

**The Feasibility of Expanding the Use of Multistakeholder
Approaches for Internet Governance**

Final Report to the Internet Society

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Introduction

The multistakeholder approach to governance has grown in understanding and acceptance over the past several years, culminating in the success of the process to develop the plan that allowed the United States government to end its stewardship of the Internet's Domain Name System in 2016. At the same time, more traditional legislative and regulatory processes, especially those of international multilateral organizations, continue to fail to solve pressing public policy issues. Moreover, the challenges and conflicts of increasingly cross-border Internet issues, contrasted with rising nationalist policies and digital sovereignty claims, further undermine the ability to resolve issues in traditional processes. This is an opportune time to explore whether we can build on the momentum from the recent success of the multistakeholder approach to significantly expand the use of these processes globally.

This paper reports on a study we conducted in the summer of 2017 on the feasibility of expanding the knowledge and use of multistakeholder processes to solve problems and to develop global norms. While organizations such as ICANN and IETF utilize multistakeholder processes in their work, no entity currently exists that is dedicated to studying the theory and practice of multistakeholder processes, training people around the world to participate in and lead such processes, and convening stakeholders to solve problems and develop norms beyond the narrower scopes of the aforementioned organizations. On any given day, there are multiple conferences on cutting edge issues of the digital economy, such as privacy, cybersecurity, and the rights and responsibilities of customers and entrepreneurs that inevitably conclude with a plea to find solutions. This study focuses on the possibility of establishing an initiative that can convene stakeholders to find and implement concrete consensus solutions to these important issues.

Summary of Conclusions

Based on interviews conducted with over 120 people, we are highly confident that it is feasible to create an initiative to expand and enhance the use of the multistakeholder model beyond its current use in existing organizations and fora such as ICANN, IETF, the RIRs and IGF. The focus of this project should be on action—convening stakeholders to solve problems and develop norms on a consensus basis; training stakeholders around the world on how to be effective in

multistakeholder discussions; and building and promoting academic research and writing on the multistakeholder approach. There is strong support for the Internet Society's serving as the incubator for this project and providing at least initial funding with the hope that it will also attract additional funding from foundations and other sources. As a startup, we think that this project can function in its first year with a budget of less than \$1.5 million with additional funding needs in year two and beyond if it proves to be successful in delivering the positive outcomes of consensus decisions, quality training, and advances in academic research.

The question we cannot answer definitively is whether the project will be successful. Reaching consensus on important policy issues requires a lot of work, often from interested volunteers, a lot of good faith, and a strong willingness of participants to compromise because the urgency of the need for a decision outweighs the status quo. Nonetheless, we think that with expert facilitation and preparation and the careful curating of issues to be discussed, there is reason to be optimistic that this project will successfully deliver concrete, positive outcomes and will create capacity around the world for stakeholders to make greater utilization of multistakeholder approaches.

Background and Methodology

In performing this study, we addressed the following questions:

1. What would be the mission of the initiative?
2. What would be its activities?
3. What would be its structure?
4. How would the initiative ensure broad global participation?
5. How would it be staffed and who would provide oversight?
6. How much would it cost annually?
7. What would be its likely sources of funding?
8. What would be its barriers to success?

Our methodology involved interviewing more than 120 people. We performed these interviews at international conferences such as EuroDIG in Tallinn, Estonia and the ICANN policy meeting

in Johannesburg, South Africa. We also visited with experts in London, Washington, DC, New York, Ottawa, Boston/Cambridge, and Silicon Valley. We made a concerted effort in a limited amount of time, and with a limited budget, to meet with a broad cross-section of people from around the world. We focused on diversity in the backgrounds of the interviewees, with a good mix between business, government, civil society, technical experts and academia. We have been able to talk with numerous people from each of the regions of Africa, Latin America and Asia/Pacific, although interviews of North Americans and Europeans were more numerous. A list of the affiliations of our interviewees is appended to this report as Attachment 1.

The full interviews on average took about 60 minutes, during which we spent around 15 minutes providing a brief description of the project and the activities it would perform. We then spent the rest of the session going over the questions we need to answer for the feasibility study, soliciting ideas from the stakeholders and responding to any concerns they had about the project. The level of interest and cooperation from interviewees was quite high. People were enthusiastic in wanting to be interviewed; indeed, as others became aware of our presence at conferences, several asked if we would brief them about the proposal and allow them to provide their ideas and feedback. We endeavored to honor those requests as we thought it was important to demonstrate openness and transparency even in this preliminary stage of the effort. Finally, the Internet Society provided additional awareness of the study through a [blogpost](#) on 18 July 2017. This blogpost solicited feedback via mail to <multistakeholder@isoc.org> which we incorporated into our study.

