

## **The Multi-Stakeholder Principle in Asia**

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### **ABSTRACT**

In 1998, the Internet Corporation for Assigned Names and Numbers (ICANN) started placing a high emphasis on the private sector-oriented decision-making process. The UN World Summit on the Information Society (WSIS) in 2003 initially kicked off as a traditional government-oriented decision-making forum in 2003, and it concluded that the future global negotiation will be operated in a multi-stakeholder environment in 2005. However, the nation states from the South failed to understand the emerging rules of the multi-stakeholder principle pushed by the North until now. The culture of working together with non-state actors as decision makers in the South, including many Asian countries, is still foreign to state actors. Consequently, they could not be effectively engaged with the global negotiations on Internet Governance.

Those who have adapted to this new global negotiation environment could gain more negotiating power promptly by inviting the private sector and civil society into both national and global regulatory frameworks, while those who have resisted to implementing the multi-stakeholder principle encountered limitations in influencing the multi-layer global negotiation. This results in the reality that the North wins over the South by working with like-minded private sector and civil society actors in establishing an ICT policy regulatory framework that disempowers the South. Participation and observation in the field including ICANN and the UN Internet Governance Forum is the main methodology in conducting this study. The findings of this study will illuminate the lessons the Asia region should learn to become effective negotiators in global negotiations on Internet Governance.

## 1. Introduction

Since 1998, Internet Corporation for Assigned Names and Numbers (ICANN) has created a global Internet regulation framework based on the private sector-oriented decision-making process. The UN World Summit on the Information Society (WSIS) in 2003 and in 2005 has demonstrated how the North has changed the rule of global negotiations on Internet Governance through the multi-stakeholder principle. In the UN WSIS, nation states from the South challenged the current global regulatory framework of Internet Governance. As a result of the South's political initiative on changing the regulatory framework, the UN Internet Governance Forum (IGF) was created as compromise between the North and the South in 2005.

The multi-stakeholder principle became a new rule in the global Internet Governance negotiation especially after UN WSIS. Even ICANN, who initially promoted private sector leadership, now places a high emphasis on the multi-stakeholder principle, which recognizes the role of governments as well as the role of the private sector. Even though the term "multi-stakeholder" recently emerged as a buzzword in Internet Governance, the concept of multi-stakeholder principle has been around for a long time in the UN. (Hamalainen et al, 2001) However, the concept of multi-stakeholder in Internet Governance seems to be implemented differently from that of multi-stakeholder in the typical UN system such as environmental regime.

UN Earth Summit started to invite non-governmental institutions as observers or under advisory status into intergovernmental negotiations. The main decision makers in this UN setting are still governments and governments also have power to recognize their national civil societies. (Hemmati, 2002) On the other hand, governments in Internet Governance have experimented two different versions of multi-stakeholder principle compared to the traditional multi-stakeholder principle in the UN setting. The first version of multi-stakeholder principle, through UN WSIS, recognized governments as the main decision makers, however, civil societies in the WSIS did not require national governments' blessing as long as they provide information of their own institution. The second version of multi-stakeholder principle, through UN IGF, does not recognize any special status of governments, and everyone in the world theoretically can participate in this forum. Governments and civil society are equally recognized at IGF; therefore one individual's voice as a member of civil society and one government's voice are treated equally.

The multi-stakeholder principle in Internet Governance was not widely explored widely enough until a new book, "Multi-Stakeholder Governance and the Internet Governance Forum", was presented recently. (Malcolm, 2008) Malcolm extensively covered the different roles for different stakeholders in Internet Governance global negotiation, especially in the context of the UN Internet Governance Forum. The limitation of his book was a lack of understanding of another multi-stakeholder experiment in ICANN, a substantial Internet Governance decision-making process. Despite his limited understanding of ICANN, his book contributed to raising awareness of the multi-stakeholder principle as new area of research. The Global Internet Governance Academic Network (GigaNet) also recognized it as one of critical research subject-matters for the 2009 GigaNet conference. This paper would like to bring the Asian perspective to the multi-stakeholder principle debate by illustrating why this new rule has not been well accepted in Asia, despite its critical role in shaping the agenda of Internet Governance.

The multi-stakeholder principle also has different names depending on different disciplines. The multi-stakeholder principle in Internet Governance can be compared to public-private-partnership (Osborne, 2000) in public administration, or multi-actor systems (O'Toole, 1986) in political science. The main difference among these terms which highlight cooperation between the private and public sectors in terms of decision-making process is the underlying rationale. If the concepts of public-private-partnership and multi-actor systems were used to liberalize state-run infrastructure operations such as telecommunications, the energy industry, electricity generation, transportation, etc., the multi-stakeholder concept in Internet Governance is introduced in the opposite manner. The Internet has been traditionally operated by the private sector without government involvement. When the Internet became national and global media through the mid-90's, governments realized their role had not been well accepted as a

public policy authority.

