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INTERNET POLITICS. MAPPING WSIS+10 CONTROVERSIES ON INTERNET GOVERNANCE

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Introduction

The World Summit on Information Society (WSIS) is one of the most important global policy arena for Internet Governance (IG), and IG in turn has soon emerged as the most controversial issue of the Summit (Mueller 2010). The WSIS, which was initially organised under the aegis of the United Nations (UN) in two phases, Geneva 2003 and Tunis 2005, is commonly considered the birthplace of the multi-stakeholder governance model in IG. In fact, it was the first attempt to create a policy forum to address an issue which was usually considered an affair of just one stakeholder: the private sector, under the political supervision of the US government. The multi-stakeholder model extended the range of participation, allowing new actors to be legitimised into IG decision-making processes “on an equal footing” with the others. This model was reflected into the design of the Summit and of political processes activated by it – the Working Group on Internet Governance (WGIG) and the Internet Governance Forum (IGF) – which were characterised by the participation of five stakeholder groups: governments, private sector, civil society, technical and academic community, intergovernmental organisations. In 2015 the UN has started a review process of the WSIS and of the goals settled in its main policy output: the Tunis Agenda. This process, known as WSIS+10 review, has involved many actors, mainly through written and standardised submissions to an open call. This paper proposes a comparative analysis of policy preferences expressed by each actor on issues relating to Internet governance in the context of the WSIS+10 review.

WSIS controversies on Internet Governance

Two main controversies have emerged around the global governance of the Internet within the WSIS: the inclusiveness of the decision-making process, and the bindingness of decisions. The first one relates to who is admitted in participating in Internet policy formulation. Till the end of the 1990s, Internet communities and culture were deeply crossed by the idea of “governance denial”, depicting governance as a dangerous concept opening the doors to governments, intergovernmental organizations and “state-

centric approaches that would be fundamentally out of synch with and damaging to the Internet” (Drake, 2004: 2). In the early 2000s the failure of the “self-governance model” legitimised governments and public authorities in the IG arena together with the global civil society and non-state actors (Hofmann 2005), allowing the rise of the multi-stakeholder governance model. On the other hand, this model has been questioned both by scholars highlighting power disparity among stakeholders (Malcolm 2015) and by authors demanding for a more representative, democratic and participative mode of governance (Gurnstein 2014). In this paper, inclusiveness is operationalised as a variable upon which actors' preferences are distributed among four modalities, from the least inclusive to the most one:

- I) a preference for the leadership of one stakeholder group with power enough to decide alone;
- II) a preference for the current multi-stakeholder model including the classic five stakeholder groups;
- III) a preference for the strengthening of one of the stakeholder groups which is perceived as too weak compared with the others;
- IV) a preference for the inclusion of new subjects beside the classic stakeholder groups.

While inclusiveness is a controversy about the input of the decision-making process, the second controversy, bindingness, relates to the output of the process. How binding should be decisions taken? How binding should be policies formulated in single/multi/equal/extra-stakeholder forums? This controversy has been a key issue since the very initial phase of the WSIS, and it was divisive also in the context of the IGF. Milton Mueller (2010: 110-111), for example, identifies, on this controversy, two distinct factions within the IGF: forum hawks, which conceived the IGF as “a place for norm production and dissemination”, and forum doves, which “emphasised those aspects of the mandate that were purely educational or informational”. Other scholars have highlighted how this controversy has produced relevant tensions within the IGF, leading some actors to threaten the IGF mandate renewal in 2010 (Brousseau and Marzouki 2015: 380).

This controversy too is operationalised in a variable with four modalities, from the least binding to the most one:

