

**Third contribution to the June-September 2017 Open Consultation of the ITU CWG-Internet
Analysis of responses**

Richard Hill¹, APiG, 28 August 2017

Summary

This contribution presents a summary analysis of the responses published on the ITU web site as of 27 August 2017. Those responses can be clustered in three categories: OTT providers and one Member State appear to be of the view that OTTs are different from other technologies, and that regulation similar to regulation of telecommunications services would not be appropriate; some advocate little or no regulation; and some state that there is no role for ITU in discussion of OTT matters. Telecommunication providers, some Member States, some academic and civil society organizations appear to be of the view there is a need for a level playing field: any regulations that apply to non-OTT providers should also apply to OTT providers, to the extent that they provide similar services (e.g. voice communications); some state that security and data protection issues need increased attention; and some state that any regulation should be evidence-based. Some civil society and academic organizations appear to take the view that privacy, data protection, and security issues need increased attention; some state that network neutrality regulation is needed; and some state that measures to prevent anti-competitive actions may be needed in some cases.

The divergence in responses is easily explained by the conflicting interests of the stakeholders: OTT providers wish to continue to operate as they do at present, with little or no regulation. Telecommunications providers, supported by some Member States (for example because they do not obtain tax revenues from OTT providers), wish to limit the impact of OTT on their business. Civil society is concerned with human rights, including privacy, data protection, and access (network neutrality).

The result of this open consultation well illustrates the limitations of multi-stakeholder approaches. In essence, multi-stakeholder approaches work well when the stakeholders desire a shared, negotiated agreement. In other words, if all stakeholders share common goals, and hence there is a win-win situation. They do not work well when the interests of the stakeholders diverge, as is the case for OTT.

1. Background and Introduction

On 25 May 2017 Council decided that Open Consultations for the CWG-Internet would be convened on the following issue:

Considering the rapid development of information and communications technology (ICT) which led to the advent of Internet-based services commonly known as “over-the-top” (hereafter: OTT), all stakeholders are invited to submit their inputs on the following key aspects from policy prospective:

1. What are the opportunities and implications associated with OTT?
2. What are the policy and regulatory matters associated with OTT?
3. How do the OTT players and other stakeholders offering app services contribute in aspects related security, safety and privacy of the consumer?
4. What approaches which might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?
5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?

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A large number of contributions were submitted in response to those questions. This contribution presents our summary analysis of the contributions published on the ITU web site as of 12h00 28 August 2017.

2. Analysis of responses

In our view, in essence, the responses can be clustered in three categories:

- A. Some expose the benefits of OTT (while at times questioning the use of that term), state that OTTs are different from other technologies, and state that regulation similar to regulation of telecommunications services would not be appropriate. Some advocate little or no regulation. Some state that there is no role for ITU in discussion of OTT matters.
- B. Some state that there is a need for a level playing field: any regulations that apply to non-OTT providers should also apply to OTT providers, to the extent that they provide similar services (e.g. voice communications). Some state that security and data protection issues need increased attention. Some state that any regulation should be evidence-based.
- C. Some state that privacy, data protection, and security issues need increased attention. Some state that network neutrality regulation is needed. Some state that measures to prevent anti-competitive actions may be needed in some cases.

It is noteworthy that the responses in **category A** come from OTT providers, industry groups that represent OTT providers, companies closely associated with OTTs, and a single Member State (USA).

Responses in **category B** come from telecommunications providers, Member States (mostly non-OECD), civil society, and academia.

Responses in **category C** come from civil society and academia.

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The result of this open consultation well illustrates the limitations of multi-stakeholder approaches. In essence, multi-stakeholder approaches work well when the stakeholders desire a shared, negotiated agreement. In other words, if all stakeholders share common goals, and hence there is a win-win situation. They do not work well when the interests of the stakeholders diverge, as is the case for OTT.

3. Discussion of multi-stakeholder models²

Multi-stakeholder processes have emerged throughout history³ as a means of coordinating management over shared space and/or resources. Fundamentally, multi-stakeholder processes are an exercise in collaboration, which occurs when “a group of autonomous stakeholders of a problem domain engage in an interactive process, using shared rules, norms and structures, to act or decide on issues related to that domain”⁴. It is not contested that, as stated in the Final Report of the Helsinki Process on

² The first three paragraphs of this section are based on a draft book chapter by an author who wishes to remain anonymous at this time. That draft chapter is reproduced in the Annex to this document.

³ See the Annex to this document.

⁴ Wood, D, Gray, B (1991) Towards a Comprehensive Theory of Collaboration, *Journal of Applied Behavioral Science* 27(2), pp. 139–162; p. 146

Globalisation and Democracy⁵, “various stakeholders—governments, civil society, the business community, international organisations, academia and the media—can play a major role in accelerating thinking on global problem solving and on implementing global commitments.”⁶ But it is important to stress that “the basic principles for successful multi-stakeholder cooperation” include (emphasis in original) **“All stakeholders need to bring something to the table and make a commitment to work together and look for common ground.”**⁷

In situations where there are divergent interests, it is not unusual to see established actors engaging in inclusive negotiations in order to benefit from the perception of democratic decision-making while refusing to engage authentically in the deliberative process. Such an approach allows for powerful actors to benefit from increased support for the negotiated agreement without ever deviating far from their true policy preference⁸. In such situations researchers have found that “multistakeholder negotiations mask abuses of power and more structural, enduring inequity. In doing so, they are prone to exaggerate the level of consensus reached through negotiations and expose disadvantaged groups to greater manipulation and control by more powerful stakeholders.”⁹ In fact, powerful actors are likely to use the veil of consensus “to mask continuing differences in perspective and discount the input of disadvantaged groups.”¹⁰

In a study¹¹ of the adoption of multiculturalism as the official policy of a government, a scholar found that powerful actors used the veil of consensus and shared identity to deny any special claims of rights for disadvantaged groups: “powerful groups often manipulate seemingly neutral terms that are quickly agreed to in meetings, but then are used in ways that meet each stakeholders’ own needs.” Based on fieldwork, this scholar cautions against the perceived neutrality of the language of consensus building and multi-stakeholderism, noting how easily the process can be manipulated by established groups to further their strategic interests.

In a situation such as OTT, some way must be found to decide on what is in the public interest, given that the stakeholders will fail to reach consensus because they are powerful, well-established groups with diverging interests. In our view, in such situations decisions that are in the public interest can only be made through democratic multi-stakeholder processes, that is, processes in which, following extensive and open consultations with all stakeholders, the democratically elected representatives of the people make a decision, subject to legal review by the courts. This sort of process is outlined in the following papers:

Thoughts on Best Practices for Multi-Stakeholder Participation Processes, at:
http://www.apig.ch/best_practices.pdf

⁵ <http://formin.finland.fi/public/download.aspx?ID=88491&GUID=%7B217AB9EE-4200-46A6-BA65-C1FBAF3DC436%7D>

⁶ pp. 43-44 of the cited Helsinki Process Report.

⁷ Both citations are from p. 27 of the cited Helsinki Process Report.

