



Multi-stakeholderism in Internet governance: putting a fiction into practice

Jeanette Hofmann

To cite this article: Jeanette Hofmann (2016) Multi-stakeholderism in Internet governance: putting a fiction into practice, Journal of Cyber Policy, 1:1, 29-49, DOI: [10.1080/23738871.2016.1158303](https://doi.org/10.1080/23738871.2016.1158303)

To link to this article: <http://dx.doi.org/10.1080/23738871.2016.1158303>



Published online: 08 May 2016.



Submit your article to this journal [↗](#)



Article views: 438



View related articles [↗](#)



View Crossmark data [↗](#)

Multi-stakeholderism in Internet governance: putting a fiction into practice

Jeanette Hofmann^{a,b}

^aWZB Berlin Social Science Center, Berlin, Germany; ^bAlexander von Humboldt Institute for Internet and Society, Berlin, Germany

ABSTRACT

This article assumes that the multi-stakeholder concept is a fiction that provides meaning to a disorderly world. However, the multi-stakeholder concept does not only represent reality, it also gives rise to expectations, objectives and benchmarks. A second assumption of this article, therefore, is that the multi-stakeholder concept is performative. To the extent that the actors in Internet governance identify with its tale of inclusion and bottom-up policymaking, they are struggling to achieve its goals including those that Yaron Ezrahi would call a ‘publicly “believable impossibility”’. It is the effort of implementing the multi-stakeholder fiction which is at the centre of this article. Its performative power will be explored with regard to three common imaginaries: the imaginary of global representation, the democratisation of the transnational sphere and the possibility of improved outcomes. Two organisations, both of which strongly promote the multi-stakeholder approach, will serve as examples: the Internet Corporation for Assigned Names and Numbers and the Internet Governance Forum. Following a brief overview of the origins of the multi-stakeholder concept and the empirical evidence of its performance, the article will focus on institutional practices in Internet governance.

ARTICLE HISTORY

Received 27 January 2016

Accepted 11 February 2016

KEYWORDS

Multi-stakeholder concept; Internet governance; global democracy; ICANN; IGF

1. Introduction: poetic moments in academic writing

As a term, multi-stakeholder is a rather recent invention and has not been around for much longer than two decades. As an organising principle and a political practice, however, multi-actor arrangements have a long tradition. A prominent example is the tripartite composition of the International Labour Organization, a UN agency founded in 1919, comprising governments, employers and workers. The common idea behind these tripartite constellations is to aggregate the diversity of political concerns and backgrounds into identifiable groups, which ideally negotiate consensual rules or recommendations that are accepted as legitimate by all those affected, regardless of whether or not they directly participated in the process. Multi-stakeholder arrangements are a conceptual variation of this approach with a particular focus on transnational, border-crossing issues.

Calling multi-stakeholderism a fiction does not mean to say that the term creates a non-existent reality. Rather, it points to a more or less unconscious act of translation that occurs when we talk about the multi-stakeholder approach. By using this term, we turn an often messy, incoherent and ambiguous reality into an image or story that appears coherent and makes sense, at least to those familiar with its meaning. If we look at multi-stakeholderism as a narrative that ascribes certain attributes to organisations and their actions, some commonalities with narrative techniques used in fiction come to the fore. As the historian White (1978) asserts, empirical data do not speak for itself: 'A mere list of confirmable singular existential statements does not add up to an account of reality if there is not some coherence, logical or aesthetic, connecting the one to another' (White 1978, 122). The facts need to be assembled; and this 'process of fusing events, whether imaginary or real, into a comprehensive totality capable of serving as the object of presentation is a poetic process' (White 1978, 125). It is poetic because the rhetorical strategies used by academic writers to transform a 'congeries of contiguously related fragments' (White 1978, 122) into an insightful enlightening narrative are basically the same. All authors, not just poets, offer a discursive representation of reality that uses fictional techniques to 'pass as a plausible account of the "way things *really* are"' (White 1978, 122). In so doing, both novelists and academics have to meet the criteria of 'correspondence'. The story they tell has to be "adequate" as an image of something beyond itself' (White 1978, 122).