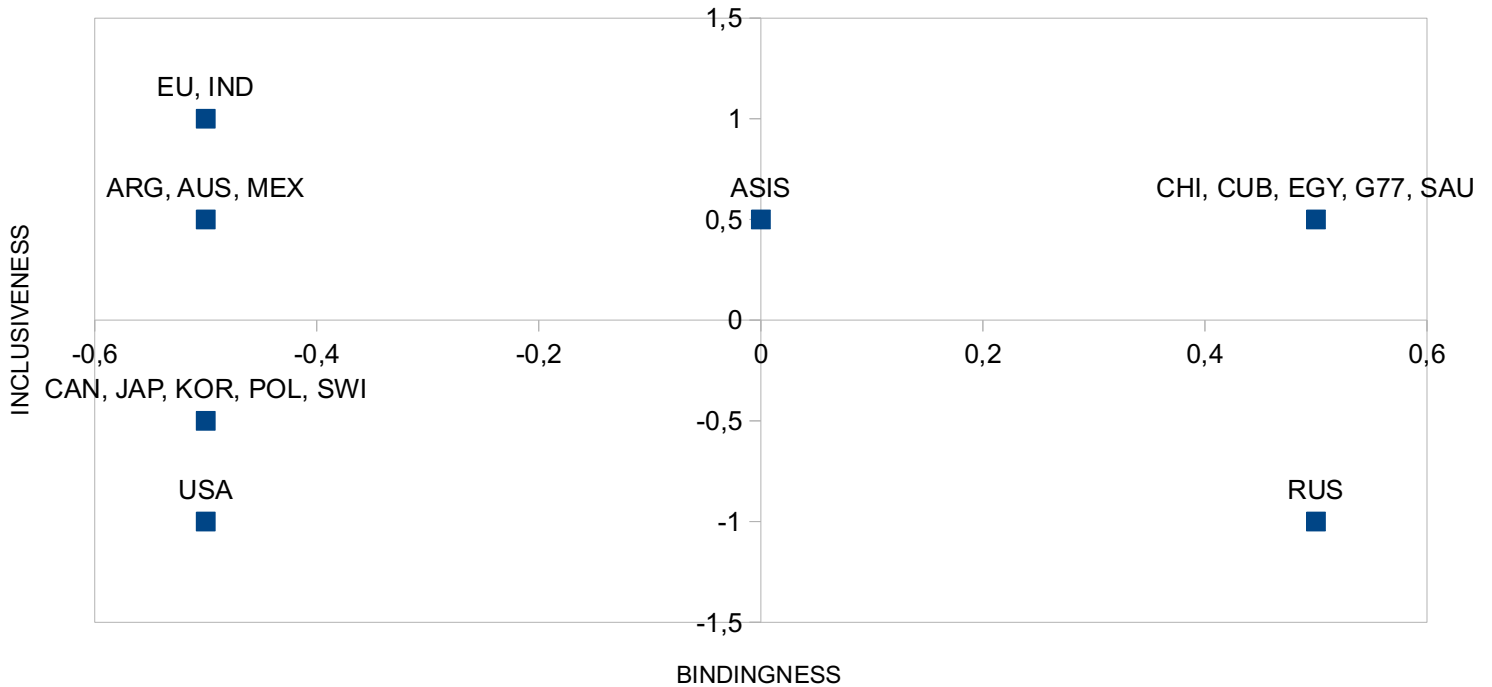
- I) actor asking for private self-regulation and opposing even a policy debate as an interference with technological innovation and freedom of economic initiative;
- II) actor maintaining a debate-oriented approach promoting policy discussion among stakeholders but with no binding statements or agreements at the end of the process;
- III) actors demanding for binding multilateral treaties and national laws and policies as process' outputs;
- IV) actors preferring binding principles and declarations framed into the international human rights law and national constitutions.

Seventy-three documents submitted to the WSIS+10 review open call have been hand-coded assigning to each of them a numeric value between -1 and 1 for each variable: I) -1; II) -0,5; III) 0,5; iv) 1; 0 has been assigned to not-expressed preferences. In this way, actors preferences have been mapped in order to explore stakeholder groups' specificities, conflict areas and possibilities for coalition. Moreover, for each actor also comments later submitted to a draft document (the so-called Zero Draft, prepared on the base of the starting submissions) have been codified in order to track changes in their respective policy preferences.