Under governments' limited authorities in managing infrastructures on the Internet, governments from the West decided to approach to the multi-stakeholder principle more positively to get engaged with the current power dynamics, while governments from East do not bother with the new rule. This paper argues those who have adapted to this new global negotiation environment could gain more negotiating power, while those who have resisted implementing the multi-stakeholder principle will encounter limitations in influencing the multi-layer global negotiation. Those who are willing to learn this new multi-stakeholder principle invite their counterparts in the private sector and civil society into both national and global regulatory frameworks. This would result in the reality that the North will establish an ICT policy regulatory framework that disempowers the South by working with like-minded private sector and civil society actors from the North.

This paper also demonstrates the problems of presenting an unclear definition of Asia as region, when Asian representation instead of national representation is required institutionally in the political decision-making process. The regional representation system is popularly adopted in the ICANN decision-making process and Asian representation in the ICANN decision-making process has been dominated by Australia and New Zealand. With language advantage and assimilation with Anglo-Saxon culture, Australians and New Zealanders were selected or elected to represent Asia-Pacific region in the Anglo-Saxon dominated decision-making process.

Despite initial plans to arrange interviews with civil societies and governments in Asia, participation and observation as civil society members from 1999 until the present in the field of Internet Governance including ICANN, WSIS and the Internet Governance Forum, became the main methodology in conducting this study. Lack of participation of Asian civil society and governments in the Internet Governance debate made it difficult to conduct either interviews or surveys. Under this limitation, this paper plans to investigate the main barriers to learning the new rules in the global Internet Governance negotiation as Asian participants and how such challenges can be overcome.

This paper would like to contribute to raising awareness of the criticality of integrating the multi-stakeholder principle in Asian countries. Through implementation of this principle, Asian actors can be ready to participate in the multi-stakeholder-oriented global negotiation on who should control the Internet in a timely manner as effective negotiators instead of observers of the negotiation. The findings of this study will illuminate the lessons the Asian region should learn to become effective negotiators in the global negotiations on Internet Governance. However, how to embrace the Multi-Stakeholder Principle in Asia where state actors do not consider non-state actors as serious partners is a major challenge in ICT policy.

## **2. Challenges of Internet Governance Debate in Asia**

When we say Asia, it has always been unclear to which countries we are referring? Do countries from West Asia, often called the Middle East, belong to Asia as part of the Asia-Pacific region? Do countries from the Pacific region, such as New Zealand and Australia, belong to Asia as part of the Asia Pacific region? The definition of Asia is so vague that ambiguity in defining the Asian region is occasionally abused, especially when people apply the rule of geographical diversity as a way to represent the Asia Pacific region. The term "Asia" is a legacy of the 19<sup>th</sup> century's imperial history. The imperial powers identified countries they did not know as Northeast Asia, Southeast Asia, South Asia, West Asia or Middle East, and Central Asia. However, the cultural heritage and political systems among Asian countries are very different. Therefore, it is challenging when Asia is collectively categorized as a mechanism to select their representatives in the decision-making process. China, India, and Australia are all totally different in many aspects.

### **2.1. Global Internet Governance Debate**

When it comes to global Internet governance debates, three main institutional platforms exist as of 2009. First, ICANN from 1999 to the present, second, WSIS from 2003 until 2005 with review of WSIS on the

regular basis and third IGF from 2006 to the present with possibility of continuing after 2010 under the condition of the UN General Assembly's resolution. If ICANN is an American-dominated decision-making process by private sectors located in Los Angeles under California law, WSIS allowed non-American voices to be reflected. However, most actors from Asia decided to observe the process except the government of China, the government of India, and a few individuals who attended WSIS as members of civil society. If WSIS was more government-oriented, IGF became neutral in terms of power dynamics among different stakeholders. IGF decided not to make any decisions.

ICANN produces Internet domain name policies such as (1) how many global Internet resources as critical infrastructure should be created, (2) who are entitled to administer national and global Internet resources, and (3) how to operate such global Internet resources, etc. Global Internet resources are called by generic top level domains like .COM and .NET while national Internet resources are called by country code top level domains like .CN and .KR. Internet policies are prescribed by ICANN Board after reviewing the private sector's decision-making track and governments' advisory track.

When ICANN was set up in 1998, it was dominated by Americans and that raised the legitimacy of ICANN's role as global body. During Berlin ICANN meeting's public forum in May 1999, the angry Europeans demonstrated their request to have more balanced representation with USA in a dramatic manner in the open microphone. They echoed the same message of "We want internationalized ICANN." by one by one with more than 30 people in the line. It was very powerful presentation. Such request of European participants later was reflected by the appointment of more European ICANN board members and more European ICANN staff, while still leaving the USA as the number one country that fills up both ICANN Board and ICANN staff.

During the UN World Summit on the Information Society (WSIS) from 2003 till 2005, it was European civil society who was willing to protect ICANN when governments of the South asked for institutional changes that allow more international oversight. Why did European civil society support ICANN at the UN WSIS even though European civil society also expressed their concerns in ICANN as a legitimate institution? Europeans' support of ICANN in the UN can be explained with two following reasons. First, not because European civil society believed ICANN functions well but because ICANN recognizes the decision-making power of non-governmental actors. Second, Europe felt more comfortable with the idea of cooperating with US government, who they believe they share a similar culture, instead of exploring new working relationship with emerging powers like Asia, especially China.