Proposed Mission

There is universal support for undertaking an initiative dedicated to expanding and enhancing the use of multistakeholder processes to solve problems and develop norms. The following proposed mission statement received consensus support from our interviewees:

To expand the global knowledge and use of the multistakeholder approach to solve problems and to develop norms.

This study acknowledges that there is no one single, standard definition of the “multistakeholder approach.” Instead there are numerous models currently in use today. For purposes of expanding the global knowledge of multistakeholder approaches, this initiative will embrace variations of the model. However, for purpose of convening multistakeholder discussions, we propose that the focus be on championing a multistakeholder processes with the following attributes:

- **Stakeholder-driven:** Stakeholders determine the process and decisions, from agenda setting to workflow, rather than simply fulfilling an advisory role;
- **Open:** Any stakeholder may participate and the process includes and integrates the viewpoints of a diverse range of stakeholders;
- **Transparent:** All stakeholders and the public have access to deliberations, creating an environment of trust, legitimacy, and accountability; and
- **Consensus-based:** Outcomes are consensus-based, arrived at by compromise, and are a win-win for the greatest number or diversity of stakeholders.

Starting out, we proposed that the project focus on issues of the digital economy, primarily for the reason that the multistakeholder process is known in the Internet community and stakeholders already have familiarity with the approach. Generally, interviewees agreed with this idea that the initial subject matter of the issues to be addressed should focus on the digital economy. However, most people felt that there should be no restriction on the project’s eventually exploring how to use the multistakeholder approach in other contexts.

Interviewees believed strongly that this initiative should not compete with or become an alternative to existing multistakeholder organizations such as ICANN and the IETF for matters that are currently within their missions and mandates. A number of people also raised questions as to how this project would co-exist with the Internet Governance Forum (IGF). We think the initiative can develop a win-win relationship with the IGF in that issues that perhaps emerge initially within the IGF might be referred to the initiative for a more formal convening where there is a strong desire among stakeholders to continue work on a matter on a more frequent and intensive schedule than the IGF currently provides. By offering a follow-up forum outside of the UN structure, the institute could also strengthen and sustain stakeholder support for the IGF.

Proposed Activities

We proposed that the initiative undertake three sets of activities: (1) convene multistakeholder discussions; (2) provide training on the skills needed to be successful in multistakeholder discussions; and (3) develop an agenda and provide financial support for academic research and writing on multistakeholder processes. There is consensus support for establishing all three of these activities within the initiative.

Convening.

Every stakeholder we interviewed saw a benefit to developing the capability to convene open and transparent multistakeholder discussions on key issues. We and our interviewees have heard calls for more multistakeholder discussions at recent conferences and it is not lost on people that there is no existing venue at which to convene and sustain these suggested work efforts. Equally important to the interviewees was the need for these multistakeholder discussions to develop concrete and actionable outcomes that could be implemented by the parties to the discussions.

The multistakeholder discussions we envision would involve both plenary sessions and small-group intersessional work. The in-person plenary sessions would be held every two or three months. Between the plenary sessions, small groups would work via email and teleconferences. All of the work would be open to any stakeholder and records of the proceedings would be available to any interested person.

Interviewees generally thought that for these discussions to be successful, the initiative would need to do the following:

- Provide the logistical support for the discussions, including meeting space, communications and remote participation capability, active facilitation and translation/interpretation when needed. As discussed below, providing travel assistance to ensure global and diverse participation will also be important;
- Spend adequate time with individual stakeholders, prior to convening the first plenary, to define the issue to be discussed in an actionable way;

- Recruit participants to ensure broad participation, both across disciplines and geographies.

We spent a substantial amount of time in the interviews soliciting ideas for issues on which we might organize multistakeholder discussions. Interviewees generally supported the following criteria for selecting topics for convenings:

- **Actionable.** The desired outcome of the process should be one that the parties to the process can implement, e.g., new business processes or best practices. Our interviewees did not see much value in convening discussions to propose national legislation or an international treaty when there would be no assurance the governments would accept or be guided by such an outcome, if they even took action.
- **Timely.** The issue needs to be at a point of development where a multistakeholder discussion has the best chance to deliver the most benefits and reduce risks for stakeholders.