⁸ For example, see Lawson, S (2014) “Unruffled by surveillance language, US praises NETmundial conference”, *Network World*, 25 April 25 available at:

<http://www.networkworld.com/article/2358420/security/unruffled-by-surveillance-language--us-praises-netmundial-conference.html>

⁹ Edmunds, D, Wollenberg, E (2001) “A Strategic Approach to Multistakeholder Negotiations”, *Development and Change* 32, pp. 231–253; p. 232

¹⁰ Op. Cit., p. 237

¹¹ Légaré, E (1995) “Canadian Multiculturalism and Aboriginal People: Negotiating a Place in the Nation”, *Identities* 1(4), pp. 347-366.

Reflections on making Internet governance democratic and participative, at:
http://www.apig.ch/democratic_and_participative.pdf

In our view, the process used by the US Federal Communication Commission (FCC) to establish its 2015 Open Internet Order¹², is an excellent example of how to proceed: given that there were diverging interests amongst the stakeholders, the FCC conducted extensive public consultations and then issued an order. Subsequently the US courts judged the issue of whether the order was consistent with applicable law.

Conversely, it is our view that the recent IANA transition process is not a good example of how best to run a multi-stakeholder process.¹³

Since OTT providers operate globally, and the Internet is a global network, it is obvious that many issues related to OTT's will have international aspects. Thus consultations, and any required decisions, regarding OTT matters must take place at the international level.

Indeed, as shown in a recent academic dissertation¹⁴, "the Internet is a global public good (GPG), therefore achieving the welfare-maximizing global provision of the Internet requires collective efforts coordinated by governments and multilateral organizations".

Further, it is important to stress that (emphasis in original) "**Multi-stakeholder initiatives need international organisations** to provide leadership and resources for sustaining multi-stakeholder dialogue and to ensure multi-stakeholder processes are credible, representative and balanced."¹⁵

In this context, it appears logical and appropriate to conduct discussions of at least some OTT issues in ITU, and to recognize that other issues are best discussed in other international forums, such as the UN Human Rights Council, UNCITRAL, UNESCO, etc.

We note in this context that provisions intended to allow recourse against possible abuse of dominant positions by telecommunication providers were included in the (hopefully now defunct) Transpacific Partnership (TPP) treaty¹⁶ (and are apparently proposed in ongoing trade negotiations such as TISA) – see article 13.21 of TPP – but that some states refused to discuss related proposals during the preparatory process for the 2012 World Conference on International Telecommunications (WCIT).

A refusal to discuss such issues in ITU, which is more open and inclusive than negotiations such as TPP, appears to us to be inconsistent with a call for the adoption of multi-stakeholder processes, and an indication that there might be an intent to prevent balanced discussion of the issues.

¹² https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf

¹³ See Hill, R (2016) "Internet governance, multi-stakeholder models, and the IANA transition: shining example or dark side?", *Journal of Cyber Policy*, Vol. 1, No. 2, available at:
<http://www.apig.ch/Chatam%20IG%20formatted%20final.pdf>

¹⁴ Canazza, M (2016) *The Internet as a Global Public Good and the Role of Governments and Multilateral Organizations in Internet Governance*, unpublished master's degree dissertation, Columbia University, available at:
<http://www.apig.ch/Canazza%20thesis%20Internet%20as%20public%20good.pdf>

¹⁵ p. 27 of the cited Helsinki Process Report.

¹⁶ <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>

Annex

This is the draft, written in 2015, of an unpublished book chapter. The author wishes to remain anonymous at this time.

A History of Multi-Stakeholder Decision-Making

1. Introduction

Multi-stakeholder processes (MSPs)—the coordination of private sector and non-profit actors with government authorities—emerged as a means of resolving conflicts over natural resources, first in the developing world and later as a global phenomenon. Such processes typically occur, according to Steins and Edwards (1999, p. 244), when “decision-making bodies (voluntary or statutory) comprising different stakeholders who perceive the same resource management problem, realise their interdependence for solving it, and come together to agree on action strategies for solving the problem.”

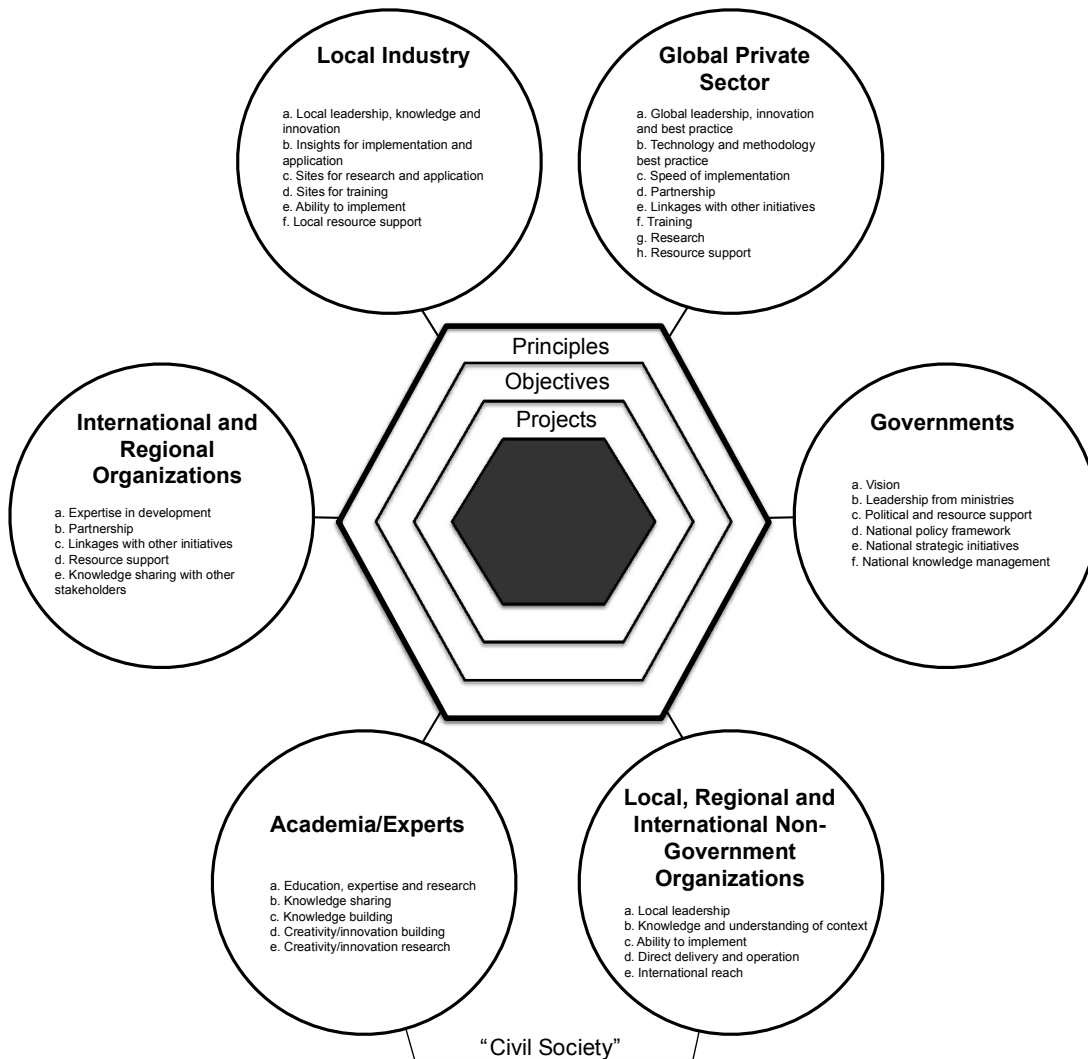
The term stakeholder refers to “those who have an interest in a particular decision, either as individuals or representatives of a group. This includes people who influence a decision, or can influence it, as well as those affected by it” (Hemmati 2002: 2). Thus, there are two types of stakeholders: (a) actors with a stake in the outcome of a particular collaboration, or (b) actors capable of affecting the outcome of a particular collaboration. Put another way, stakeholders either have power over the outcome or the power to contribute to the collaborative process (see Clegg 1996).