As compromise between those who supported the status quo arrangement of ICANN and those who asked for institutional changes, UN IGF was created as a five-year experiment from 2006 till 2010. Different stakeholders have different expectations of IGF. Those who initially asked for institutional change through the WSIS learned that multi-stakeholder principled IGF without any decision-making mechanism cannot be effectively used to bring institutional change. Such realization makes many governments led by the government of China urge to set up intergovernmental negotiation forum.

On the other hand, IGF started to be perceived as a useful tool by those who initially strongly objected to setting it up. After three years of IGF experience, the Internet Society (ISOC) and ICANN learned that IGF is a good platform to educate governments of the South. The IGF secretariat from the beginning encountered difficulty with fundraising to maintain itself since there was no specific agreement on how to structure the IGF secretariat. While the IGF secretariat suffers lack of funding, ICANN and ISOC provided substantial financial support to the IGF secretariat. In return, ICANN and ISOC could influence agenda-setting of the IGF process. Furthermore, ICANN and ISOC have presented their messages of "private-sector leadership" and "multi-stakeholder principle" repeatedly to governments from the South.

## 2.2. Regional Representation at Internet Governance Debate

The current ICANN board is composed of 15 members with voting rights and 6 members as liaisons<sup>1</sup>, for a total of 21 board members. Out of 15 ICANN board members with voting rights, eight members are handpicked by nominating committee, inner-circle of ICANN community, while two are from ccNSO, two are from GNSO, and two are from ASO are selected by each supporting organization. Lastly, the CEO of ICANN serves as ex-officio member. Out of 21 ICANN Board members, only one Indian board member, Rajasekhar Ramaraj, an Indian who used to serve in the Working Group on Internet Governance of WSIS, is Asian.<sup>2</sup> After 2003, only one or two Asians out of 21 ICANN Board members have participated in ICANN's decision-making process.

Nine board members out of 21 are coming from the USA<sup>3</sup>, while ICANN appointed only eight Asian ICANN board members from 1998 till now. ICANN counts two ICANN board members from Australia and New Zealand<sup>4</sup> as meeting the quota for Asia with the Asia Pacific region. As illustrated, ICANN strengthens regional representation instead of national representation experimented through United Nations. Therefore, there is no one voting right for one country. Instead, ICANN divided into five regions that are very different from the traditional regional divisions UN has used.

ICANN claimed to have borrowed the framework of the UN's five regional approach. However, there are significant differences between the UN's regional divisions and ICANN's. According to the ICANN's regional division, Asia is labeled as Asia Australia Pacific while UN has Africa, Asia, Western Asia, Europe, and Americas. As the result of ICANN's new regional division, the number of country code top level domains belongs to Asia became 73 and 75 in Europe. The winner of this new approach is North America region that basically has USA and Canada.

Different UN agencies also have slightly different regional divisions, however, most critical decisions of the UN have been made by national representation instead of regional representation. On the other hand, ICANN's policy decisions are made by regional representatives so the current ICANN's regional approach can distort fair representation and decision-making process by giving priority to specific countries.

### 2.3. Who Represents Asia?

According to Internet World Stats, Asia is composed of 35 countries while Asia in the ICANN's regional representation is composed of 73 country code top level domains (ccTLDs) and Asia in the ITU's regional representation is composed of 49 countries.<sup>5</sup> The number of Internet users from Asia is still more than 40 percent of world population while the population of Asia is 56.3 percent of world population.

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<sup>1</sup> Four institutions of Security and Stability Advisory Committee (SSAC), Technical Liaison Group (TLG), Root Server System Advisory Committee (RSSAC) and Internet Engineering Task Force (IETF) send non-voting ICANN board members while At-Large Advisory Committee (ALAC) and Governmental Advisory Committee (GAC) do not exercise voting rights. TLG is composed of four groups of European telecommunications Standards Institute (ETSI), World Wide Web Consortium (W3C), International Telecommunications Union's Telecommunications (ITU-T) and Internet Architecture Board (IAB).

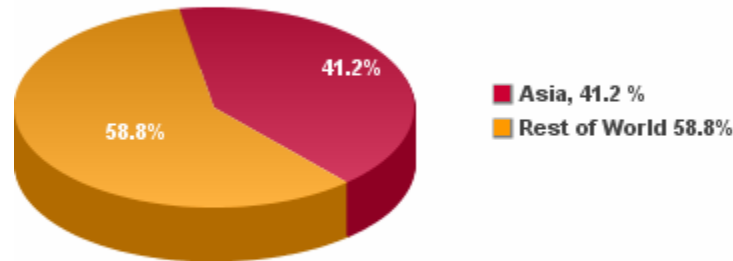
<sup>2</sup> ICANN has appointed or selected 70 board members since 1998 till now. Only eight ICANN board members came from Asia out of 70 so far. Pindar Wong (Hong Kong, China 1998-2000), Jun Murai (Japan, 1998 – 2003), Sang-Hyon Kyong (Korea, 2003), Masanobu Katoh (Japan, 2000 – 2003), Hualin Qian (China, 2003 – 2006), Mohamed Sharil Tarmizi (Malaysia, GAC Liaison, 2004 – 2007), Joichi Ito (Japan, 2004 – 2007), and Rajasekhar Ramaraj (2006 – 2009).