Mapping Internet Governance policy preferences

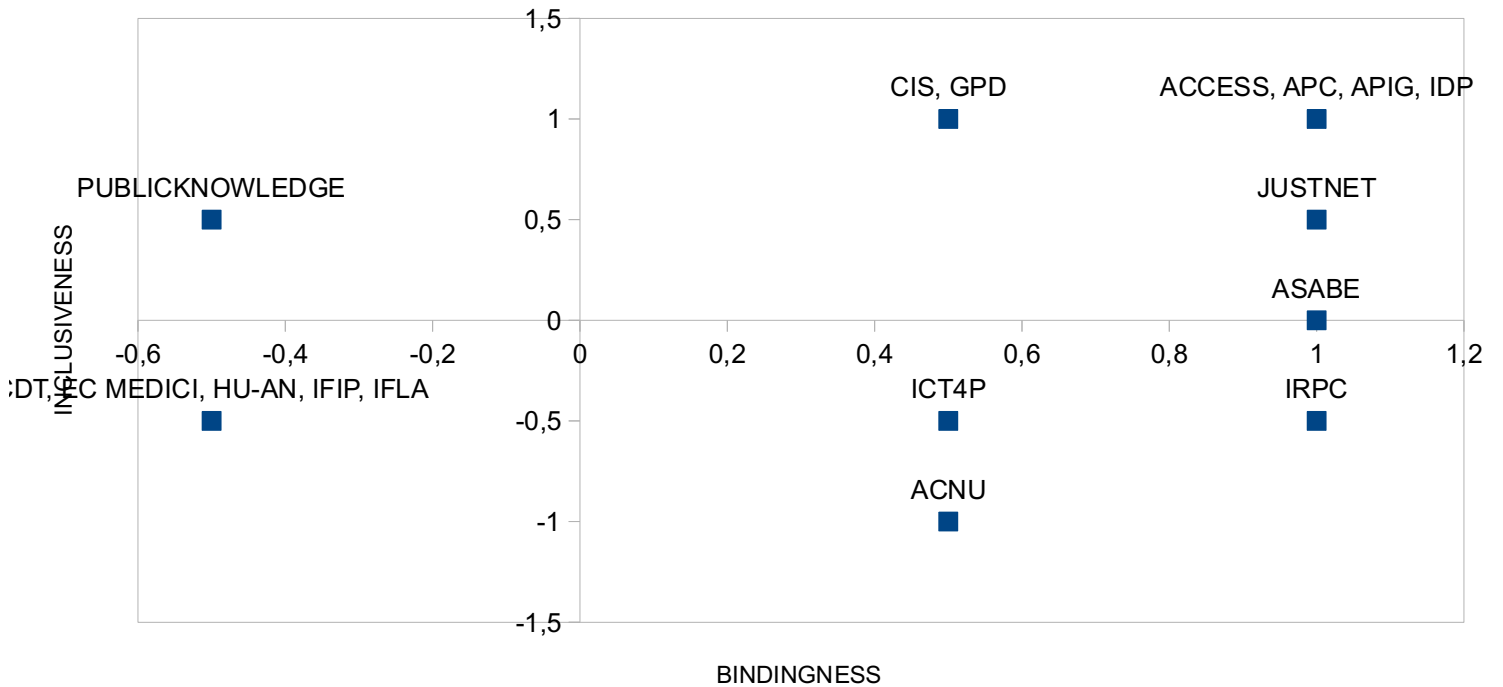
Among governments, bindingness seems to mirror the geopolitical opposition between the West and other countries of the world, with the former clearly oriented toward a non-binding policy dialogue and the latter toward more binding outputs such as national laws and multilateral treaties. A major variety of positions, among governments, is traceable on the inclusiveness axis, with the EU and India representing the most inclusive positions at all. On the contrary, the US and Russian governments stand for an exclusive leadership, even if according to the USA a predominant role should be given to the private sector while for Russia it should be appointed to national governments. Moreover, on this axis, the coalition led by China (including G77, Cuba, Egypt, Saudi Arabia) generally refers to national governments as the subject to be strengthened in the IG governance arena, while such countries as Argentina, Australia and Mexico refer to developing countries as a stakeholder to be reinforced.