MSPs typically focus on questions of governance, which, broadly conceived, refers to the “legitimate and authoritative relationships and processes that define public goals and stimulate collective action to achieve them” (Waddell and Khagram 2007: 262). A MSP approach to governance should be differentiated from two other forms of governance: (a) top-down, government driven bureaucratic governance whereby laws are passed to shape the behavior of a citizenry, its institutions and cultures, and (b) market-driven governance mechanisms, whereby market forces shape behavior with little interference from governments.¹ MSPs are, thus, a response to the limitations of both bureaucratic and market-driven governance. Today, MSPs are used in an effort to resolve any number of “metaproblems,” or complex, public challenges that require enhanced coordination due to high levels of interdependence among actors (Trist 1983). They represent an effort to improve capacity to manage challenges extending beyond the reach of any single government or market.

Two primary motivations drive governmental interest in MSPs. First, states turn to MSPs in situations where a broad group of actors collectively have better and necessary information or knowledge than a central governing authority. Second, if states are concerned about the perceived legitimacy of a policy or set of policies, they can turn to the multistakeholder processes to build broad, democratically instilled buy-in from interested parties. MSPs focus on creating a consensus among actors, whereby each stakeholder acknowledges that the proposed solution is acceptable even if it does not reflect its ideal preference.

Figure X.1 (Modeling the Multi-Stakeholder Process) provides a guide for understanding the types of stakeholders that typically are involved in a MSP, as well as typical characteristics and capabilities. Stakeholders include representatives from local industry and global private sector, international and regional organizations, governments, academia, and non-governmental organizations.

X.1: Modeling the Multi-Stakeholder Process



Adapted from Klaus Schwab's (1971) multi-stakeholder theory of governance

Multistakeholderism is grounded in a Habermasian conception of rational, ethical, public arguments among interested parties as a means of resolving legitimate ideational differences. It presumes that strategic actors, in the right setting, and by embracing shared norms, can disregard their political motivations and pressures to deliberate, listen, adjust perspectives and come into an agreement regarding a matter of public concern. Researchers often refer to this as the Habermasian ‘ideal speech situation,’ as real world examples of such conditions are few and far between.

Advocates of the use of MSPs to solve complex public policy challenges argue that, at its core, the collaborative process succeeds if and when trust is established between varied actors, upon which social capital accumulates. For example, arguing in favor of multi-stakeholder processes in the area of internet governance, Marc Merejka (2012: 16), former Senior Advisor for Technology Policy to the U.S. Secretary of Commerce notes, at the core of the multi-stakeholder process “is a willingness to trust other actors, to discipline those who cheat, but also to trust them again in hopes that they have reformed their ways.” Trust, however, is not achieved through proclamation, but over time and dependent on actors behaving in good faith. For example, failure to address calls for a more equitable role for foreign stakeholders in internet governance and revelations regarding the NSA’s global surveillance operations are likely to limit the effectiveness of related MSPs, at least in the short-term (Powers and Jablonski 2015).

2. History

MSPs have emerged throughout history as a means of coordinating management over shared space and/or resources. Fundamentally, MSPs are an exercise in collaboration, which occurs when “a group of autonomous stakeholders of a problem domain engage in an interactive process, using shared rules, norms and structures, to act or decide on issues related to that domain” (Wood and Gray 1991: 146).

While growing complexities in governing and interdependence among states helps to explain growing interest in MSPs, geopolitics also plays a role. The Cold War virtually halted growth in multi-stakeholder strategies for managing the global commons and the provision of global public goods. Global politics was centered around allegiance (or non-allegiance) to coalitions of nation-states, making it exceedingly difficult to engage with a set of global stakeholders trying to address a particular international problem.

The end of the Cold War, and the growth in global telecommunications networks, as well as the general opening of countries to trade and travel, created tremendous possibilities for the creation of new and powerful multi-stakeholder groups, though, these coalitions have typically been dominated by the US and its allies (Mattelart 2003). This post-Cold War era is sometimes referred to in international relations as the emergence of “international regimes” (Ruggie 1975; Young 1999), governance without government (Rosenau, 1992), or, more recently, “government as networks” phenomena (Goldsmith and Eggers 2004). Reinicke (1999-2000) refers to this phenomenon as the emergence of global public policy networks, whereas Rischard (2002) conceptualizes them instead as “global issue networks.” Focusing on how these networks have the capacity to produce positive change, transcending traditional geopolitical considerations, Waddell (2004) describes them instead as “global action networks” (GANs).ⁱⁱ

Recent interest in multi-stakeholder processes stems from a number of factors, but most apparent is that the current system of international governance is messy and ill equipped to address the growing number of challenges facing the world. Geopolitical squabbling among the permanent members of the Security Council routinely prevents the UN from taking action in a timely matter, even in the face of genocidal violence (Rwanda) and humanitarian catastrophe (Syria). Moreover, the lack of substantive enforcement mechanisms for the vast majority of UN resolutions, and repeated violation of UN decrees, lay bare a structural weakness of the primary institution overseeing international governance. The current arrangement for global governance is arguably similar to that of feudal Europe, whereby multiple arrangements of decision-making, including the Church, cities ruled by merchant-citizens, kingdoms, empires and guilds co-existed with little agreement as to which actor was actually in charge over a given territory or subject matter. It was in this confused ecosystem that the nation-state system gained legitimacy precisely because it offered a liable and straightforward system for addressing issues of the commons and provision of public goods with clear delineations of authority (Waddell and Sanjeev 2007). This historical reference offers insight into the future of international governance: systems of overlapping and ambiguous authority are weaker and more vulnerable than those with clear lines of demarcation.