In a similar vein, Ezrahi (2012, 149) argues that there is a 'fictional layer' inherent in all political regimes. Fictions are part of the 'political imaginaries' (2012, 3).¹ Imaginaries shape our perceptions, expectations and behaviour, and they allow us to experience fictions as facts. Political fictions are also responsible for our tolerance of the frequent mismatches between imaginaries and everyday life. In this sense, political fictions have a powerful, generally underestimated performative dimension: 'In politics, that which is collectively imagined produces real political facts, although (...) only some of these facts are likely to correspond to the imaginary' (Ezrahi 2012, 4). Contrary to its often pejorative use in a political context, Ezrahi insists that fictions are a necessity of the political space, and that the common division between the fictitious and the real should be seen in itself as a result of modern imagination: 'It is precisely this dichotomy between facts and fictions that (...) has also obscured the unique potential of the imaginary to be both fact and fiction' (Ezrahi 2012, 7).

Following White (1978) and Ezrahi (2012), this article assumes that the multi-stakeholder concept is an imaginary that provides meaning and regularity to a fragmented, disorderly world. It displays the Internet governance landscape in a coherent and legitimacy-enhancing fashion. However, the multi-stakeholder narrative does not only represent reality, it also gives rise to expectations, objectives, new categories and benchmarks. A second assumption of this article, therefore, is that the multi-stakeholder concept is performative. To the extent that the actors in Internet governance identify with its tale of inclusion, diversity and bottom-up policymaking, they strive to make it a reality. It is the effort of implementing the multi-stakeholder fiction, in Ezrahi's (2012, 165) terms 'bringing the fiction closer to reality', which is at the centre of this article. I want to show how organisations accommodate and operationalise the concept, in other words, how they struggle to achieve the impossible: to fully qualify as multi-stakeholder bodies. Two organisations, both of which strongly promote the multi-stakeholder

approach, will serve as examples: the Internet Corporation for Assigned Names and Numbers (ICANN) and the Internet Governance Forum (IGF).

The second section of this article will look at the origins and changing meanings of the multi-stakeholder concept and present some empirical evidence of its performance. The gap between the discourse on multi-stakeholderism and the often disappointing results will be discussed in terms of 'plot structures' (White 1978). The third section focuses on the multi-stakeholder practices of ICANN and the IGF. It is organised according to three core ideas: the promise of global representation, the promise of democratising the transnational sphere and the promise of superior policy outcomes.

2. The multi-stakeholder fiction: origins, expectations and disappointments

2.1. Origins

The term multi-stakeholder was coined in the 1990s and gained broader traction after the turn of the century. Interestingly, it has emerged simultaneously in the political context of the UN World Summits and in the academic context of management theory. Responding to rising social concerns over environmental problems, the 1992 UN Conference on Environment and Development started institutionalising new forms of collaboration between governmental and non-governmental groups, and has therefore been associated with the 'participatory turn' of global governance (Bäckstrand 2006b, 470). The Commission on Sustainable Development, created in 1993, became an important space for the UN to experiment with NGO involvement and multi-stakeholder processes, the latter term probably first used in 1998 (Dodds 2002, 33).

In the academic field, multi-stakeholder terminology evolved as part of the branching out of stakeholder theory. Stakeholders, in the definition of Freeman (1984, 46), are 'any group or individual who can affect or is affected by the achievement of the organization's objectives'. In his seminal work, he argued that not only owners and shareholders, but also a much broader array of social actors are important for corporations. The general criticism of Freeman's approach was that, by centring on the corporation, stakeholder theory implicitly suggested that managers are the 'master of their stakeholder interaction' (Roloff 2008, 234). In line with this criticism, Calton and Kurland (1996, 170) suggested moving the focus to multiple stakeholders: 'Our theory "decenters" organizational discourse by replacing privileged managerial monologues with multilateral stakeholder dialogues. (...) There is no clear center of power; rather, power is located in multiple stakeholders.' The multiple stakeholders' perspective also suggested placing more attention on the issues. As Roloff (2008, 238) argues, 'there is a reason for action, a problem to solve, an issue at stake. And it is the issue that is the focus of all network activities, not any focal organization'. Thus, in an academic context, multi-stakeholderism came into being as part of making stakeholder theory less corporation-centric, and including the specific issues at hand (Scherer and Palazzo 2011).

