | Yes  | Yes   | Yes   |
| Regulation              | Yes   | No                                     | No   | Yes  | No               | Yes                                   | Yes  | Yes   | Yes   |
| <b><u>Structure</u></b> |   |  |  |  |                  |                                       |  |   |   |
| Mechanism               | Norms   | Norms                                  | Norms  | Norms  | Norms            | Rules                                 | Rules  | Rules   | Rules   |
| Composition             | Multistakeholder                                  | Multistakeholder                       | Multistakeholder   | Multistakeholder                               | Multistakeholder | Government, Private Sector            | Multistakeholder   | Nation-States                                       | Nation-States   |
| Membership              | Open  | Open                                   | Open   | Restricted                                     | Open             | Somewhat open                         | Open   | Restricted  | Restricted  |
| Representation          | Individual or Representative                      | Individual                             | Individual   | Representative                                 | Individual       | Representative                        | Representative   | Representative                                      | Representative  |
| Executive               | Democratic  | Meritocratic                           | United Nations   | Democratic                                     | Consociational   | Democratic                            | Democratic   | Democratic  | Democratic  |
| Secretariat             | Hierarchical                                      | Hierarchical                           | Hierarchical   | Hierarchical                                   | Hierarchical     | Hierarchical                          | Hierarchical   | Hierarchical  | Hierarchical  |

| <u>Entity</u>           | Réseaux IP Européens<br>Network Coordination<br>Centre | Standardization<br>Administration of China                               | World Wide Web<br>Consortium               | World Intellectual Property<br>Organization     | World Trade Organization  | World Internet Conference   |
|-------------------------|--|--|--|---|---|---|
| <b><u>Acronym</u></b>   | RIPE NCC   | SAC  | W3C  | WIPO  | WTO   | Wuzhen Summit   |
| <b><u>Role</u></b>      |  |  |  |   |   |   |
| Description             | Internet number resources                              | Address the economic needs and social management needs of the government | Develop standards for an open web platform | Promote the protection of intellectual property | Ensure that trade flows as smoothly, predictably and freely as possible | Annual event organized by government agencies in China to discuss global Internet issues and policies |
| Sphere                  | Coordination   | Standards  | Standards                                  | Policy  | Policy  | Coordination  |
| Region                  | Europe, Middle East, Central Asia                      | China  | Global                                     | Global  | Global  | Primarily China, global ambitions   |
| Policymaking            | Yes  | Yes  | Yes  | Yes   | Yes   | Unknown   |
| Coordination            | Yes  | Yes  | No   | No  | No  | Unknown   |
| Regulation              | Yes  | Yes  | No   | Yes   | Yes   | Unknown   |
| <b><u>Structure</u></b> |  |  |  |   |   |   |
| Mechanism               | Rules  | Rules  | Norms                                      | Rules   | Rules   | Rules   |
| Composition             | Multistakeholder                                       | Government   | Multistakeholder                           | Nation-States                                   | Nation-States   | By Invitation   |
| Membership              | Open   | By Invitation (mandatory participation if invited)                       | Open                                       | Restricted                                      | Restricted  | Restricted  |
| Representation          | Representative   | Unknown  | Representative                             | Representative                                  | Representative  | Representative  |
| Executive               | Democratic   | Consociational   | Democratic                                 | Democratic                                      | Democratic  | Governmental  |
| Secretariat             | Hierarchical   | Governmental   | Hierarchical                               | Governmental                                    | Governmental  | Governmental  |