2.1 Early Nation-based MSPs

Finalized in 1225, the Magna Carta (The Great Charter) was a peace treaty between royalty and nobleman that codified mutually agreed upon rules of law binding citizens and statesman alike. Stating that no person was above the law, the charter challenged a long history of the abuse of power by the Norman kings of England. While celebrated as foundational to modern democratic systems—it was the first such document to officially recognize the rights of a citizenry, albeit only of a certain class—the process by which the Magna Carta was negotiated arguably resembled a MSP. In this case, English royalty, rebel barons and religious leaders came together and negotiated a mutually agreed upon set of terms regarding how the country should be governed. Had the treaty been narrower, and simply negotiated the cessation of hostilities, it would not be considered an example of multistakeholderism. But as it addressed questions about how to society should be governed in ways acceptable to at least some of the interested parties, it reflects some of the principles that define contemporary MSPs. While the Magna Carta’s effectiveness was short-lived, it established a framework for negotiating the rights of citizens and responsibilities of government that continues to inform contemporary processes of constitutional governance.

Over five-hundred years later, in 1789 the King of France issued a royal edict mandating a meeting of the Estates-General (e.g. general assembly) to address the grievances of his citizenry: “We have need of a concourse of our faithful subjects, to assist us surmount all the difficulties we find relative to the state of our finances... These great motives have resolved us to convoke the assemblée des États of all the provinces under our authority” (Louis XVI 1789: 3). The “most notable persons” were invited to “to confer and to record remonstrances, complaints, and

grievances” and hold elections for deputy administrators in order to enact reforms and establish “a fixed and durable order.” This Estates-General was the first such meeting since 1614 and assembled representatives from the clergy (First Estate), the nobles (Second Estate), and the common people (Third Estate). Organized primarily to address the government’s fiscal policy, the Estates-General stood at an impasse for weeks over a central procedural question: should votes be taken by estate (that is, one vote per estate, three votes total), or should each representative be allowed to vote, regardless of their estate. The Estates General eventually ended when the Third Estate formed a separate National Assembly, triggering the outbreak of the French Revolution. While ineffective as a MSP, the Estates-General is instructive in how central the rules governing a MSP can be, and also a reminder of the potential consequences when MSPs fail.

2.2 The Emergence of the Nation-State System

The nation-state system, upon which modern international system stands, was also created through another early example of a MSP. The Peace of Westphalia was established through a series of peace treaties signed in 1648 to end the Thirty Years' War (1618–1648) in the Holy Roman Empire, and the Eighty Years' War (1568–1648) between Spain and the Dutch Republic. The treaties involved numerous actors, including the Holy Roman Emperor, Ferdinand III, of the House of Habsburg; the Kingdom of Spain; the Kingdom of France; the Swedish Empire; the Dutch Republic; the Princes of the Holy Roman Empire; and the free imperial cities.

The treaties were the result of the first modern diplomatic congress (1643-1649), a series of peace negotiations that included 109 delegations. The largest meeting of the delegations was between January 1646 and July 1647, and included delegations from 16 European states, sixty-six Imperial States (who represented the interests of 140 total Imperial States), and 27 interested groups (who represented a total of 38 groups). (Reppen 1998).

The final agreement, commonly referred to as the Peace of Westphalia, created a basis for national self-determination, and initiated a new system of political order in Europe based upon the concept of co-existing sovereign states. The emergence of the nation-state formalized governments as legitimate, sovereign entities, with the right to govern without interference within an agreed upon territory. As the legitimacy of these and new nation-states grew, and governments became better at governing, fewer opportunities for MSPs emerged.

Yet, in the 19th century, as communication technologies emerged and connected citizens around the world, governments came together aiming to coordinate and systematize the governance of international communications. The International Telecommunication Union (ITU)—originally named the International Telegraph Union—was founded in 1865, in Paris, France and is the world’s longest surviving intergovernmental organization. Its founding purpose was to facilitate and manage international interconnection of national networks, which it achieved by supporting and protecting an international cartel of national telecommunications monopolies for most of the 20th century (Noam 2002). In 1947, the ITU became a specialized UN intergovernmental agency, codifying a system whereby governments around the world collaborate to ensure a reliable and accessible system of international communications. Today, the Union purports to oversee “the whole ICT sector, from digital broadcasting to the internet, and from mobile technologies to 3D TV” (ITU 2013).

2.3 Multistakeholder Processes within the Intergovernmental System

2.3.1 ITU

As the global communications infrastructure is owned and operated by a mixture of public and private entities, in order to ensure the ITU’s effectiveness, it adopted a multistakeholder framework in 1871, inviting privately held telegraph companies to participate (but not vote) in the Union’s meeting in Rome, Italy. Recognizing the central role that Britain’s private sector played in establishing and maintaining the infrastructure for international communication, and the highly technical nature of much of the Union’s work, governments agreed to accept this limited multistakeholder format moving forward (ITU 1965: 67).

Today, this legacy continues. For example, the ITU offers two types of membership: governments and (private) sector members. Governments have full membership and voting rights, while sector members, which include companies and industry groups, pay an annual membership fee of approximately \$35,000. In return for the annual fee, sector members contribute to ITU’s technical work, but not to its administrative or policy work, and they do not have formal voting rights (but votes are rare for technical work so, in practice, private companies have considerable influence regarding that work). Today’s ITU boasts membership of 193 countries and over 700 private-sector entities. In total, the organization’s projected 2013 budget was just over \$165 million (ITU 2011). The private

sector entities contribute roughly 20 percent of the ITU's annual budget (Swiss Federal Office of Communications, 2013).

The ITU's formal inclusion of the private sector stands out among other intergovernmental organizations. Although sector members are not allowed to vote, the vast majority of ITU decisions are made at the level of the committee and do not require formal voting by all member states. ITU secretary-general Hamadoun Toure explains the Union's proclivity to avoid formal voting processes as follows: "We never vote because voting means winners and losers and you can't afford that" (Kelion 2012). As a result, the committee decisions that constitute the majority of the Union's rulemaking are based upon consensus (as opposed to majority rules), where private sector input can often be decisive. Testifying to Congress, Vonya McCann, former US Coordinator for International Communications and Information Policy, argued: "U.S. companies...are world leaders in communication technologies and services [and] have a profound influence on ITU activities...as a result of the tremendous participation of the U.S. private sector" (Committee on Foreign Relations 1997).

2.3.2 ILO

The International Labour Organization (ILO), also a specialized agency of the UN, offers another, and different, example of an institutionalized MSP within the intergovernmental system of international governance. Officially established as a UN agency in 1946, the ILO grew out informal networks of labor associations, private sector actors, and opinion leaders eager to improve and institutionalize working conditions for the middle class. Unlike most UN agencies, where decisions are typically based on voting procedures restricted to recognized (and dues paying) governments, the ILO enjoys a tripartite governing structure, allowing for representatives from states, employers, and workers to all contribute (Gleckman 2012).

Specifically, at the ILO's annual International Labour Conference, which oversees the creation and adoption of conventions and recommendations, and makes decisions about ILO policy, work agenda and budget, member states have four representatives: two government delegates, one employer delegate and one worker delegate. Each delegate has equal voting rights and is not required to vote in nation-based or class-based blocks.