Towards the end of the 1990s, the term began spreading across transnational policy domains, and also came to denote efforts of private regulation, for instance in the form of standard setting or reporting. Iconic examples are the Forest Stewardship Council (founded in 1993), the Global Reporting Initiative (founded in 1997) and the World

Commission on Dams (1998–2000).² In each case, the starting point was a complex controversial issue on an international scale. They also share the goal of negotiating a consensual understanding of the situation, and developing non-binding guidelines or standards to serve as benchmarks for an industry or sector. To this end, they set out developing what Boström and Tamm Hallström (2013, 105) call a ‘global view’ on the matter. All relevant perspectives on the issue of concern should be represented in a balanced manner to achieve a sound, consensual and legitimate outcome. In essence, these requirements describe what multi-stakeholder approaches today are about in many transnational policy contexts: assembling a pluripartite group of actors believed to represent the stakes in an issue, developing procedures which ensure a balanced and fair view on the matter and, based on these conditions, creating outcomes which promise to settle the issue in the long run – outcomes that would most likely be impossible to achieve by less diverse constellations of actors. Needless to say, each of these requirements has posed serious problems in itself: how to determine representativeness for complex issues? What constitutes legitimate procedures and effective outcomes? As soon as the implementation of the multi-stakeholder fiction sets in, incongruences between the ideals driving the process and the messy reality come to the surface and require attention in their own right. How Internet governance organisations deal with this challenge will be the subject of the next section.

With a little time lag, the multi-stakeholder concept began fanning out in broader academic literature, where it acquired additional layers of meaning.³ For example, global governance studies adopted the term and used it for novel forms of ‘post-sovereign’ global governance (Bäckstrand 2006a, 290) and participatory democracy (Faysse 2006). According to this school of thought, multi-stakeholder networks fill the ‘regulatory voids’ of global policymaking (Fransen and Kolk 2007, 668) and offer a response to the increasing number of international problems that ‘intergovernmental diplomacy alone cannot grapple with’ (Bäckstrand 2006a, 291; Hale and Held 2011; Moog, Spicer, and Böhm 2014). Our need for global public goods, such as the recognition of human rights, or clean air, have ‘opened up significant space for a whole range of new cross-sectoral social experiments aimed at designing institutions to address those governance gaps’ (Moog, Spicer, and Böhm 2014, 472).

Recent definitions of the multi-stakeholder concept accentuate procedural properties. Broadly speaking, multi-stakeholder approaches are described as new modes of rule-making, building ‘on the idea of assembling actors from diverse societal spheres into one policymaking or rule-setting process, to make use of their resources, competences, and experiences’ (Boström and Tamm Hallström 2013, 93). As such, they form a ‘global inchoate institution’, consisting of ‘two or more classes of actors engaged in a common governance enterprise concerning issues they regard as public in nature, and characterized by polyarchic authority relations constituted by procedural rules’ (Raymond and DeNardis 2015, 2–3; for similar definitions see also Faysse 2006; Fransen and Kolk 2007; Moog, Spicer, and Böhm 2014).

2.2. Expectations

The actual value of these processes is seen in the context of a general transformation of transnational regulatory practice (Moog, Spicer, and Böhm 2014, 472), problem-solving authority (Bäckstrand 2006a, 291) and ‘legitimate power’ (Boström and Tamm Hallström

2013, 99). Multi-stakeholder initiatives are ascribed the potential to create new forms of transnational 'stakeholder democracy' including a relocation of policy authority to 'public-private implementation networks' (Bäckstrand 2006a, 291). The notion of stakeholder democracy, defined as 'participatory, non-electoral and non-territorial forms of democracy at the global level' (Bäckstrand 2006b, 471), reads like a response to the long-standing criticism of multilateral regulation, including its long chain of delegation, its inherent problems of transparency and those of accountability.

The legitimacy attributed to multi-stakeholder decision-making goes hand in hand with the expectation of a higher quality of policy outcomes. A common belief is that pluripartite processes produce 'better and more acceptable decisions (...) and win-win solutions' (Faysse 2006, 221). Summarising this line of argument, Moog, Spicer, and Böhm (2014, 473) point out that a deliberate representation of a wide range of perspectives may induce actors to change their views on a given issue and thus 'contribute to organizational learning, pushing actors beyond narrow self-interest based bargaining'. On the whole, the literature attests to a great potential in multi-stakeholderism to fix the shortcomings of multilateral regulation, and for democratising the transnational sphere. Khagram and Ali (2008, 252) even wonder if we observe a 'reconfiguration of the legitimate actors that constitute world affairs'. Regardless of whether or not the multi-stakeholder concept actually contributes to the democratisation of transnational policymaking, we clearly witness a 'poetic moment' of academic writing (White 1978, 126).