FIG.1 - GOVERNMENTS



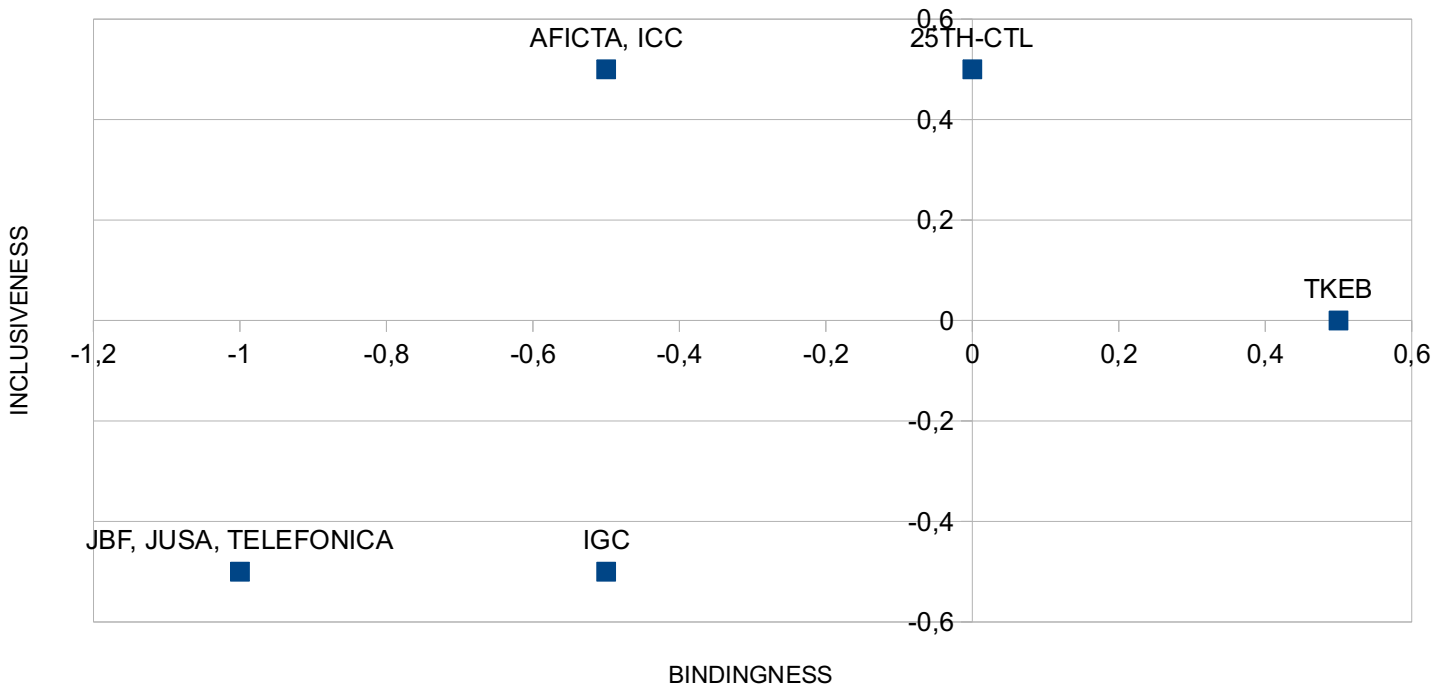
That of civil society organisations is the stakeholders group with the highest number of different positions (9). It is also the group most oriented towards binding principles and declarations, and the inclusion of new actors in the Internet Governance arena. Four actors, in fact, get a score of 1 on both dimensions: Access, Association for Progressive Communication, APIG and IDP. Moreover, no civil society organisation gets a score of -1 on both dimensions, and only one (ACNU) gets a score of -1 on only one dimension (particularly, on inclusiveness).

