Assessing the Near Future of Multi-stakeholder Internet Governance

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About the Hub

The Digital Policy Hub at CIGI is a collaborative space for emerging scholars and innovative thinkers from the social, natural and applied sciences. It provides opportunities for undergraduate and graduate students and post-doctoral and visiting fellows to share and develop research on the rapid evolution and governance of transformative technologies. The Hub is founded on transdisciplinary approaches that seek to increase understanding of the socio-economic and technological impacts of digitalization and improve the quality and relevance of related research. Core research areas include data, economy and society; artificial intelligence; outer space; digitalization, security and democracy; and the environment and natural resources.

The Digital Policy Hub working papers are the product of research related to the Hub's identified themes prepared by participants during their fellowship.

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Partners

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Key Points

- Key global events are occurring in 2024 that could shift global internet governance, including the World Summit on the Information Society (WSIS)+20 review and the United Nations Summit of the Future. The outcomes of these events could change global internet governance models from multi-stakeholder to multilateral.

- In recent years, governments have shifted their priorities in regard to the internet, attempting to make it safer and more trustworthy. Post-pandemic, countries have accelerated their capacities to harness digital networks and broadband penetration, while balancing the introduction of new legislation both domestically and internationally.

- Against the backdrop of a more regulated internet and enhanced digitalization, the United Nations is proposing both a Global Digital Compact and a Digital Cooperation Forum ahead of the Summit of the Future. These have the potential to upend much multi-stakeholder internet governance work, shifting how the internet has been governed since its public release in the 1990s.

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Introduction

The internet is on the cusp of new governance and regulatory regimes. Governance is defined as the complex processes whereby networks of actors will work in a myriad of ways to solve dilemmas (Bevir 2011); it extends the role of governments by including multiple actors. As the world has become more digitalized and interconnected, governance has responded by including not only members from government, but also from the private sector, academia, the tech world and civil society to address the complexities of twenty-first-century globalization (Ansell and Torfing 2016; Slaughter and Hale 2011). These networked actors will need to work collaboratively to solve issues such as the climate crisis and internet governance, both cases in which solving one element of these "wicked problems" can lead to the discovery of a new problematic element (Ansell and Gash 2008; Bevir 2011; Klijn 2022).

The internet uses a global governance system that recognizes that no one country can have full coordination power over this global resource because it is distributed across multiple layers, making for a policy environment that benefits from a collaborative approach referred to as a "multi-stakeholder" governance model (DeNardis and Raymond 2013; Hofmann, Katzenbach and Gollatz 2017; Werbach 2002). Across a layered infrastructure such as the internet, attempting to regulate content (one layer) through regulating domain addressing (another layer) can create disruptions in how the internet operates globally. For example, regulating content such as sexually explicit material in the form of website blocking or delisting can have repercussions across the internet ecosystem by not allowing someone in a different jurisdiction to have access to a similar website with that domain name (DeNardis 2014; Mueller 2004). As a result, scholars note that a key element in any policy making surrounding the internet is for it to be "layer-specific" and respectful of the boundaries of these layers (Solum and Chung 2004; Werbach 2002). These layers will have different actors and processes in developing policy for an evolving internet, which makes for a multi-stakeholder governance environment. Internet governance differs from other forms

of governance, both domestically and internationally, that utilize a "multilateral" governance model positing government as the primary decision-making arm in governance arrangements (ten Oever 2021). By contrast, multi-stakeholder governance allows stakeholders from government, the private sector, academia, the tech world and civil society to shape the evolution of the internet. This multi-stakeholder model has been part of what has allowed the internet to be robust in its evolution by ensuring that technically coordinated decisions are made by consensus, sometimes referred to as "rough consensus for running code" (DeNardis and Raymond 2013; Mueller 2010).