<sup>3</sup> Rita Rodin Johnson (USA, GNSO), Wendy Seltzer (USA, ALAC), Raymond A. Plzak (USA, ASO), Rod Beckstrom (USA, CEO), Steve Crocker (USA, Nominating Committee), Steve Goldstein (USA, Nominating Committee), Ram Mohan (USA, SSAC), Thomas Narten (USA, IETF), Suzanne Woolf (USA, RSSAC)

<sup>4</sup> Peter Dengate Thrush (New Zealand, Chair of ICANN Board), Bruce Tonkin (Australia, GNSO)

<sup>5</sup> Afghanistan, Armenia, Azerbaijan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Georgia, Hong Kong, India, Indonesia, Japan, Kazakhstan, North Korea, South Korea, Kyrgyz Republic, Laos, Macao, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Taiwan, Tajikistan, Thailand, Turkmenistan, Timor-Leste, Uzbekistan, Vietnam

## Asia Internet Users Asia vs. World



Source: Internet World Stats - [www.internetworldstats.com](http://www.internetworldstats.com)  
1,596,270,108 estimated World Internet users in 2009 Q1  
657,170,816 estimated Internet users in Asia  
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Going back to ICANN's world view, does 73 ccTLDs represent Asia collectively as ICANN assumed? As we have seen, those who represent Asia in the ICANN decision-making process are dominated by two Anglo-Saxon countries; Australia and New Zealand. Asia Pacific Top Level Domains (APTLD) played a regional coordination role for country code managers in the Asia-Pacific region. Regularly participating ccTLD registries in Asian-Pacific countries are China, Korea, Japan, Taiwan, Hong Kong, Malaysia, Singapore, Australia, and New Zealand. The secretariat of APTLD was based in Wellington, New Zealand until recently. The Asia Pacific Network Information Center (APNIC) has a critical role in distributing Internet Protocol addresses and its secretariat is based in Brisbane, Australia.

Both APTLD's and APNIC's secretariats were initially located in the Asian region. The secretariat of APTLD was initially set up in Korea in 1999. Later, APTLD secretariat rotated and TWNIC played the role of secretariat. Then, it was New Zealand who took up the role and APTLD was incorporated in Wellington. Recently, HKNIC took over the role of APTLD secretariat. APNIC originally started in Japan, however, the then CEO of APNIC, Dave Conrad, commissioned evaluation work to KPMG to finalize the best place for APNIC operation. As the result of the KPMG consulting work, APNIC moved to Brisbane, Australia despite competitive offers from other Asian cities like Seoul.

### 2.4. Disconnected Asia

Not only governments but also the private sector, civil society, and the Internet technical community in Asia are disconnected from the Internet Governance debate. Who are the main actors in Asia in terms of Internet Governance? Actors in the Asian region are limited to those who are from the ccTLD registry that encourages participation in Internet Governance. Because of the government-driven policy-decision-making process, ccTLD registry works with governments closely, however, ccTLD registries do not have close ties with both civil society and the Internet technical community. Such restricted approach to the Internet Governance debate makes actors in Asia have little impact in the networked governance.

How can we define the Asian Internet technical community when such community is very isolated in its own territory as of 2009? Main pillars of Asian Internet technical Community are composed of the Asia Pacific Advanced Network Consortium (APAN) that builds advanced network in the region, the Asia Pacific Networking Group (APNG) that facilitated earlier Internet policy decisions in the region including the creation of APNIC and the Internationalized Domain Name (IDN) test-bed, and the Asia Pacific Regional Internet Conference on Operational Technologies (APRICOT) that educates future engineers in the region and exchanges knowledge in the region. The leaders of the Asian Internet technical community

have regular meetings in the name of the AP Star Retreat twice a year.<sup>6</sup>

In 2003, actors from South Asia also established the South Asian Network Operators Group (SANOG), which has similar functions to those of APRICOT as stated in its introduction.

“The main objective (of SANOG) is educational, but at the same time gives vendors a chance to talk to engineers about newer technology and products on the sidelines. Engineers get to talk to each other about experiences, benefit the entire community. This non commercial people networking is in line with established practices like NANOG in North America, RIPE Meetings in Europe and APRICOT in Asia.”<sup>7</sup>

The current list of SANOG advisory committee members demonstrates that the South Asian network does not have close tie with the existing Asian networks, while SANOG has a close network with the Anglo-Saxon dominated global Internet technical community, such as the Internet Society.<sup>8</sup> This left a challenge of how countries in the Asian region can learn to work together especially when Asian countries have built stronger connections outside of Asia and lack networking efforts inside the region.

