

Internet Governance: Tests for Models

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The years 2003 and 2004 have witnessed a revival of the discussions on Internet Governance, in the way they existed after 1996, and a flurry of analyses and models. Underlying these discussions, analyses, and proposals are *bona fide* academic studies, efforts by civil-society organizations to open inroads to participation in global decision-making, a gamut of special interests (personal, organizational, corporate), and a clash of models and regimes.

The uniqueness and novelty of the Internet, the diversity of degrees of spread of technology, literacy, and wealth across and within nations and regions, and the wide variety of cultures including the specific cultures of legal and judicial systems, individualistic vs. collectivist Weltanschauungen, etc., have given rise to some original and unique forms of organization, and to strong resistances to some of them.

The World Summit on the Information Society (WSIS) has provided a particularly acute concentration point for attention on the subject of Internet Governance. This is one of the most prominent, if not the only, outcome of WSIS to date on which a continued, intense effort occurs to date.

There is now strong international pressure that the WGIG actually be able to deliver a result in time and in a form that is acceptable to a majority of its critical stakeholders. From the present state of debate, it is foreseeable that the WGIG and organizations working around it and around WSIS will not only propose a definition of Internet Governance, as charged, but will also propose a number of ways to deal with the problems that this broad concept encompasses – and some of those that may be left out.

The outcomes of the work of the WGIG could appear, or at least be suggested to be achieved, through agreements, treaties, the formation of new organizations, or changes to existing ones, and some other organizational avenues. They should be subjected to the following tests:

1. Relevance to the Internet and ability to cope with the cultures of cyberspace and the Information Society.
2. Match between type of organization (public, intergovernmental, private, private-public partnership, NGO, quango, etc.) and desired outcome.
3. A well-defined mission and area of competence.
4. A sufficient match between mission, commitment of stakeholders, identification of constituencies, and resources.
5. Technical viability – match with intended layer, technology.
6. Scalability in function of the underlying variables.
7. Match with global, international, cross-border, transjurisdictional character of issues.
8. Survivability in face of competition (see also as ability to carve a niche.)
9. Viability of accruing trust from affected constituencies.
10. Ability to enforce compliance with outcome (colloquially, match between teeth and need for them.)
11. Values: universality, cross-cultural validity and acceptance, viability of translation to concrete policies and actions.
12. Consensus-building rules, bottom-up or top-down character, suitability to task, scalability,

issues of representation.

13. Capacity to evolve, inbuilt, by design.
14. Sources, limits and needs of legitimacy.
15. Choice between extending or adapting an existing organization created for non-Internet, non-Information-Society purposes and environments vs. creating a new one.
16. Match between weight of national and global public-policy issues and the relative weight of governments in a multi-stakeholder environment.
17. Recognizance of the Internet's and the Information/Knowledge Society's originality.

As the work of the WGIG progresses in the final months of 2004 and first half of 2005, it is highly probable that a number of schemes, structures, agreements, and organizations will be proposed, both within and outside the WGIG. Before engaging in the effort needed to construct any of them, a test will have to be made whether they can successfully comply with these criteria. Part of the work of WGIG down this particular route will also require a refinement of the criteria.