In 2024, however, questions surrounding how the internet has been governed and ways it might be governed in the future are leading to complex geopolitical debates about what the future of the internet will look like. Governments are attempting to recentre themselves within a more multilateral capacity for internet governance, such as through enhanced regulatory regimes that are popping up globally and international treaties that could threaten multi-stakeholder participation. In recent years, many countries have turned to new digital policies as a legislative means to curb issues such as the internet's safety and trustworthiness. Recent examples of this approach include misinformation and disinformation policies such as the United Kingdom's Online Safety Act, the European Union's Digital Services Act and Canada's newly introduced Bill C-63 (the Online Harms Act). Cybersecurity protection policies and transgovernmental consortiums such as the US–led "Secure-by-Design" efforts with like-minded countries — including Canada — have aimed to keep critical infrastructure safe from cyberattacks as it undergoes digitalization. These cybersecurity efforts are the response to growing public concern regarding how interwoven the internet is with contemporary infrastructure and broader harms that can be felt when such cyber capabilities are compromised (DeNardis 2020; Mueller 2017; Szczepaniuk and Szczepaniuk 2022). In addition to cybersecurity and online harms, personal data protection has been at the forefront of global policy standards, specifically in the European Union with the passage of the General Data Protection Regulation (GDPR) in 2018, the most comprehensive data privacy framework in the world to date (Santaniello 2021; Bradford 2023). The GDPR has also pushed third-country nation-states toward developing new personal privacy legislation in order to have continued trade with the EU market in intangible services, referred to as the "Brussels Effect" (Bradford 2012). This recent trend toward digital policy making raises questions about how these policy stressors are impacting broader internet governance dialogue as well as their continued impact into the future.

Evolving Use of the Internet

At the beginning of the twenty-first century, Manuel Castells (2001) argued that the internet would become the bedrock of the global economy, requiring every person around the world to get online or otherwise be left behind in global economic development, even without "catching up" other infrastructure (such as electricity and health care). Castells called this the "internet galaxy." With this coming galaxy, the internet would no longer be an infrastructure with which people interacted and would instead increasingly become involved "in everything" (DeNardis 2020; Castells 2001). From Internet of Things devices to personal data used within an intangible economy, the internet as a public infrastructure has had a considerable impact on citizens' personal lives as well as the economy at large. Digitalization has increased dramatically,

particularly since the COVID-19 pandemic when internet access proved to be a global good by allowing social and business services to move online in the wake of repeated shutdowns. As noted by the International Monetary Fund (IMF), post–COVID-19, countries that were "under-performing" in digitalization are quickly catching up in these efforts — most specifically in broadband access — to traditionally well-digitally established countries (Jaumotte et al. 2023). In other words, the internet galaxy has been fully realized in the wake of the pandemic, with internet infrastructure having been firmly established as the bedrock of the twenty-first-century global economy.

As the internet has grown and digitalization has become prolific, governments have been challenged with both the positive and negative outcomes of this new digital environment. Legislation continues to be proposed and passed at various levels of government worldwide and, as a result, existing regulators have been enlisted with broader powers to formulate new regulations. For example, in Canada, over the past two years the Canadian Radio-television and Telecommunications Commission has now become responsible for online streaming and online news remuneration with the passing of the Online Streaming Act (royal assent: April 2023) and the Online News Act (royal assent: June 2023). Additionally, new regulators have been proposed and regulatory offices established to help implement new policies in the digital sphere.

Regulation is a broad term, in that it is both a process and a tool (Döhler 2011); it is also exercised with both "hard" tools such as passed legislation governing areas of the internet, as well as with more "soft" tools such as industry self-regulation decisions made in order to reduce government action and allow for private sector leadership in the development of the internet, which, to date, has been paramount within the multi-stakeholder model (Jordana and Levi-Faur 2004; Blomqvist 2016; Mayntz 2016). In recent years, with the interlinking of governance and regulation, it has been argued that the current decade is a time of "regulatory governance," whereby networks of actors will exert regulations on one another. These might include private sector regulations (Cashore et al. 2021), collaborative formats (Gash 2016) or "hard" government regulations (Levi-Faur, Kariv-Teitelbaum and Medzini 2021). In regulatory governance, the internet is governed and regulated through various standards-setting organizations, industry associations and events focused on internet governance that allow for dialogue in how governments might begin regulatory or legislative work.

Navigating Regulation of the Internet

With the internet becoming more important, countries have increasingly developed digital policies to meet this challenge of regulation. Although "internet" and "digital" are not synonymous in the policy-making lens, this paper uses these terms more interchangeably to describe national policies that are shifting the regulatory context of the internet, which has historically been relatively deregulated in most countries.

As noted earlier, governance of the internet is referred to as "internet governance" in both scholarly and political terminology (DeNardis et al. 2020). This form of governance is broad and includes internet access in the form of telecommunications networks, privacy policies and the coordination of scarce internet resources (such

as website domain addresses), among others (van Eeten and Mueller 2012).[1] In essence, when a problem with the internet requires the coordination of multiple stakeholders to come to a solution, this is when internet governance steps in.

Internet governance exists in a wide range of levels: the WSIS, which was founded in 2005 at a UN conference in Tunis, Tunisia, is an example of this governance at its highest level. As part of this conference, a document listing how the internet might be discussed and regulated — referred to as the "Tunis Agenda" — defined internet governance as "the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution of the Internet."[2] Broadly, this definition has been utilized for discussing the internet's multi-stakeholder governance model, although government actors have criticized its lack of prioritization over the years (Haggart, Tusikov and Scholte 2021).