### 3. Revisiting the Multi-Stakeholder Principle

Institutional competition on how to implement the multi-stakeholder principle has been demonstrated among ICANN, WSIS, and IGF. The multi-stakeholder framework developed by ICANN gives more power to non-state actors while multi-stakeholder framework developed by the UN gives more power to state actors.

#### 3.1. ICANN Model: Club-Style Multi-Stakeholder

The characteristics of ICANN model are (1) limited role of governments, (2) lack of developing countries' participation, and (3) business-interest-driven public policy. It has to be noted that the principle ICANN still holds up strongly is private sector leadership instead of the multi-stakeholder model. Even though ICANN started to highlight the multi-stakeholder principle especially after the UN IGF process, ICANN's policy decisions are manufactured by the private sector. The private sector is the club's priority guest that the club listens to seriously, while governments are the club's nominal guest. Each sector has its own coordination meeting to present their views to the ICANN Board who make final decisions.

ICANN stresses importance of transparency in public, however, ICANN is known to prefer a club-style decision-making process. ICANN invites people from an inner circle with whom ICANN can work based on their reference or previous record. The recent ICANN's Working Group formation on Internationalized Domain Names (IDNs) demonstrated ICANN's club-style operation of the multi-stakeholder rule. Tina Dam, ICANN's senior director of IDN, contacted ten people<sup>9</sup> about whether they would be interested in joining a new IDN WG that will discuss the length of IDN strings. When some people were contacted, the

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<sup>6</sup> [http://www.apstar.org/ap\\_retreat.php](http://www.apstar.org/ap_retreat.php)

<sup>7</sup> <http://www.sanog.org/introduction.htm>

<sup>8</sup> Amitabh Singhal (India), Ananth Nagrajan (Juniper), Bill Woodcock (PCH, Global Internet Technical Community), Binay Bohra , NPIX (Nepal), Gaurab Raj Upadhaya, NplX ,SANOG Chair, Joe Abley (ISC, Global Internet Technical Community), Khalid Raza (Cisco Systems Global Internet Technical Community), Kurt Erik Lindqvist (NetNod Global Internet Technical Community), Mirjam Kuehne (Internet Society, Global Internet Technical Community), Paul Wilson (APNIC Global Internet Technical Community), Philip Smith (APIA, Global Internet Technical Community), Rajesh Charia, ISPAI, Suresh Ramasubramanian, India, Srinath Beldona, Cisco Systems, India, Yusuf Bhajjii, Networkers' Society of Pakistan

<sup>9</sup> WG Members \*(to be confirmed)

Ram Mohan (chair) Harald Alvestrand (chair), Yang Yu (Leo) CONAC, Guanghao Li (Howard) CNNIC, Cary Karp (.museum), Siavash Shahshahani (.ir), Abdulaziz Al-Zoman (.sa), Sarmad Hussain (.pk), Tina Dam (ICANN Staff support), Kurt Pritz (ICANN Staff Support), Baher Esmat (ICANN Staff Support)

chair of the WG is also already decided by ICANN.

### 3.2. The WSIS Model: UN-Style Multi-Stakeholder

The characteristics of the WSIS model are: (1) a limited role of civil society, (2) strong voices from developing countries, and (3) government-interest-driven agenda. Governments from developing countries do not present their views in public at private-sector-leading-club-style ICANN's meeting, while they were actively engaged with the UN WSIS dialogue. Led by Arab countries, Brazil, China, and India, the governments of the South addressed the need to internationalize the current institution of Internet Governance.

During the WSIS, Governments discussed the agenda through governments' plenary meeting allowing other stakeholders to intervene in a limited manner. Each sector has its own coordination meeting to present their agreed views at the governments' plenary, where decisions are made. Civil society members associated with ICANN's multi-stakeholder experience saw the UN WSIS practice as unfair to their request for equal participation. Such a request was well accepted when WSIS 2003 decided to form the Working Group on Internet Governance (WGIG) to define Internet Governance.

### 3.3. IGF Model: Conference-Style Multi-Stakeholder

The characteristics of the IGF model are: (1) a lack of a decision-making process, (2) passive participation of developing countries, and (3) agenda setting by developed countries. The striking difference between IGF and ICANN/WSIS in Internet Governance is IGF does not have ability to make policy decisions according to its mandate. This became very frustrating to those who proposed another institutional arrangement of Internet Governance through the WSIS process.

## 4. The Multi-Stakeholder Principle in Asia, An Inconvenient Rule?

The UN WSIS initially started as a traditional government-oriented decision-making forum in 2003 and it concluded that the future global negotiation will be operated in a multi-stakeholder environment. However, the nation states from the South failed to understand the emerging rules of the multi-stakeholder principle pushed by the North until now. The culture of working together with non-state actors as decision-makers in the South, including many Asian countries, is still foreign to state actors. Thus, they could not be effectively engaged with the global negotiations on Internet Governance, which placed a high emphasis on the role of the private sector and the role of civil society as decision-makers.