FIG.2 - CIVIL SOCIETY



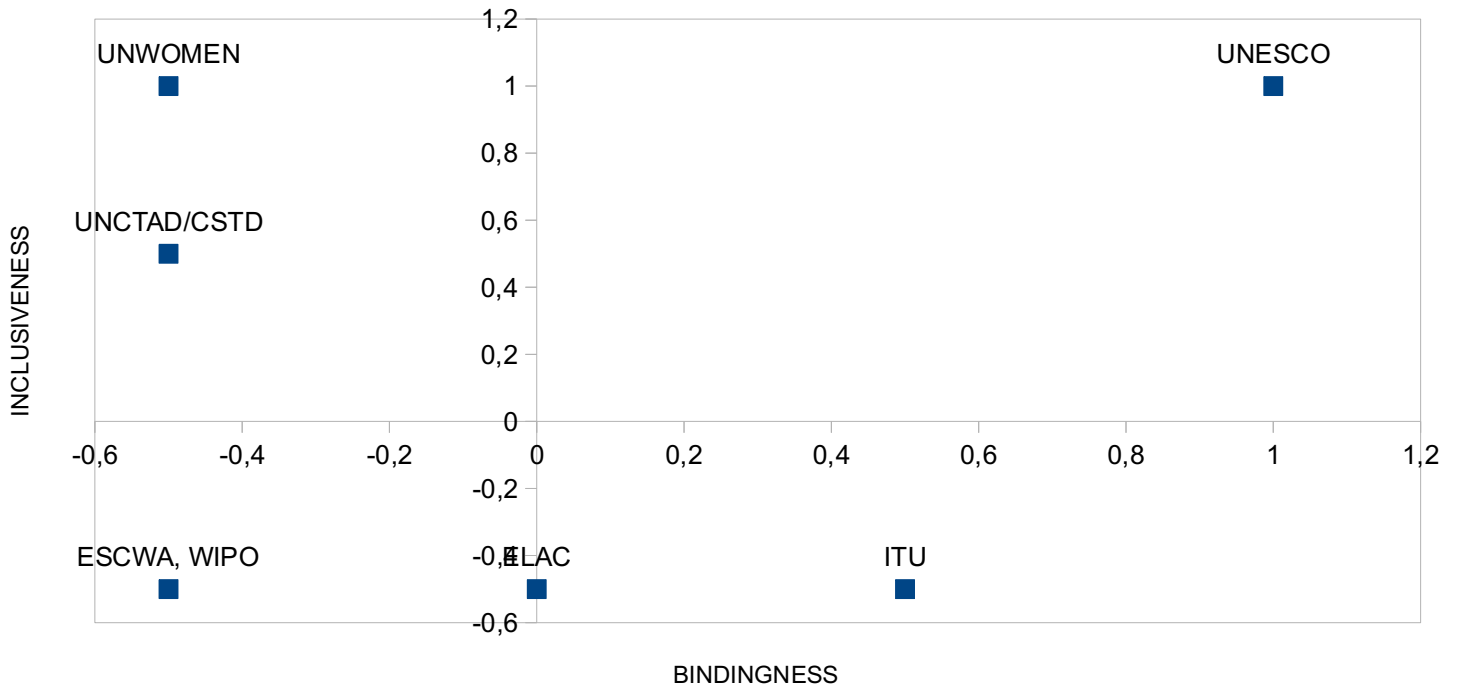
On the contrary, the private sector is the group least oriented towards both binding policy outputs and the inclusion of new subjects in the Internet governance arena. No private actors gets the score of 1 on either axes, while the most of our cases are placing on a position inspired by the private self-governance model for what concerns the bindingness (-1) and on the defense of the current multi-stakeholder model including the classic five stakeholder groups on the inclusiveness axis (-0,5).

FIG.3 - PRIVATE SECTOR



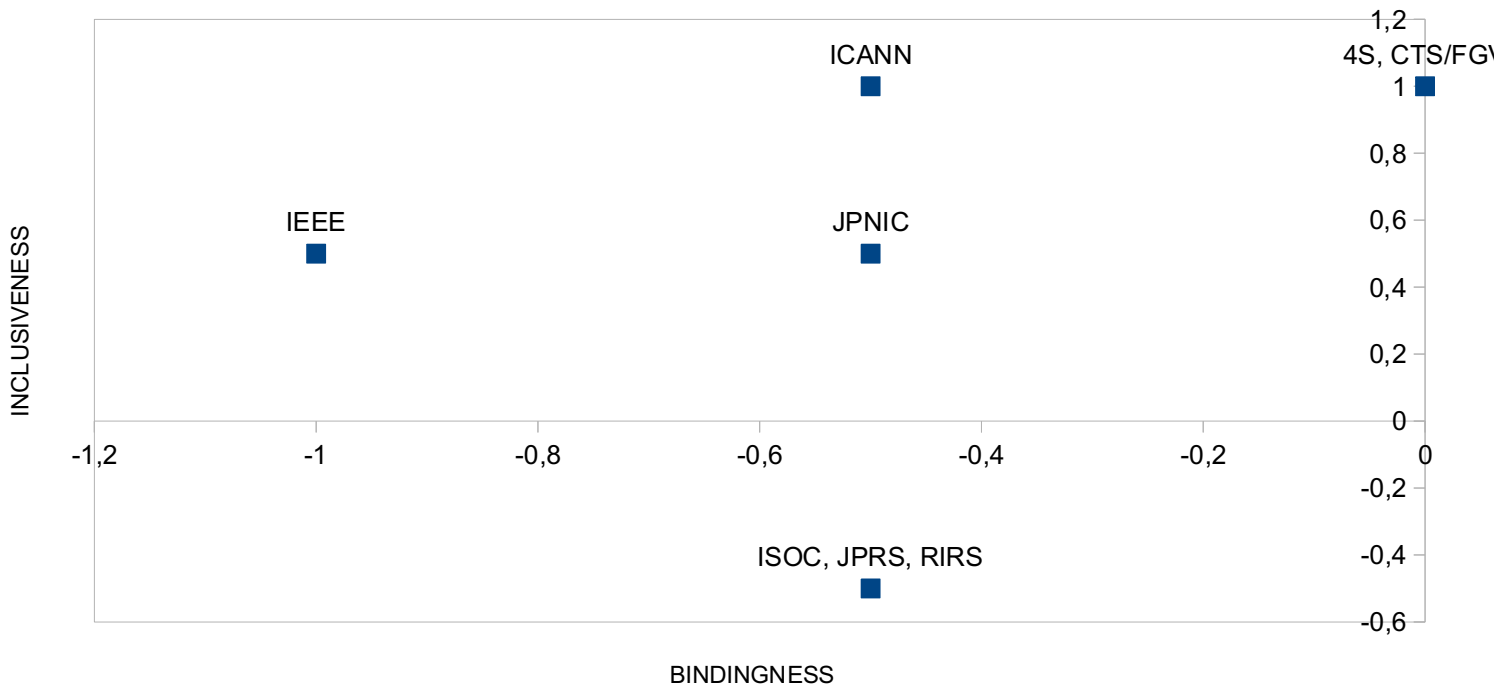
Among intergovernmental organisations, UNESCO presents the most progressive stance, aiming to both binding principles protecting human rights and the inclusion of new actors in the IG policy arena. On the opposite side, we find ESCWA and WIPO whose preferences are fully situated on a multistakeholderist position, expressing a policy preference for non-binding policy debate and a satisfaction for the current stakeholders groups involvement. Generally, UN organisations are more inclusive than the others, with the exception of the International Telecommunication Union (ITU), a powerful UN organisation very active in the IG landscape, which prefers the current multistakeholder participation while demanding for more binding policy outputs.