2.3. Disappointments

Perhaps unsurprisingly, the actual performance of multi-stakeholder arrangements shows a great variety of results. Many case studies report difficult processes and disappointing outcomes, with significant discrepancies between 'theory and results on the ground' (Faysse 2006, 220). In some cases, the standards agreed upon fail to achieve the intended regulatory impact (Moog, Spicer, and Böhm 2014). In others, multi-stakeholder processes suffer from legitimacy problems, for instance because they are 'North driven', or because they are lacking grass root participation (Bäckstrand 2006a, 299). Moreover, it is not always clear if the outcomes actually result from multi-stakeholder processes. As Fransen and Kolk (2007, 678–679) observe, the term is poorly defined, and leaves ample space for interpretation so that even consultation processes or advisory roles, regardless of their impact on the ultimate policy outcome, may be portrayed as multi-stakeholder (see also Bäckstrand 2006a; Raymond and DeNardis 2015).

The reasons given for the mixed results are instructive for understanding how the multi-stakeholder fiction achieves coherence. A frequently mentioned cause of poor outcomes refers to what has been described as 'asymmetries of power' (Faysse 2006, 227) or 'imbalances' (Boström and Tamm Hallström 2013, 105). As a rule, private sector members and public administrations have more resources at their disposal than civil society organisations. This concerns funding, but expertise and organisational capacity equally so (Fransen and Kolk 2007). Particularly in countries where social and economic inequality are very pronounced, continuous participation by local civil society groups is difficult to achieve. While the multi-stakeholder discourse emphasises the authority generated through pluripartite processes, the empirical studies point out inherent power asymmetries as a cause of failure.

Resource imbalances are aggravated by a constant need for recognition and legitimacy. Multi-stakeholder efforts are expected to prove and ensure that they are inclusive and diverse, transparent and accountable, that they do indeed balance conflicting interests, and that the work they do is good, if not qualitatively better than that of more traditional organisations against which they may compete. As Boström and Tamm Hallström (2013, 100) put it, 'no one has voted for them. They are, in a sense, self-selected (...) Accordingly, standard setters need to devote much of their organizing efforts to gain broad support'. Whereas the multi-stakeholder fiction tends to ascribe an almost generic legitimacy to pluripartite initiatives, practical experience shows that legitimacy is not a given, but a precarious resource constantly in need of maintenance. Paradoxically, the pressure for legitimacy under which multi-stakeholder efforts operate creates side effects, which may ultimately undermine their legitimacy. In order to master internal diversity and comply with legitimacy norms, multi-stakeholder structures tend to become increasingly complex and bureaucratic over time, which, in turn, makes participation time-consuming and increasingly difficult. As a result, members with scarce resources may cease to contribute, or never join in the first place. Bureaucratisation as a response to external pressure has exclusionary effects that could gradually delegitimise the whole effort (Boström and Tamm Hallström 2013, 105; Moog, Spicer, and Böhm 2014, 485).

Another important reason for poor results in multi-stakeholder processes concerns the inherent limitations of private authority and policymaking. As Moog, Spicer, and Böhm (2014, 483) stress, private regulatory approaches such as eco-labelling schemes 'fail to harness (...) the hard regulatory power which is the prerogative of legitimate governments'. Multi-stakeholder arrangements, it seems, often do not succeed either where multilateral processes have been failing. So-called soft power is not, per se, more effective than that of governments. Yet, as long as the multi-stakeholder narrative highlights procedural properties, their mixed results are likely to remain in the background.