### 4.1. Asian Governments in Multi-Stakeholder

The multi-stakeholder decision-making process in the Internet Governance Forum resulted in stronger influence of the Internet technical community and of civil society in terms of agenda-setting based on their expertise. Therefore, Asian governments without close working relationships with civil society and the Internet technical community in the multi-stakeholder environment often end up making governments clueless observers of the process, instead of active participants. For example, the UN Internet Governance Forum became a conference-like meeting where participants exchanged their knowledge rather than the traditional UN decision-making platform. Civil society and Internet technical community from the West have contributed to shaping the IGF's agenda, while government representatives are not even aware of this process.

Governments of developed countries who have close ties with civil society and the Internet technical community are informed of IGF's agenda in advance based on their network with other stakeholders. In return, some governments decide their level of participation in the IGF depending on their political agenda. However, governments of developing countries, including Asian governments who have no close ties with civil society and the Internet technical community, often came to IGF without any knowledge of the agenda. They naturally became a passive audience and received the perspectives of developed countries through workshops and seminars set up by civil society and the Internet technical community from the West.

#### 4.2. Asian Civil Society in the Multi-Stakeholder Environment

Unfortunately, most civil societies in Asia are being funded by Western foundations that are connected with political agendas. This in turn made many Asian governments become suspicious of the role of civil society as equal partners in Asia. In line with this concern, the Pakistani government, during the WSIS, made a strong objection to NGO's participation as well as China's objection associated with Taiwan's NGO participation during the regional WSIS meeting in Tokyo in January 2003.

Asian civil society participation in ICANN was limited to the actors associated with country code top level domain management, such as people from the KRNIC, .KR registry, CNNIC, .CN registry, TWNIC, .TW registry etc., at the beginning. Given the actual number of members who attend ICANN meetings is around ten, contribution from Asia was considered significant. More diverse Asian civil society joined the Non-Commercial Users Constituency (NCUC) recently, however, it never became a self-mobilizing initiative in Asia.

Asian civil society participation in the Asia-Pacific Regional WSIS meeting in 2003 was coordinated by Glacom, who had reservations with bringing up Internet Governance to the agenda when the Japanese government financially supported the Asian civil society's participation. Until WSIS confirms Internet Governance as a formal agenda, Asian civil society, funded by foreign foundations, is able to attend the WSIS with their emphasis on human rights issues, environment issues, and gender issues that may be able to change their own national politics through international pressures.

As soon as WSIS decided to pursue Internet Governance as a formal agenda, a group of Asian civil society disappeared from the WSIS. The remaining Asian groups were civil society members who are connected to Western civil society as national branch or their member organization. A civil society group, the Association for Progressive Communications (APC), emerged as the star NGO that exhibited its ability to coordinate grass-roots groups with their own policy-making capacity.

#### 4.3. Asian Industry in Multi-Stakeholder

ICANN is about to expand both ccTLD and gTLD markets by introducing new Internationalized Domain Names and new gTLDs. As of 2009, there are twenty-one gTLDs and most gTLD registries are located in the US with a few registries in Europe. There is only one gTLD registry in Asia out of 21 gTLDs in the world. DotASIA registry based in Hong Kong operates .ASIA in association with Afilias, one of the big gTLD registries in the US. In terms of the domain name industry, Asia is forced to be a consumer instead of a service provider.

Not only the domain name industry but also the IT industry in general in Asia is not enthusiastic about being engaged with the Internet Governance debate. On the other hand, AT&T, Google, Yahoo, IBM and CISCO have been actively engaged with development agenda of Internet Governance, being aware that such a development initiative can be helpful in expanding their business opportunities as the result of getting connected to developing governments directly. Many IT industries in Asia have not paid attention to such strategies, instead mainly focusing on marketing activities without knowing how setting a global policy can change the rules of the games. Only few big companies in Asia, such as Fujitsu (Japan), Talal Abu Ghazaleh Organization (Jordan), and several small companies are willing to invest their social capital to set the rules for themselves that will allow them to explore new business opportunities.

#### 4.4. Asian Internet Technical Community in Multi-Stakeholder

Compared to other stakeholders in Asia, the Asian Internet technical community has had easier access to ICANN. Except Katoh (Fujitsu, Business), Ramaraj (Sify Limited, Business), and Tarmizi (Malaysia GAC), the rest of the Asian ICANN board members, Wong, Murai, Kyong, and Qian, were from Asian Internet technical community connections. ICANN's preference for those who are from the Internet technical

community is also applied to the composition of ICANN board members in general.<sup>10</sup> Even though the Asian Internet technical community is not well established compared to that of USA and Europe, Asia still has its own Internet technical community.

However, the Asian Internet technical Community is still not the main actor who designs the Internet Governance debate at the national and global levels. Why does the Asian Internet technical community who has better connections with the mainstream Internet Society than other stakeholders in Asia still have difficulty with being recognized as main actors? The Internet Society (ISOC), which is supposedly representative of the global Internet technical community, is also predominantly an Anglo-Saxon organization. Therefore, main actors of ISOC are filled up by those who share similar cultural backgrounds with some exceptions.