With the increased risks posed by cybersecurity, privacy and other online harms, such as the implications of AI for intellectual property rights, governments have an explicit responsibility to their citizens to take charge in regulating and governing the internet, especially in regard to public safety. As these actors see it, it is in the public's interest to regulate the internet, even if this necessitates an adjustment of the multi-stakeholder model toward a more traditional multilateral approach.

Global Internet Governance in Flux

The public interest has been a central topic in multi-stakeholder internet governance spaces. For example, the Internet Corporation for Assigned Names and Numbers (ICANN), which is the international organization focused on the policy making of internet domain addresses (such as .com, .org, .ca, .quebec), has tried to make the public interest central to its work (Cavalli and Scholte 2021). This can be a difficult balance for global internet governance organizations: because they are multi-stakeholder, they will not have the same capacity to keep the public interest as a priority in legitimizing their role. In response to this, many internet governance organizations are careful to utilize good governance features such as transparency and accountability to demonstrate their capacity to be an international organization while still employing the multi-stakeholder model for governance (de Bossey 2005). One concrete example of this is the usage of listservs for decision making and consensus finding in regard to policies, which allow for every person on the mailing list to contribute to the discussion and for all archived communications to be read at any time. In other words, internet governance organizations have evolved to clearly demonstrate their benefits while still refraining from becoming multilateral.

ICANN is one of many global internet governance institutions whose work focuses on internet coordination (Kleinwächter 2000). Additionally, the United Nations also facilitates the global Internet Governance Forum (IGF). The IGF was established in

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1   See www.intgovforum.org/en/content/supporting-sigs.

2   See www.itu.int/net/wsis/docs2/tunis/off/6rev1.html.

the WSIS Tunis Agenda alongside the working definition for internet governance; its purpose is to create a global space for dialogue, as opposed to one with policy- and decision-making powers, where concerns over the internet could be discussed to allow for more citizens around the world to become connected (Mueller 2010). The Tunis Agenda established the IGF in 2006 with two five-year mandates, which were extended by another 10 years in 2015. In 2024, the IGF will undergo its 20-year review, termed "WSIS+20," to determine whether the IGF is globally beneficial and if it should continue its work. The IGF is an annual event, with the WSIS reviews happening initially in five-year increments, and then 10-year increments since 2015. As WSIS undergoes review, decisions from this will come into effect the following year once data and opinions have been chronicled and analyzed. As found in a recent study by the DNS Research Federation, the IGF has both direct and indirect positive effects for internet development among stakeholders (Caeiro et al. 2024). Direct effects include the IGF as a key driver for the growth of more internet exchange points (IXPs) around the world, specifically in the Global South. IXPs reduce costs associated with internet connections by allowing direct traffic to exchange locally and keeping such traffic within one country's borders, which indirectly allows for the benefit of greater data security (Clement and Obar 2015; Winseck 2017). This infrastructure allows for a more accessible and trustworthy internet.

Additionally, the IGF has been praised for creating a space for the formation of learning and knowledge networks, as well as nurturing and growing the next young cohort of internet leaders from the Global South (Caeiro et al. 2024). In all, this forum for global internet governance has allowed for the proliferation and prominence of secure and affordable infrastructure, along with ensuring that a learning and leadership development space can flourish. The IGF discusses broadband accessibility, along with other internet topics that are of global interest, at the events each year.

There have been efforts to shift internet governance away from the IGF and internet coordination away from ICANN. In 2012, an effort led by China alongside other developing economies pushed for internet governance to fall within the mandate of the International Telecommunication Union (ITU), which is the United Nations' specialized telecommunications agency. It works to coordinate wireless signals globally (the "spectrum" for radio communication that all cellular data rests on), develop technical standards in telecommunications and facilitate developmental efforts, such as "information communication technologies for development," which allows more communities to be connected to each other electronically. This agency was started in 1865 to coordinate newfound communications technologies and infrastructure in nineteenth-century Europe and is one of the oldest existing global governance spaces (Balbi and Fickers 2020). The ITU has, to date, refrained from monitoring internet governance as it is a multilateral governance entity (Schafer 2020). In 2012, however, many governments argued that the ITU ought to increase its role by becoming responsible for areas of global internet governance. It was argued that a more multilateral setting would allow governments around the world to have greater say regarding how the internet would develop within their individual countries, something that the multi-stakeholder model limits in its efforts to ensure that each stakeholder holds an equal voice in such internet decision making (Santaniello 2021; Winseck 2020). This push for multilateral governance was unsuccessful, however, with countries in the European Union, as well as Canada and the United States, continuing to support multi-stakeholder governance initiatives. In recent years, the multi-stakeholder approach

has also been supported by the signing of the 2022 White House–led "Declaration for the Future of the Internet," a document that outlines goals for the continued development of the internet while championing the multi-stakeholder model.

