Shared Responsibilities of Stakeholders for a Robust Internet Governance Ecosystem in Africa

By the African IGF Secretariat

An extract from the African Union / PRIDA study on "Mapping of multi-stakeholder structures related to digital policies and decision-making in Africa", July 2019.

Background

1. The concept of multistakeholderism is a recent phenomenon which has been around in the last over two decades. As an organising principle and a political practice, multi-actor arrangements have a long tradition. However, in academic literature, the term multi-stakeholder evolved as component branching out of stakeholder theory. Accordingly stakeholders are 'any group or individual who can affect or is affected by the achievement of the organisation's objectives[1]'. However, other studies decenters organisational discourse by replacing privileged managerial monologues with multilateral stakeholder dialogues emphasising that there is no clear center of power, rather, power is located in multiple stakeholders. As a result, this multiple stakeholders' perspective has also suggested placing more focus to an issue at stake. The term multistakeholderism began to spread across transnational policy domains around the end of the 1990s.

Defining Multistakeholderism

2. Consequently, recent definition of multi-stakeholder concept emphasises on procedural properties. Therefore, multi-stakeholder approaches are described as new modes of rulemaking, building 'on the idea of assembling actors from diverse societal spheres into one policymaking or rule-setting process, to make use of their resources, competences, and experiences[2]'. Thus, these multi-stakeholder actors form an institutional framework, involving two or more groups of actors engaged in a common governance enterprise concerning issues they regard as public in nature, and characterised by polyarchic authority relations constituted by procedural rules[3]'.

3. This description and definition of multistakeholderism giving central focus around 'issues' in which two or more actors working around policy making, standard setting, and managing resources brings us towards the key Internet governance actors. As stipulated in Article 49 of the 2005 Tunis WSIS Declaration, Internet actors include national governments, international organisations, the business sector, civil society and the technical community. In this regard, whereas multistakeholderism is adopted in the Tunis Agenda as a principle, the major challenge and debate is on the role, which is specific to each actor[4].

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[1] Freeman, R. Edward. 1984. Strategic Management: A Stakeholder Approach. Pitman Series in Business and Public Policy. Boston, MA: Pitman.

[2] Boström, Magnus, and Kristina Tamm Hallström. 2013. "Global Multi-Stakeholder Standard Setters: How Fragile Are They?" Journal of Global Ethics 9 (1): 93–110. doi:10.1080/17449626.2013.773180

[3] Raymond, Mark, and Laura DeNardis. 2015. "Multistakeholderism: Anatomy of an Inchoate Global Institution." International Theory 7 (03): 572–616. doi:10.1017/S1752971915000081.

[4] Malcolm, Jeremey (2008). Multi-Stakeholder Governance and the Internet Governance Forum. Terminus Press: Perth.

4. The Internet is open, distributed, interconnected, and transnational. Consequently, the multistakeholder approach to Internet Governance has evolved from the Internet's own nature and what it allows it to grow. To this end, the working definition of Internet governance, according to paragraph 34 of the Tunis Agenda for Information Society (Tunis, 2005), is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

The Tunis Agenda for the Information Society

5. The Tunis Agenda defines the agreed roles of the stakeholder groups.

We reaffirm that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations. In this respect it is recognised that:

a) Policy authority for Internet-related public policy issues is the sovereign right of **States** (**Governments**). They have rights and responsibilities for international Internet-related public policy issues;

b) The **private sector** has had and should continue to have an important role in the development of the Internet, both in the technical and economic fields;

c) **Civil society** has also played an important role on Internet matters, especially at community level, and should continue to play such a role;

d) **Intergovernmental organizations** have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;

e) **International organizations** have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

Further, we will highlight some of the characteristics and roles of actors in the Internet governance space.

Role of Government

6. Governments have a key role in the policy making process at national level as well as concluding bilateral or multilateral agreements on international law and policies through their involvement in intergovernmental organisations which can be categorised by their geographic reach (global or regional), their manifest purposes (general or specific) and their membership base (governmental or hybrid)[5].

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[5] Malcom, Jeremey (2008). Multi-Stakeholder Governance and the Internet Governance Forum. Perth, Australia: Terminus Press.

7. At the national level, States have a big stake on Internet-related policies within their own borders, such as passing laws, protecting intellectual property, regulating access to certain online content or services.

8. It is expressed in paragraph 68 of the Tunis Agenda that all governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet, while also recognizing the need for development of public policy by governments in consultation with all stakeholders.

9. While States have a sovereign right in the field of Internet-related public policy, the role of government in Internet Governance is also further elaborated in paragraph 69 of the Tunis Agenda on the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters that do not impact on international public policy issues.

10. The roles and responsibilities of Government can be summarized as follows:

- Public Policymaking coordination and implementation, at the national level, and policy development and coordination at the regional and international levels.

- Creating an enabling environment for information and communication technology development.

- Oversight functions.

- Development and adoption of laws, regulations and standards.