The ILO's Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (MNE Declaration), built on the OECD's Guidelines for Multinational Enterprises (1976), and exemplifies how its structure facilitates multistakeholder deliberations and consensus building. The MNE Declaration outlined universal guidelines on employment rights, training, working conditions and industrial relations, helping to improve the pace of economic globalization by creating predictable expectations for business and working practices as enterprises expanded overseas. The principles continue to carry weight today as guidelines for enhancing the positive social and labor effects of the operations of MNEs as they continue to expand into new markets.

2.3.3 Further International Organizations

Most UN special agencies, including the World Meteorological Organization (WMO), World Intellectual Property Organization (WIPO), Food and Agricultural Organization (FAO), Universal Postal Union (UPU), World Trade Organization (WTO), World Health Organization (WHO), World Tourism Organization (UNWTO), United Nations Industrial Development Organization (UNIDO) allow for some degree of MSP in their deliberative processes, though none embrace it as the guiding principle for decision making. WIPO, for example, allows civil society and NGO's to participate only once they've passed a tedious accreditation process while limiting their role as mere "observers" (Gross 2007).

More broadly, the UN's Economic and Social Council (ECOSOC)—the central platform for reflection, debate, and innovative thinking on sustainable development—was established at the founding of the UN as a space for non-governmental organizations to contribute to the discussions over sustainable development. While the ECOSOC does not consult NGOs, and groups must be vetted and accredited prior to being allowed to participate, it does allow non-government actors to attend meetings, share position papers and lobby governmental delegates.

Over time, the ECOSOC warmed to broader civil society engagements, opening up the consultation process to allow women, workers, academics, community organizers and others to join and advocate for their interests with governmental stakeholders. In 1992, the Rio World Conference on Environment and development (UNCED) identified nine types of non-state groups, which were allowed to fully participate. Ten years later, at the Rio+10 Johannesburg conference in 2002, eight projects involving these multistakeholder groups gained additional recognition as official "type II conference outcomes" (Gleckman 2012: 19).

The World Summit on the Information Society (WSIS), organized in Geneva (2003) and in Tunis (2005), discussed in detail below, was an effort to meld the ITU intergovernmental model with the ECOSOC model of participatory inclusion. WSIS' structurally embodied its principles of inclusion and multistakeholderism. According to Souter (2006: 74), who attended the summit meetings and interviewed participants, "almost all interviewees with

experience of other summits agreed that private sector and civil society participation in the formal summit proceedings of WSIS substantially exceeded that in those previous summits.” A primary outcome document, the Geneva Plan of Action, was praised for emphasizing that “the effective participation of governments and all stakeholders is vital in developing the Information Society[,] requiring cooperation and partnerships among all of them.” Of particular importance was the development of stakeholder categories, whereby actors were grouped based on organization type and assigned specific roles and responsibilities. For example, in the area of internet governance, governments were responsible public policy issues, the private sector was encouraged to lead in the technical and economic development internet services and technologies, civil society was credited as central to dealing with internet-related issues at the local level, intergovernmental organizations were responsible for the coordination of public policy challenges between stakeholders, and international organizations were tasked with the development of technical standards and policies (Tunis Agenda, Article 35). WSIS laid the foundation for future multistakeholder meetings, including the Internet Governance Forum (IGF) and NETmundial (2014), and was seen as a possible model for navigating MSPs in traditional, intergovernmental fora.

2.4 Supranational Approaches to Multi-stakeholderism

2.4.1 World Economic Forum

In the 1960s, Klaus Schwab campaigned European enterprises to adopt a “stakeholder” approach to firm management, organizing three meetings in Davos, Switzerland, and encouraging European firms to adopt this new style of “American” corporate leadership. Having developed the stakeholder theory of management through observing industrial manufacturing firms in the 1960s while studying at Harvard, Schwab argued that, in order to be effective in maximizing a firm’s potential, and competing in an increasingly global marketplace, managers need to take account of the interests of all the stakeholders in the firm. Here stakeholders include a broad range of actors, including: customers and clients, employees, managerial staff, and the broader interests of the communities within which the firm is situated, including neighbors in the immediate proximity of the firm, governments, and fellow users of the environment in which the firm operates (Schwab 1971). Schwab (2008) reflected, “companies not only must be engaged with their shareholders but are themselves stakeholders alongside government and civil society.”

To this end, in 1971, Schwab hosted the European Management Symposium, bringing together the various public and private sector stakeholders invested in the stability of the European and global economies. The symposium laid the groundwork for a series of meetings that what would become the World Economic Forum, the highly visible multi-stakeholder forum, in 1987. The European Management Symposium, and the World Economic Forum, have played an increasingly prominent role in international politics, bringing together political, industry, religious and opinion leaders from around the world while challenging them to collectively address the world’s most challenging problems. The Forum proclaims to have helped open up China (1979), spearheading reconciliation between Turkey and Greece in 1986 and 1988,ⁱⁱⁱ convincing Western leaders to embrace Mikhail Gorbachev’s decision to open up the Soviet Union to reforms in 1987, German re-unification (1990), South Africa’s post-apartheid transition (1990-1991) and facilitating greater Israeli-Palestinian cooperation (1994). Praising the Forum’s work in helping to bring an end to Cold War tensions, Hans-Dietrich Genscher, Vice-Chancellor and Foreign Minister of the Federal Republic of Germany wrote, “Davos – famous in many contexts – has become a signpost to the future comparable with gigantic telescopes that dare to cast a glance at infinity” (World Economic Forum 2010: 73).

The Forum also spearheaded the Global Redesign Initiative, which aimed at a major re-thinking of global governance to “promote integrated thinking and develop proposals to improve structures of international cooperation in a wide range of areas” (World Economic Forum 2010) by redefining “the international system as constituting a wider, multifaceted system of global cooperation in which intergovernmental legal frameworks and institutions are embedded as a core, but not the sole and sometimes not the most crucial, component” (World Economic Forum 2010: 24). The initiative issued a report in 2010 outlining numerous practical steps that were required to transform the existing system of intergovernmental institutions into an integrated and coherent structure that whereby MSPs would be at the core of future international governance and cooperation.

Some point to the Forum as the model for the future of international governance. According to Glackman (2012: 2), “The World Economic Forum is the body best suited to develop a new framework for a post-United Nations-based system of international governance.” Yet, the WEF has been criticized for being exclusionary, particularly towards civil society groups, as well as the economically and politically disenfranchised. In 2003, for example, anti-globalization protestors were blocked access to Davos by Swiss and Austrian police. After being turned away, the protestors organized in Bern, where riots eventually broke out, resulting in over 30 arrests and several policemen injured. Indeed, Davos was originally chosen as the location for the WEF in part because it was difficult to access,

and thus easy to secure. In recent years, in part due to fears of terrorism, protestors have been strictly regulated, typically only allowed to march far away from the official events of the Forum. Others have testified that local police even raid trains heading towards Davos, removing all “young people that looked like they would participate in protests” (Nilsson 2014). In 2014, local officials received just three requests for permission to protest the Forum, in large part due to the cost of the trip and fears over accessibility.