On this issue of timeliness, interviewees acknowledged that for the discussions to be successful, they need to take up issues for which stakeholders feel an urgency to find consensus solutions now, not later. Absent a sense of urgency, stakeholders may lose interest in the process and fail to put in the sustained effort necessary to reach consensus outcomes. However, there is a strong countervailing view that a multistakeholder process likely will not be successful when the issue has taken on such a sense of urgency that governments are already actively involved in enacting legislation or promulgating new regulations. At the point, it may well be too late for a multistakeholder to be of much effect.

Understanding and utilizing these criteria will help ensure that the initiative proposes issues for multistakeholder discussions that have the greatest chance of attracting sustained effort by stakeholders and result in meaningful and actionable outcomes.

Training.

Providing training on how to be an effective participant in multistakeholder processes serves two important functions. First, the presence of trained stakeholders improves the efficiency of

multistakeholder convenings and increases the likelihood that the convening will result in a successful consensus outcome. Second, providing training around the globe will help educate stakeholders about the multistakeholder approach and will give them the skills and confidence to organize their own multistakeholder discussions in their locality or region. Given these benefits, our interviewees enthusiastically supported this activity for the initiative.

The training we are proposing would focus on how to organize and participate in multistakeholder convenings. It would not be specific to digital economy issues but would draw on the precedents of organizations such as the Harvard Program on Negotiation and the Consensus Building Institute, which have been equipping people with the tools to conduct successful multiparty negotiations for years before the term “multistakeholder” came into usage. The training would be very practical and focus on helping participants acquire the skills to define outcomes for convenings, set agendas for discussion, develop rules of engagement and definitions of consensus and learn and practice strategies for dealing with impasse and dissent. We would explore a variety of delivery mechanisms for the training, ranging from in-person, group “classroom” courses to online training modules for individual learning.

One question raised in several of our interviews is how this training would relate to existing Internet schools around the world, such as the European Summer School on Internet Governance (EuroSSIG), the South School of Internet Governance, the Africa School on Internet Governance, or the Asia Pacific Internet Governance Academy, to name a few. This proposed initiative would not in any way interfere or seek to supplant these existing schools. Our proposal would focus on developing a curriculum to teach the skills needed to be successful in multistakeholder discussions and would not duplicate the type of specific lectures and education on Internet matters focused on by the existing schools. In fact, while many of these existing schools spend some time discussing the multistakeholder approach, we believe that the curriculum that this initiative creates could be offered in connection or association with existing Internet schools.

Academic Research.

The multistakeholder approach, while it has received substantial press attention in recent years within the global Internet community, is not well-known beyond that community. Moreover, even within the community, the approach is not well-understood among all constituencies, especially in less developed countries. Accordingly, to expand knowledge of the approach and to elevate the approach in the academic world, we proposed having the initiative develop and fund an agenda of academic research. This proposal received broad support from our interviewees.

The process to support academic research would involve, first, identifying a group of academic advisors to the initiative who in the first year would develop an agenda of a small number of key research and writing questions. Beginning in the second year, the initiative would solicit proposals worldwide and award research grants to address the issues on the agenda. To help shape the study of multistakeholder governance into an academic discipline, the initiative should consider sponsoring an annual conference at which grant recipients would present their research and writing and hopefully attract participants from a wide range of academic disciplines that can help further the study of multistakeholder governance.

Proposed Structure

While there is consensus support for the concept of establishing a multistakeholder initiative, the challenge of actually setting up the project limits the options for operationalizing the concept. Based on interview results, we determined that the initiative would need access to first-year funding of over \$1 million and more important, needed a home which would impart immediate legitimacy to the effort. We concluded that the only feasible way to launch this initiative was to have the Internet Society serve as an incubator for the project. We were unable to identify any other possible sponsoring organization to house the initiative and we assessed a stand-alone option as not feasible due to the lack of available funding and the challenge of establishing the necessary legitimacy at the outset that would attract the participation of stakeholders around the world. The Internet Society has been an active and sustained supporter of the multistakeholder approach and would instantly provide this project with the threshold legitimacy it will need to establish itself with stakeholders around the world. Interviewees strongly supported the idea that ISOC should take the lead in establishing this initiative, although it was not unanimous.