The discrepancies between multi-stakeholder imaginaries and present empirical findings have not gone completely unnoticed. Bäckstrand (2006b, 469) alludes to the 'democracy efficiency storyline' and Khagram and Ali (2008, 252) speak of 'novel organisational scripts'. Both observations identify important elements of the multi-stakeholder fiction. Indeed, they tell a story, and this story entails a sort of cognitive scheme or blueprint of the multi-stakeholder organisation. And yet, more can be said about both aspects if we take into account White's findings about plot structures. He identifies four timeless archetypal story forms that provide coherence to the narrative of the historian: romance, comedy, tragedy and satire. Following these formats, the multi-stakeholder narrative clearly represents the romantic 'mode of emplotment' (White 1978, 66). The various political and academic origins of the multi-stakeholder concept described above all share a sense of change for the better. The practices of UN summits have promised the integration of non-state actors in policymaking, the stakeholder theory expects to create a moral web around the corporation and focus more on the issues, and governance studies believe in alternatives to the shortcomings of multilateral regimes. All narratives present the multi-stakeholder concept as evidence for improvement on political deficiencies, and they tend to downplay (rather than ignore) the evidence that weakens, or even questions the chosen romantic story format.

The next section entails a change of perspective, and will turn to two organisations in the field of Internet governance, which portray themselves as multi-stakeholder bodies.

The guiding questions are how they implement the concept, particularly how they go about its imaginary attributions, but also how they cope with its romantic excess suggesting an evolution for the better. The section is organised according to three properties of the multi-stakeholder narrative, which also play a prominent role in the field of Internet governance. They concern the aspiration of global representation, the promise of democratising the transnational sphere, and the promise of superior quality of outcome. Using ICANN and the IGF as examples, I will show how these three fictions are put into action, and how they structure organisational practices in Internet governance. Thus, the focus is on the performative dimension of the multi-stakeholder concept; its role as a guideline and criterion of success for policy development.

3. Multi-stakeholder practices in Internet governance

The term multi-stakeholder entered the Internet governance landscape in 2005, towards the end of the UN World Summit on the Information Society (WSIS).⁴ Its Working Group on Internet Governance (WGIG) used the term, and related it to ‘policy dialogue’; a different approach compared to the more outcome-oriented notions common in other policy fields. WGIG found that existing Internet governance mechanisms lacked the conditions necessary for ‘effective and meaningful participation of all stakeholders’, and presented the multi-stakeholder concept as a third option, or middle ground, between the contested alternatives of private versus public regulation of the Internet, which had paralysed large parts of the WSIS negotiations (Musiani and Pohle 2014, 4). Following WSIS, the multi-stakeholder concept rapidly spread, and began influencing the discourse among Internet governance organisations. Today, the multi-stakeholder approach denotes a broad range of organisational models and processes (Raymond and DeNardis 2015, 14).

The epitome of the multi-stakeholder approach in the digital domain is the IGF. Mandated by WSIS and founded in 2006, the IGF constitutes the first global space for ‘multi-stakeholder policy dialogue’. It is an annual conference embedded in preparatory meetings, intersessional activities and a growing number of national and regional offspring. The second case, ICANN, is a US-based non-profit corporation tasked with regulating the Domain Name System (DNS) of the Internet. It was founded in 1998, following a White Paper issued by the US Department of Commerce (DOC), which stipulated that DNS policies should be developed by a private governance model independent of government control (DOC 1998). ICANN used to portray itself as a ‘private sector-led organisation’ before it began adopting the multi-stakeholder language in 2005. Unlike the IGF, ICANN is an example of a multi-stakeholder process that produces concrete outcomes. What ICANN and the IGF have in common is that their mission, authority and legitimacy today is firmly linked to the imaginaries of the multi-stakeholder approach. Their work is judged by its quality, the credibility of their claims of global representativeness and democratic standards.

3.1. The fiction of a global view

3.1.1. ICANN: representing users around the globe

With the White Paper, the US Government set the bar quite high for the representativeness of the new private sector body. ICANN was to be ‘representative of Internet users around the globe’, and its board should ‘equitably represent’ the interests of the technical

community: the emerging DNS industry⁵, Internet Service Providers and the whole gamut of Internet users ‘from around the world’ (DOC 1998, 31750), in the form of both organisations and individuals.

The political concerns relating to the DNS are diverse and rather polarised. They range from trademark holders wanting to see their assets in (brand) names protected, to civil liberty groups advocating respect of freedom of speech, privacy and other human rights. ICANN’s strategy to cope with this challenge was to provide an institutional home for each stakeholder or interest group considered relevant, and to aggregate these stakeholder groups into larger structures. These larger entities are divided into policymaking bodies with voting rights, the so-called supporting organisations, and advisory committees without voting rights (but other means of ensuring that their views are taken into account). Consensus on policy proposals is to be reached through majority voting in the supporting organisations.