2.4.2 Other Supranational Approaches to Multi-stakeholderism

There are other examples of MSPs emerging outside of the formal structures of international governance, whereby coalitions of the willing come together to tackle shared problems. Four major examples include: the International Organization for Standardization (ISO), the Consultative Group on International Agricultural Research (CGIAR), International Corporation for Assigned Names and Numbers (ICANN), and the International Union for the Conservation of Nature (IUCN).

The ISO was established in 1947 and quickly became the world’s largest developer of voluntary international standards. As of 2015, it published more than 19,500 international standards, covering every industry, from technology, to food safety, to agriculture and healthcare. “ISO International Standards impact everyone, everywhere” (ISO 2015).

Technically a non-government organization, at ISO’s core are the national standards bodies of its 166 member countries, as well as 3,368 technical bodies overseeing standards development at the national level. While membership is country-based, drawn from national standards setting bodies, these individuals represent a mixture of vendors, manufacturers, governments, consumers, professional bodies and academia.

CGIAR, founded by the Ford Foundation in 1971, is “a global partnership that unites organizations engaged in research for a food secure future” (CGIAR 2015). Today, the organization has sixty-four public and private institutional members working on agricultural research, thirteen international organizational members including the World Bank and four private foundations (Ford Foundation, Kellogg Foundation, Rockefeller Foundation and the Syngenta Foundation for Sustainable Agriculture).

ICANN is an American nonprofit corporation organized at the urging of the Clinton administration in 1998 to internationalize management of internet domain names and addresses. The so-called root file is the master source for top-level domain names that form the right-most portion of familiar names for websites (e.g. www.cnn.com). It functions as the foundational coordinating system translating internet names into the IP numbers needed for transmission of information across the network. ICANN manages the allocation of Internet Protocol (IP) addresses, assignment of protocol identifiers, the assignment of generic (gTLD) and country code (ccTLD) Top-Level Domain names, and management of the root server system.

ICANN is structured to ensure participation from civil society groups, private sector actors and government representatives. While government officials are prohibited from serving on the corporate board of directors, states do influence ICANN’s decisions through the General Advisory Council (GAC), which is composed of delegates from participating governments. GAC recommendations are non-binding, leaving the ICANN board free to ignore any that it did not like. A bylaw change in 2002 required ICANN’s board to consult closely with GAC but the power to ultimately reject a proposal rested solely with the board of directors.

Founded in 1948, The IUCN “helps the world find pragmatic solutions to our most pressing environment and development challenges” by working towards the “equitable governance of [nature], and deploying nature-based solutions to global challenges in climate, food and development” (IUCN 2014). It is the world’s oldest and largest environmental organization, boasting 1,200 governmental and NGO members and nearly 11,000 volunteer civil society experts representing 160 countries.

The IUCN acknowledges several types of members: Governments, represented by their ministry of foreign affairs and separately by individual agencies of the same government; and non-governmental actors, separated between nation-based and internationally-based organizations. Individuals are allowed to participate too, though only by joining one of the organization’s six commissions: Commission on Education and Communication; Commission on Environmental, Economic and Social Policy; World Commission on Environmental Law; Commission on Ecosystem Management; Species Survival Commission; and the World Commission on Protected Areas. The Council is the principal governing body of IUCN, and sets strategic direction and policy guidance for the work of the Union, while overseeing the performance of the components of the Union and of the Director General. Leadership positions within the Union are allocated through a nomination and election process. Voting procedures, while allowing for NGO participation, favor governmental actors. For example, in each election, member governments receive three votes, international organizations receive two votes, and NGOs each receive just one vote (IUCN 2012). IUCN’s lists of endangered species and recommendations on nature and biodiversity are highly regarded and often formally recognized in domestic law and regulations.

Another iteration of MSPs are Global Action Networks (GAN), or transnational alliances between networked-actors focused on addressing specific threats to a shared resource or collective value (Waddell and Khagram 2007). Examples of GANs includes Transparency International, an anti-corruption organization based in London, the Forest Stewardship Council, which promotes sustainable approaches to forestry, and the Global Water partnership, which promotes integrated approaches to water resource management, and others.

Norbert Bellow (2012) distinguishes between “representative” multistakeholderism, and “open” multistakeholderism. Representative multistakeholderism refers to organizations with a limited number of seats distributed to representatives of particular stakeholder categories who are then assumed to bring a reasonable approximation of the totality of perspectives of that stakeholder category into the discussion. In this model, the selection processes are critically important. For the most part, supranational MSIs are “open,” open to anyone interested and able to fully participate. Open MSIs increase possibility for inclusion of a more diverse range of perspectives, but also can result in drawn out deliberations. The section the follows, focusing on multilateral approaches to MSP, highlight examples that are, for the most part, more representative than open MSPs.

2.5 Multilateral Adaptation of MSPs

The emergence of new technologies, including the telephone, radio frequencies, airplanes, computers, the internet, and trading systems fostered a new era, commonly referred to as *globalization*. This growth in international activities both furthered and raised awareness about global challenges that could not simply be managed by states themselves, or even through the intergovernmental system they had established. In particular, the growth and normalization of the internet (and the dominant role of the USA with respect to many aspects of Internet) created new challenges for governments as it enabled global communications on a scale unimaginable just decades prior. Specifically, concern over the emergence of the Information Society, and its impact of non-Western and non-developed societies, grew. Many saw the materialization of a highly connected global society as a means of circumventing the nation-state system, fearing a new era of Westernization and neo-imperialism. These concerns, as well a desire for the Information Society to be a productive force for everyone, and not simply highly developed Western societies, resulted in the convening of the World Summit on the Information Society (WSIS) in Geneva in 2003 and again, in Tunis, in 2005.

The goal of the Summit was “to develop and foster a clear statement of political will and concrete plan of action for achieving the goals of the Information Society, while fully reflecting all the different interests at stake” (ITU 2004: 3). UN General Assembly Resolution 56/183 endorsed the framework for the Summit, proposed by the ITU, and called for contributions from all relevant UN bodies, other intergovernmental organizations, as well as NGOs, civil society group and private sector actors in the preparatory process. This inclusive process marked “first UN summit where civil society was officially invited to be a participating partner...the rules and parameters of global governance have shifted as a result of the WSIS” (Raboy 2004: 351). To this end, the WSIS preparatory committee created an official Civil Society Bureau, constituted by members of civil society groups to foster greater interconnections between civil society actors and intergovernmental actors.

According to Raboy (2004: 348), this shift towards inclusivity represented a sea-change in international governance, because “...national sovereignty is no longer absolute...The WSIS experience has transformed this framework most notably by sanctifying the place of global civil society as an organized force in this process.”

Not only did WSIS spearhead multistakeholder participation, it also called for greater multistakeholder decision-making structures moving forward. For example, WSIS I formed the Working Group on Internet Governance (WGIG) to prepare recommendations for the Tunis meeting. Forty members, equally split between government and private parties, participated in WGIG meetings. WGIG proposed that WSIS II both identify a set of priority issues and adopt a multistakeholder framework for internet governance that included governments, the private sector, and civil society (WSIS, 2003b, art. C6). Specifically, the WSIS outcomes (paragraph 29 of the Tunis Agenda) state 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.”