This multi-stakeholder model does not work perfectly. As critics note, although the ethos of this model holds all stakeholders to be equal in theory, in practice many are left out of the conversation. This includes civil society actors who often will not receive equal footing with large corporate actors or government actors in helping to shape the internet's evolution (Carr 2015). The multi-stakeholder model also disregards the real power asymmetries felt between countries; these global power differentials are not squashed because citizens of different countries are in dialogue about internet governance. Despite its imperfections, however, the multi-stakeholder model continues to be championed due to its globality as well as the internet's need for quick policy making. Uplifting civil society and other smaller actors with fewer resources is a goal that continues to be worked at in various programs by internet governance–focused groups (for example, the Internet Society has programs to help participation at the global IGF annually).

Although the multi-stakeholder model continues to prove beneficial, certain countries' push for the internet to be governed by a multilateral model has not gone unacknowledged. The United Nations has been working toward developing more centralized internet governance spaces with a newly proposed Digital Cooperation Forum and new Global Digital Compact. The Digital Cooperation Forum would operate in a similar way to the IGF and has the potential to displace the multi-stakeholder IGF with a multilateral Digital Cooperation Forum.[3] The Global Digital Compact attempts to achieve a balance between the multilateral and multi-stakeholder models and includes key principles working to keep the internet as a unified global public good that respects human rights and works toward equal online access. The breadth of the Global Digital Compact leaves greater room for multi-stakeholder internet governance to continue while also creating global digital goals for governments to achieve a more multilateral approach. The future of both the Digital Cooperation Forum and the Global Digital Compact will be determined during the United Nations' Summit of the Future in September 2024, exemplifying the ways in which 2024 has been a pivotal year for internet governance.

Conclusion

If current global efforts such as the IGF are disbanded during the upcoming WSIS+20 review, and if the UN Digital Cooperation Forum were to be established, a forecast of the next decade of internet governance might skew toward a more multilateral model. As the Global Commission on Internet Governance, launched by CIGI and Chatham House and led by robust experts in this field, has noted, "The social compact for a digital society will require a very high level of agreement among governments, private corporations, individuals and the technical community. Governments can provide leadership, but cannot also define the content of the social compact. Achieving agreement and acceptance will necessitate the engagement of all stakeholders in the Internet ecosystem" (Global Commission on Internet Governance 2016). Internet governance works best when it is multi-stakeholder as it allows for the meaningful

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3   See https://business.columbia.edu/citi/events/2023/function-follows-form-proposed-un-digital-cooperation-forum.

collaboration, participation and engagement of groups on a global level. While there are pitfalls to this model because of the internet's complexities and the corresponding need for fast-paced decision making, multi-stakeholder internet governance continues to be best positioned for the continuous and equitable evolution of the internet.

Recommendations

- **Recommendation 1:** Governments and stakeholders should support the multi-stakeholder internet governance model. As part of this support, there should also be room for ensuring that more stakeholders can contribute, resulting in a truly pluralistic approach to decision making.

- **Recommendation 2:** Multi-stakeholder internet governance spaces should create programs and systems for smaller and emerging internet stakeholders to receive mentorship and guidance from more established stakeholders as fora to build confidence and purposeful participation (such as smaller, more diverse civil society groups matched with larger, more prominent organizations, potentially even at the government level).

- **Recommendation 3:** The IGF mandate should be renewed for another 10 years.

- **Recommendation 4:** The UN Digital Cooperation Forum, if established, should be limited to areas of international peace and security (such as cybersecurity) and should not encroach on existing areas of internet governance better suited to the IGF.

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About the Author

Dana Cramer is a Digital Policy Hub doctoral fellow researching policy and governance approaches for emerging technologies. She was a top 10 finalist for the 2023 International Institute of Communications Future Leaders' Competition and is a previous winner of the 2020 Canadian Radio-television and Telecommunications Commission's Prize for Excellence in Policy Research. She leads the Youth Internet Governance Forum (IGF) Canada and sits on the Canadian IGF All-Hands Committee. In 2023, she held a fellowship with the American Registry for Internet Numbers. She is pursuing her Ph.D. at Toronto Metropolitan University and York University's Joint Graduate Program in Communication and Culture.

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