ICANN’s approach towards fair representation through an organisational structure, which is intended to mirror the diversity of affected actors and competing interests surrounding the DNS, had the unfortunate side effect of codifying them and carving them in stone. Its stakeholder structure has created group identities and cognitive trenches that predictably shape the dynamics of policy development. Ironically, these formal stakeholder affiliations do not always correspond to political opinions. The Governmental Advisory Committee, for example, often struggles to find a common position on a given issue. Moreover, ICANN’s structure has been a space for various stakeholders to try to rectify what they regard as misrepresentation and imbalances of power between the stakeholders (Mueller 2009; Weinberg 2011). As a result, the organisational structure is under constant pressure to improve its representativeness. ICANN management has responded to this pressure with various reform efforts (see Mueller 2010, chap. 10). Over the years, the number of stakeholder groups and constituencies has grown, the power balance between them shifted, and the election and voting procedures have become increasingly ‘intricate and multiplex’ (Bygrave 2015, 54).⁶

The representation of individual Internet users proved to be a special case: how could more than what by then amounted to 350 million mostly unorganised Internet users be properly represented, as the White Paper seemed to insist? In the year 2000, despite a widespread fear of capture, ICANN decided to go for an experiment and run a global election for five of its 19 board seats. Given its pioneering nature, the electoral system was riddled with unforeseen problems, and the outcome dismissed as biased and unrepresentative (Palfrey 2004; for a detailed account, NAIS 2001). The elections remained a one-off event and, in 2002, ICANN buried the idea of direct individual representation, creating instead the At-Large Advisory Committee, a composite of regional At-Large Structures (Mueller 2009, 101).

Although ICANN has put an enormous effort into improving the regional diversity of its staff, and the regional, functional and political representativeness of its policymaking structures, both in terms of manpower and funding, the criticism of its power imbalances has never stopped. Some critics highlight the inconsistencies and overlaps between ICANN’s stakeholder categories (Bygrave 2015, 57; Bernstorff von 2004), others point out the small number of influential contributors to the policy development process (LSE 2006), and the underrepresentation of individual and non-commercial users (Radu, Zingales, and Calandro 2015; see also Calandro, Gillwald, and Zingales 2013). As Raymond

and DeNardis (2015, 25) laconically summarise the issue, ICANN's model of 'multistakeholder governance has been subject to criticisms ranging from insufficient civil society participation; insufficient government authority; too much government oversight; too much American authority; questions about legitimacy'.

Since the White Paper established the imperative of global representation, no operational standards have been developed that would define the concept, recommend ways to implement it or justify discarding it altogether. The goal of global representativeness has probably never been officially questioned. Instead, it has given rise to nebulous concepts such as the 'global ICANN community', for which an enormous number of resources are mobilised annually to demonstrate the representation of 'Internet users around the globe'.⁷ Thus, the imaginary of global representation inherent in the multi-stakeholder approach does impact ICANN in many ways: it drives and justifies its organisational evolution, including the continuous critique of its stakeholder balance, it creates performance metrics such as 'globalised ICANN functions'⁸ and related budgets, and it keeps the idea alive that a 'global view' on issues is indeed possible. Fictions, as Ezrahi (2012, 3) points out, 'acquire the power to regulate and shape political behavior and institutions'.

3.1.2. IGF: making the stakeholder taxonomy work

The IGF is the first organisation in Internet governance whose founding was explicitly based on the multi-stakeholder principle. The Tunis Agenda (WSIS 2005), the outcome document of WSIS, stated that the IGF should 'build on the complementarity between all stakeholders involved' in Internet governance, and it named them in line with the categories used throughout the WSIS process: 'governments, business entities, civil society and intergovernmental organisations'. Compared to the rather complex stakeholder constellation of ICANN, this classification appears rather clear-cut and simple. However, from the outset, the stakeholders expressed uneasiness and dissent about these categories. Civil society and the technical sector, for example, criticised the UN stakeholder taxonomy for misrepresenting them, and asked for separate categories (Malcolm 2008, 365). The classification scheme matters to the stakeholders because it determines the distribution of seats in various committees and on workshop panels, and, to some extent, it shapes their identity and voice in the public discourse on Internet governance.