Despite growing support for multistakeholderism in internet governance, how much actual decision making takes place in multistakeholder fora is debatable. Drake (2011: 68) notes, for example, that “a substantial chunk of the actual decision-making that shapes the Internet and its use at both the national and global levels remains outside the ambit of the model of multistakeholderism.” Related, despite years of deliberations, there is still no consensus on what is the proper role for governments to regulate internet-based communications for the protection of their citizenries, though, there is agreement that governments should have a role in determining public policy as it relates to the internet. The lack of clarity regarding the proper role for governments in the internet governance process has

not slowed state regulation of the Web. To the contrary, contesting international norms have allowed governments to assert greater information sovereignty, or controls on information flows, around the world (see, for example, Powers 2014).

Yet, despite a lack of clear, actionable outputs from the WSIS process, it is still held up as a model for the future of international governance: “The WSIS exemplifies, therefore, the important trends emerging in global governance, encouraging civil society to participate more actively in defining a new global public sphere and to integrate more deeply to developing transnational public policy” (Raboy 2004: 359).

This momentum continued into the Helsinki Process on Globalisation and Democracy, a joint initiative of the governments of Finland and Tanzania launched in 2003, which called for an innovative approach to global problem solving that questions traditional thinking, seeks to forge new coalitions for action, and helps marshal the political will and power of governments to bring about change. Central to the Helsinki process is the idea that various stakeholders—governments, international organizations, municipalities, civil society, faith groups, the business community, trade unions, public policy research, institutions, academia, the media and others—“can play a major role in implementing global commitments by bringing together and synthesizing their energy, efforts and commitment” (United Nations Non-Governmental Liaison Service 2008: 1). Helsinki was, in many ways, a UN response to the growing significance of MSPs operating outside of the traditional system of international governance, and the World Economic Forum in particular. Emphasizing the continued significance of the UN system, and its ability to marshal substantial resources from its participating governments, the Final Report notes, “Nevertheless, multi-stakeholder processes can function as parallel, complementary initiatives” (United Nations Non-Governmental Liaison Service 2008: 3).

The Helsinki Process pushed multistakeholderism in a new direction, noting how MSPs are not only essential to solving many contemporary, multifaceted problems, but also how crucial they are to increasing the public’s understanding of global problems. It also specified three areas where MSPs are most valuable: confidence-building, idea-shaping or innovation, and implementation or adding scale. This contribution is especially important as it moved the discussion away from merely lauding MSPs towards a conversation regarding in which precise circumstances MSPs are most productive. In order to be effective, the Helsinki Process noted “all stakeholders need to bring something to the table and make a commitment to work together and look for common ground” (United Nations Non-Governmental Liaison Service 2008: 2).

Among the latest MSI’s is the Financial Stability Board (FSB). Established in 2009 to help coordinate responses to the growing, global financial crisis (Gleckman 2012), its board includes all G-20 members, as well as the European Commission and is based in Basel, Switzerland. The FSB is similar to the ISO in that its stakeholders represent multiple parts of the same governments. Despite being relatively recently established, the board contributes to substantial global financial decision making processes. Former Secretary of the US Treasury Tim Geithner (2009) described it as “in effect, a fourth pillar” of the architecture of global economic governance.

3. Critique

Habermasian models—upon which MSPs are theoretically grounded—are often criticised by minority groups as being elitist and exclusionary, failing to account properly for disenfranchised stakeholders unable to participate. That said, many continue to point to it as an ideal worth striving for, and its promise of inclusive and deliberative-democratic processes is seen as a means of increasing perceived validity of policy proposals.

In the context of multistakeholderism, the Habermasian model envisions four baseline criteria for any deliberation: (a) Stakeholders accept mutual interdependence; (b) They are willing to share information and learn from each other; (c) They are willing to work together to address the problems identified; (d) Participants desire a shared, negotiated agreement.

But, this model is merely theoretical. Several of the assumptions crucial to its effectiveness simply don’t exist in the real world, particularly in international contexts where existing power dynamics cannot be easily cast aside. In particular, the US has, in recent years, shown little willingness to accept mutual interdependence (Hill, 2014). The suggestion that strategic actors will negotiate in earnest, honestly, willing and able to alter their policy preferences based on arguments expressed by others is empirically troubled. More often, we see established actors engaging in inclusive negotiations in order to benefit from the perception of democratic decision-making while refusing to authentically engage in the deliberative process. Such an approach allows for powerful actors to benefit from increased support for the negotiated agreement without ever deviating far from their true policy preference (for example, see: Lawson 2014).

Research on the use of MSPs in contexts where there is a clear imbalance of power between stakeholders tells a far different story. In their study of the use of multistakeholder negotiations between environmental groups, local

populations and state authorities, Edmunds and Wollenberg (2001: 232) found that, “multistakeholder negotiations mask abuses of power and more structural, enduring inequity. In doing so, they are prone to exaggerate the level of consensus reached through negotiations and expose disadvantaged groups to greater manipulation and control by more powerful stakeholders.” In fact, powerful actors are likely to use the veil of consensus “to mask continuing differences in perspective and discount the input of disadvantaged groups” (Edmunds and Wollenberg 2001: 237).

Moreover, an ideal negotiation process requires the full disclosure of information by all parties involved, a condition that, again, is rarely met in real world scenarios. For example, requiring area experts to divulge certain expertise about a topic as a prerequisite to entering a MSP may weaken a constituent group if that knowledge is crucial to their negotiating leverage. In the context of internet governance, there is a high risk of such a scenario given the governments’ collective dependence of other, private sector groups for the knowhow that is required for the smooth and secure operation of the internet. For example, one could argue that the open, deliberative nature of debates over the encryption online enabled the National Security Agency (NSA) to weaken international security standards and, eventually, crack the encryption altogether (Ball, Borger, and Greenwald: 2013).

Conversely, powerful actors may have an incentive to control information so as to not reveal their true intentions or previous mistakes. The United States, for example, has refused to volunteer information regarding its global surveillance activities, despite its direct relevance to questions of internet governance. If information is not shared equally and transparently, then the marketplace of ideas is necessarily skewed. Particularly in situations where information is valuable, or not previously shared, the requirement for equal sharing could in itself be a power grab by those in positions of authority to take away one of the few negotiating chips a disadvantaged (or non-advantaged) group may have.

Thus, multistakeholderism can also hurt the negotiating power of disadvantaged groups. In her study of the adoption of multiculturalism as official Canadian policy in 1971, Legare (1995: 348) found that powerful actors—in this case, White Canadians—used the veil of consensus and shared identity to deny any special claims of rights for disadvantaged groups like the Aboriginals; “Powerful groups often manipulate seemingly neutral terms that are quickly agreed to in meetings, but then are used in ways that meet each stakeholders’ own needs.” Based on her fieldwork, Legare cautions against the perceived neutrality of the language of consensus building and multistakeholderism, noting how easily the process can be manipulated by established groups to further their strategic interests.