FIG.4 - INTERGOVERNMENTAL ORGANISATIONS



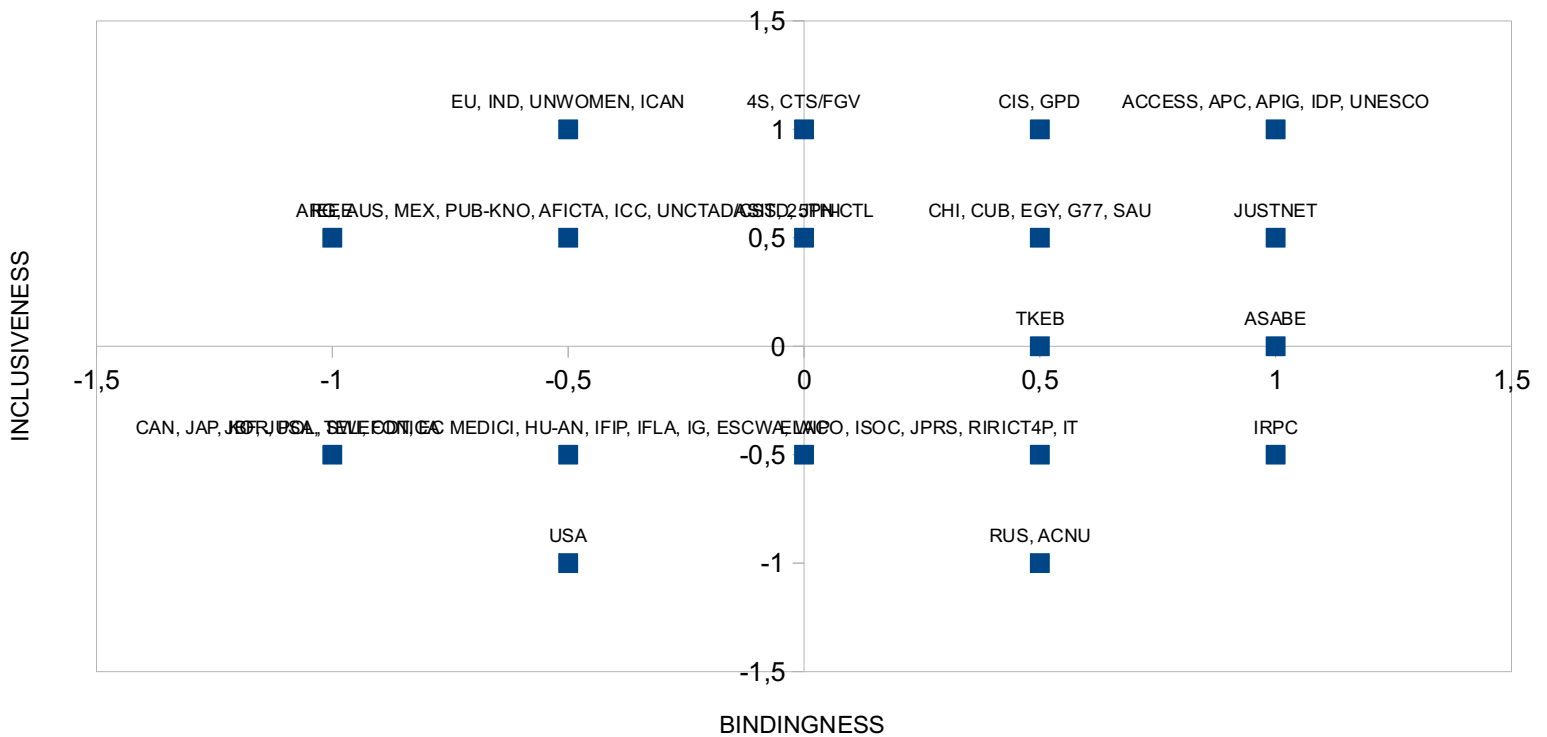
The group of technical and academic communities has no inclination for binding policy outputs, as testified by the fact that no actor in this group gets a positive score on the x-axis. The least binding position at all, within this group, is that of the Institute of Electrical and Electronics Engineers (IEEE), an important standard developing organisation. On the contrary, this is a generally inclusive group, with policy preferences ranging from the inclusion of new subjects within the IG arena (+1 like ICANN, 4S, and CTS/FGV) and the satisfied evaluation of the current stakeholder groups (-0,5 like Internet Society, JPRS and RIRS).