Multi-stakeholder representation literally counts with regard to the IGF programme committee, the 'Multi-Stakeholder Advisory Committee' (MAG). The roughly 40 seats are supposed to reflect the stakeholders, the five world regions and also balance gender. As part of a trade-off negotiated between governments, 50% of the seats were claimed by governments, while the remaining 50% were to be equally divided among the stakeholder groups. To date, the composition of the MAG has involved complex arithmetic which has had to be carried out in stages. The final slate is a 'black boxed' result of consultations between the IGF secretariat and the UN headquarters. Considering itself under- and, at times, misrepresented, civil society has called for more autonomy in the selection process. Yet, the contributing civil society groups are themselves only a small subset of all NGOs worldwide, which theoretically could nominate candidates for the MAG (UNCTAD 2015, 175).

With the increasing geographic and political diversity of the actors involved, the range of political positions is expanding, and by now requires careful balancing within and across

the stakeholder groups. Right now, this appears to be a problem, particularly for civil society and governments, who are struggling with a broad range of opinions cutting across the formal stakeholder division. Similar to the situation within ICANN, the stakeholder categories overlap, and at times create boundary conflicts (Maciel and Pereira de Souza 2011, 10). Recalling the enormous effort of making the stakeholder taxonomy work within the IGF, Mueller (2010, 114) notes that ‘the seemingly simple act of bringing people from government, business, and civil society together for nonbinding dialogue about policy can be intensely political’. The stakeholders have spent ‘countless hours’ on holding the stakeholder groups together and negotiating the boundaries between them, a struggle that Mueller characterises as ‘politics of representation’ (Mueller 2010, 114–116).

The difficult match between the stakeholder taxonomy and the political spectrum in Internet governance is at odds with the basic idea of multi-stakeholderism, which assumes that political positions can be aggregated along the lines of formal affiliations. As Belli (2015, 6) observes, the stakeholder model ‘may foster diversity of standpoints but does not guarantee diversity of interests and does not impede double representation of the same interest’. The case of the IGF demonstrates that the stakeholder model does not constitute a natural representation of global actors, opinions or perspectives. Rather, it requires a lot of effort to make it work, and ‘enacting multi-stakeholderism’ (Epstein 2012) has caused recurring frictions within the IGF. A significant part of multi-stakeholder collaboration in the IGF is devoted to implementing the fiction of global representation through the never-ending recreation of the stakeholder scheme.

3.2. The fiction of democratising the global sphere

3.2.1. ICANN: organising low-impact consensus building

To be fair, the term democracy is never used in the context of DNS regulation. Instead, the White Paper states that ‘private sector action is preferable to government control’ because it is ‘likely to be more flexible than government and to move rapidly enough to meet the changing needs of the Internet and of Internet users’ (DOC 1998, 31749). However, the White Paper specifies a set of prerequisites for the development of ‘sound, fair and widely accepted policies’, which qualify as democratic procedures.⁹ Among them are the requirements of representation, openness and transparency and, most importantly, that the new corporation should ‘operate for the benefit of the Internet community as a whole’ (DOC 1998, 31749). Meanwhile, ICANN (2013, 2) has updated the language of the White Paper and added ‘equality’ to the criteria DNS regulation is supposed to implement and (favourably) compares its own model to that of governments:

At the heart of ICANN’s policy-making is what is called a ‘multistakeholder model’. This decentralized governance model places individuals, industry, non-commercial interests and government on an equal level. Unlike more traditional, top-down governance models where governments make policy decisions, the multistakeholder approach used by ICANN allows for community-based consensus-driven policy-making.¹⁰

The ‘participatory ethos of the early Internet’ is, as the Berkman Center (2010, 29) confirms, ‘embedded in ICANN’s DNA’. The most formalised ‘Consensus Policy Development Process’ in ICANN is that of the GNSO (see Post and Kehl 2015, 13). It consists of no

fewer than 15 steps, beginning with the identification of an issue, followed by circles of reports and public comment periods, finally resulting in a recommendation to the board.¹¹ While the policy development process itself has become increasingly transparent, and open to participation (but also complex over the years¹²), the actual decision-making authority has remained unchanged. The community produces recommendations in a time-consuming process, but the final decisions are taken by the board – based on advice provided by ICANN staff, a very influential but informal filter between the bottom-up policy process and the Board (Berkman Center 2010, 39). A frequent complaint about ICANN's procedures of consensus building therefore concerns its impact on Board decisions, which apparently 'remains limited' (Berkman Center 2010, 30; see also Palfrey 2004, 413–414).