The Tunis agenda’s call for “enhanced cooperation” on public policy issues pertaining to the internet provides another example. Intended as a euphemism for reducing unilateral US control over ICANN, “enhanced cooperation” was subsequently interpreted by the US and its allies as referring to greater inter-agency cooperation. The resultant debate has dragged on since 2005, giving rise in 2013 to the creation of a dedicated UN group to resolve the matter (Working Group on Enhanced Cooperation 2013). But that group failed to reach agreement, so the matter is still open.

4 Conclusion

MSPs have deep historical roots, and can be traced back to the earliest forms of public deliberation over public policy. They are, at the core, a model for democratic governance, in as much as inclusion of various stakeholders aims to attract input from the sector or groups who will be affected by a particular policy. At the same time, when applied to the modern international context—that is, an ecosystem defined by sovereign nation-states—it is quite unusual. Governments, once elected or legitimized, are accustomed to governing linearly, top-down, or coming to agreement with other governments regarding the terms of some form of shared rule-making (trade agreements, for example). Thus, while MSPs have been used throughout history under the umbrella of a sovereign authority, which retained ultimate authority, their use among sovereigns to govern shared resources is a relatively new phenomenon.

To summarize, effective MSIs require the following conditions:

- Complex problem or problems in question cannot be solved by any single actor involved (or, a need for coordinated action across political boundaries)
- Problem or problems are clearly bounded
- Explicitly defined set of stakeholders with common but often conflicting vested interests
- Each stakeholder has sufficient power to at least partially subvert the effectiveness of an outcome contrary to its interests
- A negotiated, agreed upon and mutually understood process and time frame
- Stakeholders engage in a learning processes (and are not merely negotiating based on fixed positions)
- Stakeholders are equally committed to sharing relevant information related to addressing shared challenges

- Stakeholders engage in good-faith negotiations, committing to honesty and fairness in the deliberative process

This review finds two distinct trajectories of multistakeholderism emerging in international relations. On the one hand, MSPs focused on establishing informal networks of trust, forward thinking problem solving and operating outside traditional structures of international politics—the World Economic Forum, for example—have proven capable of achieving significant accomplishments in a relatively short period of time. These efforts, sometimes described as “volunteerism in governance,” are typically driven by private sector or civil society actors, and aim to address challenges of mutual interest. While government actors are often involved, they are not central to the formation or implementation of these multistakeholder endeavors. These efforts are most effective when they steer away from issues where there are clear, contested resources at stake. Oftentimes, they aim to prevent a problem that could diminish the value of some shared resource or resources from happening in the first place. At the same time, their effectiveness is, in part, dependent on not being overly inclusive. Protest groups could certainly slow down, and perhaps stunt, WEF deliberations with adequate access and resources. Thus, one lesson is that, in order to be effective, one must draw a line as to who is, and is not, allowed to participate in a particular MSP. Moving forward, research should spotlight how these decisions are made, and their consequences on the outcomes of the multistakeholder arrangement.

A second genre of MSP is one often imposed on top of traditional international or multilateral institutions, similar to what has happened with WSIS and internet governance. These efforts typically aim to address a thorny issue, with international consequences that cross various societal and economic sectors, requiring dialogue and compromise from a large group of interested parties. States play an important, if not central role in these MSPs, in part because of the structure of the international system, but also due to the fact that they bring substantial resources to address any particular problem. Governments only participate in shared decision making processes when they have to; when they can’t simply address a problem on their own (or with the help of other governmental actors). Thus, in this genre of MSP, states typically engage other stakeholders out of necessity for either information/expertise that they do not possess, or a need for legitimation that requires broader community buy-in and support, or a combination of both. How effective this second genre of MSP is remains to be seen. To date, examples of large, multilateral adoptions of MSPs seems to fall far short of expectations, with state interests and agendas continuing to dominate fora and outputs.

One question that remains unanswered is: what happens when these two types of multistakeholderism collide? That is, what happens when a MSI emerges, and is driven by non-state actors, but eventually is confronted with state actors eager to get involved?

Moving forward, research into MSPs will need to do a better job of differentiating MSIs from each other. The distinction introduced here, between private-sector driven (including civil society-driven) and government-driven processes is just the start. For example, MSIs that result in recommendations of best practice, similar to industry efforts at self-regulating, need to be assessed separately from MSIs connected to resolving disputes over shared resources. Moreover, MSIs driven by single issues, organized around a group of mobilized, similar-thinking parties (e.g. Privacy International) need to be differentiated from multilateral meetings aiming to address a multitude of issues, where horse-trading and negotiations are required for consensus building.

Greater attention towards the different rules of particular MSIs is also required. For example, how a particular initiative defines consensus or agreement can have substantial consequences for the likelihood of effectiveness, and the efficacy of its inclusiveness. Some MSI’s, for example, require unanimous consensus, whereas others call for a rough consensus, or the absence of sustained opposition to a substantial issue. Related is the question of if civil society groups are required to be consulted, and if they also allowed to vote on equal terms in the decision making process? Research is required to assess how different rules of engagement shape MSPs participatory culture and effectiveness.

Finally, greater research is needed in assessing how we define particular stakeholders within any particular MSP. On its face, civil society, private sector and governmental actors seem straightforward, but, increasingly, the distinctions are blurred. In the case of internet governance, for example, some civil society groups (e.g. ISOC) receive substantial funding from the private sector. It is also possible for civil society groups to receive or be dependent of state resources for their operations (Freedom House, for example). Greater transparency is a possible solution to ensure groups aren’t merely reflecting their funder’s interests, but at the same time, any requirements for financial documents, for example, also risks corrupting any particular MSP, as gatekeeping power is a notoriously powerful way of excluding unwanted and fringe perspectives.

To conclude, there is no question that MSPs are increasingly central to international governance. Precisely what this phenomena means for the existing nation-state system, however, is far from clear. As Machiavelli (1532,

chapter 6) observed, “taking the initiative in introducing a new form of government is very difficult and dangerous, and unlikely to succeed. The reason is that the old order will be opposed to the innovator, whereas all those who might benefit from the new order are, at best, tepid supporters of him.” Successful examples of MSI have, for the most part, worked to supplement, and not challenge, existing national and international institutions. What happens when these actors and interests collide, as is increasingly the case in the realm of internet governance, remains to be seen. In the meantime, additional research on the different types of MSPs, and varying rules, shape their effectiveness, is welcomed, as is critical scholarship examining how state actors manipulate MSPs for geo-strategic gain.

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ⁱ Suggesting that MSPs are different from top-down, bureaucratic governance and market-driven systems is not to say that all government policy is bureaucratic or top-down. This is to say: MSPs are different from top-down governance, but potentially similar to bottom-up, inclusive forms of democratic lawmaking.

ⁱⁱ For more information, see: Weber 2014.

ⁱⁱⁱ “Historians regard the Davos Declaration as the beginning of a new era in Greek-Turkish relations,” World Economic Forum, 2010, p. 82