- Treaty-making.

- Development of best practices.

- Fostering capacity-building in and through ICTs.

- Promoting research and development of technologies and standards.

- Promoting access to ICT services.

- Combating cybercrime.

- Fostering international and regional cooperation.

- Promoting the development of infrastructure and ICT applications.

- Addressing general developmental issues, including Internet Governance and the Sustainable Development Goals (SDGs).

- Promoting multilingualism and cultural diversity.

- Dispute resolution and arbitration.

The role of private sector

11. It is recognised that the influence economically and politically of the private sector in international arena, mainly those referred as multinational (or transnational) corporations

(MNCs) is significant. The private sector has begun slowly to secure new rights of direct access to intergovernmental fora, including in those international frameworks as the WSIS. With the growth of the Internet, the interests of the private sector in Internet governance has become wide and diverse, particularly among some groups of business companies such as domain name companies, Internet service providers (ISPs), and the Internet content companies. Consequently, the private sector exercises significant influence on government policy development outside of its formal representation in governmental or intergovernmental fora both at domestic or international level.

The role of Civil Society

12. The United Nations recognised both the Civil Society and the Private Sector as two categories of non-state actor stakeholders in Internet governance. However, the Civil Society in the context of the IG space refers to the organised civil society rather than to civil society at large. Although the IGF allows individual participation from civil society, who does need to have particular institutional affiliation other than with the IGF itself, such cases are exceptions to the usual rule that the participation of civil society in the international system occurs only through organised groups.

13. Civil society has been active like the private sector in influencing and shaping the development of international law. Therefore, civil society has won permanent representation at a variety of intergovernmental organisations and conferences. Widely identified as the third stakeholder group, civil society, claims, its legitimacy as 'a specialist, a scholar, or an expert whose authority derives from specialized knowledge and practices that render such knowledge acceptable, and appropriate, as authoritative'.

14. Thus the basis of transnational civil society's legitimate authority in international governance is that it acts as a check on the power of the state to the extent that the state's authority fails to adequately represent the interests of its citizens—particularly including interests that cut across States.

Role of International organisations

15. In both technical and non-technical areas of the Internet, the role of the international organisations has been important. For example ITU as one of the central international organisation in the WSIS process was key in hosting the WSIS Secretariat and providing policy input on the main issues. The family of the UN specialised agencies, have mandates on some of the non-technical aspects of communications and Internet technology, such as social, economic and cultural features. For example, UNESCO has been a prominent player in addressing issues such as multilingualism, cultural diversity, knowledge society and information sharing, etc. There are also some international bodies such as WIPO and the World Trade Organization (WTO) with authority and jurisdiction for some of the issues.

Role of Technical community

16. The technical community involves institutions and individuals who have developed and promoted the Internet since its origin. The technical community promoted the principles of sharing resources, open access and opposing government's influence and Internet regulation.

Their role with the early management of the Internet was challenged in the mid-1990s as the Internet became part of the global social and economic life and with the emergence of new stakeholders, such as the business sector, etc. Being one of the representatives of the technical community, the Internet Society hosts the IETF, promotes the open Internet principle and contributes to the growth of the IG space through capacity building, etc. The technical community is also key player in the process of both establishing and running of ICANN in which prominent personalities like Vint Cerf (known as one of the fathers of the Internet) being the Chair of the ICANN Board.

17. Given that some members of the technical community hold important positions in different ICANN decision-making bodies, as one of the key stakeholders and IG actors, the technical community has a prominent role. There is a debate between the technical community who claims to assume control of ICANN as it is a technical organisation and others. The later argue that given the growing difficulty of maintaining ICANN as an exclusively technical organisation, members of the technical community may gradually integrate the core stakeholder groups, especially civil society, business, and academia. Till then, the technical community remains a key actor that we treat as a key IG actor in this report.

The Way Forward

18. While discussing[6] 'Shared responsibilities of stakeholders' we must adhere to the WSIS principles because not only the Internet Governance process was born out of the WSIS but the WISIS provides guidance on how to move forward with multistakeholderism while managing the Internet ecosystem. Paragraph 49 of the Declaration calls for the involvement of all stakeholders: government, private sector, academia, civil society, intergovernmental organizations etc. Accordingly it is of paramount importance that the stakeholders involved in the Internet Governance ecosystem define and reaffirm their respective roles in critical areas in the growth of the digital economy. Moreover, using a multidisciplinary approach, there is need to include in the Internet Governance Forum process, other stakeholder groups based on subject matter. In this context, the UN Secretary General recommended during IGF 2018 incorporation of "*contributions from diverse fields*", hence expanding the multistakeholder model to all disciplines and subjects; no relevant subject should be left behind and any subject expert willing to contribute should be encouraged.

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[6] Terms of Reference of the 11th West African IGF Theme on Multistakeholderism in the Internet Governance Ecosystem, Banjul, The Gambia, 25-26 July 2019