## **5. Lessons from the Multi-Stakeholder Principle**

The US government's hegemony under financial crisis made China a critical economic partner to solve financial emergency. However, Asian countries, including China, are not considered seriously as negotiation partners. The multi-stakeholder principle encourages different stakeholders to reach out to other stakeholders to increase their negotiation power. Non-state actors have made efforts to embrace state actors. Non-state actors of country code top level domains (ccTLDs) have made continuous efforts to build up strategic partnership with state actors to maintain their authority. (Park, 2008) Secondly, RIPE NCC, European Regional Internet Registry that allocates Internet Protocol addresses, also began inviting state actors to non-state actor-oriented platforms to enhance understanding of each other's roles. State actors have also made efforts to embrace non-state actors. State actors proactively seek strategic partnership with civil society and/or the private sector who agree upon their own political agenda at the IGF multi-stakeholder group's open consultation meeting. International Telecommunications Union (ITU), one of the UN agencies that strictly restricted government and monopoly-like private sector voices is finally willing to recognize civil society as partners.

### **5.1. Gaining Power in the Multi-Stakeholder Framework**

The first power-gaining groups in the multi-stakeholder framework are emerging pan-European institutions that have struggled from sharing their sovereign power with their member states. The EU in the ICANN process and the Council of Europe (CoE) in the IGF process emerged as effective negotiators on behalf of Europe and found their mandates as substantial regional coordinators when their member states could not decide their political decisions. The EU and the CoE promote their rationale of representing Europe as a group in the global Internet Governance negotiation.

The second power-gaining group in the multi-stakeholder framework is civil society. Even though civil society has been invited to the UN as participant, their role in the UN process was limited to providing their expert views as advice. However, ICANN designed for civil society to have voting rights in the Internet policy decision-making process, together with the business sector, relegating governments to an advisory role. Because of this new power acquired through the ICANN process, civil society requested equal negotiation status during the WSIS and IGF. As the result of civil society's request, civil society at the Internet Governance negotiation enjoys the most powerful status in the existing global negotiation.

The third power-gaining group in the multi-stakeholder framework is the Internet technical community. It was a small group of people who set the rules to run the Internet. The Internet became a global medium and the small group of engineers became institutionalized under the umbrella of the Internet Society and the Internet Engineering Task Force. They still set the rules on the Internet and their voices in Internet governance negotiation are well respected, especially during the ICANN process. Such social capital seems to transfer to other Internet Governance negotiation processes.

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<sup>10</sup> As of 2009, four board members, Steve Goldstein (USA), Steve Crocker (USA), Harald Tveit Alvestrand (Norway, former IETF chair), and Dennis Jennings (Ireland), were handpicked from Internet technical community by nominating committee. As the result of the selection, nine ICANN board members out of 21 were come from Internet technical community who share their mental models in terms of Internet Governance.

The Internet technical community managed to distinguish themselves as independent stakeholder from civil society after the WSIS process, in which intergovernmental organizations sometimes managed to present themselves as independent stakeholders separate from governments. According to WSIS, UN documents mention governments, civil society, the private sector, and intergovernmental organizations. The Internet Society was still a part of the civil society structure until OECD was willing to recognize the Internet technical community, led by the Internet Society, as an independent stakeholder. Starting with the 2008 Seoul OECD Ministerial meeting, the Internet technical community emerged as an officially recognized stakeholder.

## 5.2. Losing Power in the Multi-Stakeholder Framework

State actors in the multi-stakeholder framework lost significant political power to other stakeholders like civil society and the Internet technical community during the Internet Governance negotiation. Especially state actors from developing countries have been degraded into a passive audience to policy generated by civil society and the Internet technical community from the North. IGF became very useful for teaching governments from developing countries to learn about this new rule and environment.

As demonstrated, many countries struggle to learn the new rules proposed by the opinion leaders like US government under the support of their strategic partners. Under the new rule of the multi-stakeholder setting, those who are reluctant to learn the new rules will lose their political power more than others who are willing to adapt to such new rule. Under ICANN's regional division, representation of Asia is going to be very competitive among the countries that belong to Asia region. Most of representation will be captured by English-speaking Anglo-Saxon countries so Asia in general will be more invisible in the process.

## 6. Policy Suggestions: Toward Effective Multi-Stakeholder Participation

As listed, those who gained power through this new rule of the multi-stakeholder principle, pan-European institutions, civil society groups and the Internet technical community from US and EU, are leaving the rest behind in the traditional setting. Even some governments in Europe as well as Asian governments felt left out mainly because their traditional role of providing central coordination on the Internet is not well accepted. How can actors in this new environment learn not to be left out?