Interviewees enthusiastically supported having the initiative seek strategic partnerships with leading universities and other institutions around the globe, such as Canada's Centre for International Governance Innovation (CIGI). Such partnerships could provide additional legitimacy to the effort and would facilitate the efforts to establish and encourage more academic research and writing on the multistakeholder approach. Our discussions with universities indicated a high level of interest in affiliating with this initiative but there is still substantial work to be done as to how to define a win-win relationship between the initiative and these institutions.

Ensuring Broad Global Participation

If this initiative is to ensure broad global participation in the multistakeholder approach, it will require a concerted effort to educate and engage stakeholders around the globe. These processes are generally quite resource-intensive, both in terms of time and money. A single initiative focusing on a specific policy issue can take months from start to completion. Many multistakeholder organizations, such as ICANN and the IETF, hold multiple meetings a year, often in far flung-places across the globe. For stakeholders with limited resources, in-person attendance can be prohibitively expensive.

The multistakeholder approach also poses a subtle, yet inescapable, problem for new entrants. Startup companies, governments of developing nations, and new civil society groups all have difficulty establishing themselves as legitimate players in multistakeholder processes. Consensus decision-making requires participants to compromise if they are to accomplish anything; they must ultimately either persuade, or be persuaded by, the other participants, at least insofar as it is necessary to achieve the necessary consensus. It is in the nature of negotiations that the most persuasive stakeholders, and thus the most effective and influential participants, are those who possess expertise in both the subject and the politics and institutional history of the multistakeholder process or entity in which they are operating. New entrants often lack these competences, and as a result, their views are less likely to be incorporated into the group's decision-making. This handicap, combined with resource constraints, is one of the primary reasons why stakeholders from the developing world are so often frustrated by the approach. They wish to contribute, and they have important interests to advance, but may find that they

lack the technical and institutional knowledge, and/or longstanding personal and trust relationships needed to have one's views incorporated into the group's consensus.

We believe, and our interviewees confirmed, that the inclusion of underrepresented groups is critical to the success of multistakeholder governance, and this initiative, if it goes forward, will need to address this disparity between well and poorly-resourced stakeholders.

There are a number of proactive steps the project can take to address these issues. First, it will be important that the initiative provide training on a global basis to teach the skills that will enable new or less experienced participants to have confidence in their abilities to be an effective advocate. The project should offer training courses in all regions of the world, and in a variety of languages, to make them as accessible as possible. Second, the initiative will need to actively recruit participation in convenings from stakeholders in the developing world to increase their level of engagement in these discussions. Third, the project will need to provide financial assistance for travel and training costs to participants from developing countries who otherwise would not have the resources needed to participate effectively.

Staffing and Oversight

As a startup, we believe that first-year staffing could be limited to two people. The lead staffer would organize and facilitate the convenings and would develop and deliver the training program. The lead staffer would be assisted by a deputy, who would be a facilitator-in-training as well as a coordinator of the logistical support needed for the convenings and training sessions. Depending on the success of the first-year program, the initiative could consider adding a third staff member in year three who might focus on managing the grant program for academic research and writing.

We propose that oversight be provided by an advisory board of international experts. The board members should be geographically diverse and represent the range of stakeholder interests, including civil society, businesses, academia, technical expertise and the public sector. We recommend that the advisory board hold two face-to-face meetings per year, perhaps in conjunction with other international meetings, and provide overall policy direction to the

initiative. Board members would be reimbursed for their expenses but would not be compensated for their time.

Cost

Apart from a baseline cost of project staff, the overall cost of this initiative would be a direct function of the number of convenings and training sessions the project conducts. Each convening of a multistakeholder discussion will involve renting space, procuring Internet streaming and remote participation capabilities, and providing financial assistance for travel costs to ensure broad participation by a diverse group of stakeholders. Depending on location and the number of attendees, each convening will likely cost in the range of \$50-100,000. Accordingly, we recommend that the initiative, should it go forward, take on no more than two or three issues for convening in its first year. Similarly, the cost of providing stand-alone training courses will be substantial. We recommend that at least in year one of the project, every effort be made to take advantage of existing conferences and to provide training as an add-on to keep costs down.