FIG.5 - TECHNICAL AND ACADEMIC COMMUNITIES



At this point, we can identify four main stances on the map and three main rifts between them. Around the main stances we can define four heterogeneous coalitions: a democratic coalition (with scores 1;1), a sovereigntist coalition (0,5;-1), a neoliberal coalition (-0,5; -1), and a liberal coalition (-0,5; 1). The rift between the democratic coalition and the sovereigntist one can be traced upon the difference between those actors demanding for the strengthening of national governments as perceived as weak actors (the stance of China, Cuba, G77, and so on) and those actors (like JustNet) preferring the strengthening of non-state actors. The fracture between sovereigntists and neoliberals represents a struggle between actors claiming a governmental leadership (like Russia) and actors claiming a private sector leadership (like USA). The third rift is that between neoliberals and liberals (like UE and India) which share the idea of a non-binding policy debate, but are in contrast about the range of inclusion in policy arenas.

FIG.6 - OVERALL MAP



Finally, for what concerns the dynamic dimension of this mapping exercise, we can observe a few, but significant, cases of shifting policy preferences by comparing the early submissions and the successive comments to the Zero Draft:

- China and G77 express a more accentuated inclination towards the leadership of national governments in the second round of submissions, thus getting closer to the Russian position;
- The EU seems to move towards the democratic coalition for what concerns the dimension of bindingness, making an evident endorsement for UNESCO principles for a human rights based Internet;
- The United States seem to move towards an even more clear preference for the private self-governance model;
- APIG seems to become both less binding (from the preference for a “UN General Assembly resolution endorsing a declaration” to the focus on governmental policies and the right of states) and less inclusive (from the inclusion of new actors to the focus on national governments);
- CIS seems to become more binding as it makes an evident reference to the International human right law during the second round of submissions;
- JUSTNET seems to move towards the democratic coalition as it becomes more inclusive (from a strengthening of weak actors to the inclusion of new ones);

- IGC becomes, at the same time, even less binding (from a preference for a non-binding policy debate to the clear rejection of an international legal framework and of regulation on content), and more inclusive (from a preference for the current stakeholder groups to the preference for the strengthening of developing countries).

Concluding, findings suggest that actors' preferences are more articulated, dynamic and complex than that depicted in previous literature by means of dichotomies such as globalists versus sovranists, multilateralists versus multistakeholderists, and IGF hawks versus doves. Such complexity should be taken into account when addressing Internet governance both by an academic and a diplomatic point of view.

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