Asia is expected to lead the world economy, together with USA and EU; however, the political leadership of Asia has never been exercised properly given their impacts to the world economy. How can Asia overcome such challenge especially in the territory of Internet Governance negotiation? This paper proposes the following five actions Asian governments should consider and implement in the near future, if Asian governments are willing to keep up with the pace of global Internet governance negotiation.

### 6.1. Overcoming Differences in Political Cultures Between East and West

One of the serious challenges for Asia in the Internet Governance debate is cultural differences in political leadership between East and West. The recent controversy of the UN Secretary General's appropriate political leadership became a global issue. Western media accused him of being invisible while Ban Ki-Moon clarified he has conducted business in a more Asian manner rather than in a showy, Western way. Obviously West and East have very different perceptions of being an effective leader. This episode is still relevant to the Internet Governance debate.

The opinion leaders of Internet Governance are mostly from Anglo-Saxon cultures such as USA, UK, Australia, New Zealand, Canada and other western European culture. Communication is conducted in English under Anglo-Saxon driven culture, therefore, effective participation in this process is determined by how aggressively each participant is presenting her or his views jumping into the open micro-phones that is culturally very foreign to Asian culture. Therefore, as of 2009, a few governments in Asia have participated in the global Internet Governance debate in both ICANN and IGF as observers, not as opinion leaders. The only exception was China's participation in the UN WSIS and UN IGF where

Chinese can be recognized as one of UN official languages.

Many people predict 21<sup>st</sup> century will be an Asian century led by Asian economies. Will such change make other western actors to adjust to the Asian way of conducting business or the Asian political environment? Until that really happens, Asian governments also have to make efforts to get adjusted to a more western culture of managing political process. Otherwise, Asian governments will not be considered as appropriate political partners when Asian countries achieve economic success.

## 6.2. Governments' Strategic Partnerships with Other Stakeholders

There is a big gap between the national Internet policy-making process and the global Internet policy making process in Asia as of 2009. National Internet policies in Asia are prescribed by governments while global Internet policies are manufactured by a multi-stakeholder body especially led by the private sector. This difference between the national Internet policy-making environment and the global Internet policy-making environment makes both governments and non-governmental stakeholders have difficulty with adjusting to new global Internet policy-making process. Some western governments either expressed their interests in setting up their national IGF or started national IGF to implement this new rule at their national level.

Governments in Asia have been very reluctant to recognize and embrace the multi-stakeholder principle as a new international rule like other leading western governments, mainly because governments in Asia are not willing to recognize this new rule that decreases governmental authority. However, those who had opportunities to exercise the new rule of the game, the multi-stakeholder principle, at their national platform, will be able to lead the global Internet policy discussion together with other western countries. It is highly recommended for governments in Asia to pay attention to ways to implement this new rule.

## 6.3. Creating the Asian Internet Governance Forum

The Internet Governance debate has created not only national level of IGF, but also regional level of IGF. While the initiative of national IGF has been driven by governments or ccTLD registry that consults with governments in Europe, the initiative of regional IGF has been led by non-governmental actors, especially Internet technical community of Latin America and Africa. This is because governments in Latin America and Africa also could not perceive the multi-stakeholder principle as a new international rule that brings critical change, while non-government actors in Latin America and Africa facilitated by their western counterparts are willing to set up regional platform where private sectors can lead the debate.

Unlike Latin America and Africa, European efforts are coordinated by the Council of Europe starting with 2008. The first European IGF was held in Strasbourg, France, in 2008 and the second European IGF will be held in Geneva, Switzerland, in September 2009. Asia is left behind in terms of setting up new platform that implements the multi-stakeholder principle both national and regional level of IGF. Why? First, unlike Latin America and Africa, non-government actors in Asia that are often in close connection with their own governments have been passively engaged with the governance dialogue out of their concerns in potential tension with governments. Second, government actors in Asia do not consider this an urgent agenda, yet. It is highly recommended for governments to initiate setting up the Asian Internet Governance Forum that invites other non-government stakeholders as partners.

## 6.4. Connecting Internet Governance Debate To ASEAN+3 and APT/ITU

How can the Asian Internet Governance Forum be launched especially when there is neither awareness nor consensus regarding Internet Governance among Asian countries as of 2009? To facilitate the Internet Governance debate in Asia, one approach governments in Asia can consider is to bring the Internet Governance debate into existing negotiation platforms in Asia such as ASEAN+3 and Asia-Pacific Telecommunity (APT)/International Telecommunications Union (ITU) rather than creating a totally new platform with which governments do not feel comfortable. However, the key to success to this approach should be to encourage exercising the new rule; the multi-stakeholder principle.

## 6.5. Creating Language-Based Networks on the NET

Substantial discussions on Internet policy are being conducted through ICANN's various constituencies' mailing lists debates. Asians in the Internet Governance debate have not been active both in the governance-related email list discussion and physical meetings. What caused such passive participation of Asia in the current global governance? One of the substantial barriers is language. Therefore, not only six official UN languages but also other languages should be recognized as a way to communicate with people. ICANN is about to introduce Internationalized Domain Names that allow those who have difficulty with English to use the Internet more freely.

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