With those assumptions, the first-year cost of this project can be kept under \$1.5 million. Assuming the project achieves traction in its first year and can expand its efforts in year two, we estimate the second-year cost, which would also include the academic research and writing grants, at approximately \$2.5 million.

Funding

As noted earlier, there is strong support among interviewees in having the Internet Society provide the initial startup support for the initiative. However, interviewees just as strongly believed that the long-term sustainability and legitimacy of this effort will depend on finding additional support from other sources. Interviewees were mixed as to whether the project should seek funding from business interests as some believed that accepting corporate support could be interpreted by stakeholders as an indication that the initiative was not truly neutral. For that reason, we recommend that the project not seek corporate funding.

We did interview some foundations to determine whether a project of this nature might attract foundation support. Some foundations were encouraging in this regard but it was emphasized that the optimal approach would be to attract a number of foundations to join together to provide assistance to this effort. It is highly unlikely that at this date the project could secure foundation support for 2018 but we recommend that if the initiative goes forward, it undertake early in 2018 to cultivate foundation support for 2019.

Barriers to Success

While creating something new always carries with it some level of risk, we are encouraged by the overwhelming support we heard from our interviewees for the concept of the initiative. The ultimate success of this initiative depends on working closely with stakeholders to identify and define issues to which they are willing to devote the time and effort to address. That is not an easy task but we do believe it is a manageable one.

As to barriers that need to be overcome, we were surprised that despite all the discussion of the multistakeholder approach in recent years, there is no shared understanding of the “must haves” for a multistakeholder process. For example, too many people confuse stakeholder “consultation” where some other entity is the real decision-maker with what we are proposing here, which is bringing stakeholders together to reach consensus outcomes that they then implement.

We also recognize that there are questions as to whether the multistakeholder approach can produce enforceable outcomes to protect consumers to the same extent as a law or regulation. Nonetheless, we think that enough progress can be made in a multistakeholder process to define rights and develop norms to guide future behavior to justify the investment of time and resources in these processes, even if the outcome is not the equivalent of a law or regulation that brings with it the enforcement powers of government.

Conclusion

Our overall assessment of the interviews and information we collected is that there is an opportunity today to expand the application of the multistakeholder approach beyond its current uses. The need is there. The interest is there. This report outlines what we believe to be a practical and affordable structure and set of activities to accomplish that goal. We hope that this report provides a concrete proposal to spark a conversation within the global Internet community as to the future of the multistakeholder approach.

Attachment 1:

Organizations Interviewed for the Study

Access Now
Afilias
Amazon
AMGlobal
ARIN
Asia-Pacific Network Information Centre
Association for Progressive Communications
AT&T
Canadian Internet Registry Authority
Carnegie Endowment for International Peace
CGI.br
CIGI
Cisco
Commonwealth Association for Public Administration, Canada
Consensus Building Institute
CrowdStrike
Cyber Threat Alliance
Diplo Foundation
Disney
dot Asia
Electronic Frontier Foundation
ETNO
Facebook
Fenwick & West
Finsbury
German Marshall Fund
Global Partners Digital
Go Daddy
Google
GSMA
Hewlett Foundation
ICANN CEO and Board (12 members)
Innovators Network
Intel
International Trademark Association
Internet and Jurisdiction Project
Internet Association
Internet Governance Forum
Internet Infrastructure Coalition
Internet NZ
Internet Society Board (4 members)
Logan Circle Strategies

MacArthur Foundation
Markle Foundation
Microsoft
Mozilla
New America Foundation
Norid
Oxford Internet Labs
Public Interest Registry
Public Knowledge
South School of Internet Governance
Twitter
U.S. Telecommunications Training Institute
Verisign
Verizon
Wiley Rein

Governments Interviewed

African Union Commission
Australia
Brazil
Canada
Denmark
Egypt
European Union
Latvia
Sweden
Switzerland
United States

List of University Affiliations of Academics Interviewed

Association of Pacific Research Universities
Beijing University
Columbia University (School of International and Public Affairs)
Freie Universitat Berlin
Georgia Tech University
Harvard University (Berkman Center)
Massachusetts Institute of Technology
New York University (GovLab)
Oxford (Oxford Internet Institute)
Stanford University
University of Aarhus, Denmark
University of California, Berkeley
University of Cape Coast, Ghana
University of Gothenburg
University of Zurich