ICANN's very elaborate community and consensus-building processes on the one hand, and the Board's considerable decision-making powers on the other hand, seem contradictory at first glance. An often-cited explanation for this discrepancy refers to ICANN's special organisational structure. ICANN, Palfrey (2004, 426) argues, combines attributes of three different organisational forms, blending elements of 'a corporation, a standards body, and a government entity'. As a corporation, it has 'the core structure of an authority-style organization' (Palfrey 2004, 428), which results in a 'legitimacy-draining semidemocracy' (Palfrey 2004, 418).

Another reason for the limited impact of the ICANN stakeholders on board decisions may be different goals and orientations. While the board has fiduciary responsibility for the corporation, the supporting organisations seek to advance the DNS and other critical Internet resources.¹³ Such differences between the mindsets of board members and the ICANN community have come to light, for instance, in the context of the so-called Internet Assigned Numbers Authority (IANA) transition process that has been set up to create the institutional conditions necessary for a handover of the supervisory power over ICANN and the IANA held by the US Government.¹⁴ In autumn 2015, the ICANN Board rejected a consensual proposal, developed over many months by a large cross-constituency working group with the support of lawyers funded by ICANN. In short, the board refused to be held accountable by its community on the grounds that the ICANN community itself lacks accountability. As one board member put it

The moment you give people the power to do something as a group, the question becomes to whom are you accountable (...) So to whom are you guys – to whom are each of the SOs and ACs working together going to be held accountable?¹⁵

Unlike in the case of corporations or governments, the power of the ICANN Board is not subject to any form of institutionalised control. ICANN has no membership or shareholders able to demand and enforce accountability (Mueller 2009, 98), or any other mechanisms in place to ensure that the Board acts within its mandate. Thus, it is not the multi-stakeholder process that exercises authority over the DNS, but a 'Board of Directors that ICANN's organization leaves virtually unconstrained' (Weber and Gunnarson 2012, 14). That the board can overrule the consensus 'of its own community', Taylor (2015) concludes, 'casts doubt on the viability of the entire ICANN model'. While the multi-stakeholder fiction rests on the idea of democratising the transnational sphere, ICANN appears to be rather less accountable and democratic than its governmental counterparts. However, as already noted, there are no agreed criteria or minimum standards defining multi-stakeholder processes (Fransen and

Kolk 2007). For the ICANN stakeholders, these striking democratic deficiencies are no reason to give up on the approach per se, but something to be fought out. Multi-stakeholderism in ICANN, it seems, is less a solution than a long-term agenda in itself.

3.2.2. IGF: performing the multi-stakeholder policy dialogue

The core mission of the IGF is to organise a multi-stakeholder policy dialogue. This task involves not only the development of debate formats, but also the agenda of the annual meetings. According to its mandate, the IGF is supposed to be ‘multilateral, multi-stakeholder, democratic and transparent’ (WSIS 2005). The enumeration suggests that the IGF might also be a hybrid body struggling to balance incompatible normative requirements. However, unlike ICANN, the IGF is not involved in policy development. Its responsibility is to ensure an open and inclusive discourse on all policy issues potentially relevant to Internet governance.

Throughout its two terms, the IGF has become an umbrella institution for various organisational structures, which interpret and implement the mandate in their own ways. Examples are the ‘dynamic coalitions’, which are self-initiated multi-stakeholder working groups, some running throughout the year.¹⁶ There is also a growing number of autonomous national and regional IGFs, and an ever-expanding pre-conference programme, which even accommodates single stakeholder meetings. By and large, the IGF has embraced the requirements of the Tunis Agenda by facilitating diversity through decentralised initiatives, ranging from ministerial meetings to outcome-oriented working groups. However, the democratic hallmark of the IGF’s multi-stakeholder approach is its bottom-up programme development. The entire workshop programme consists of proposals by IGF participants. Reflecting their input, the programme committee selects themes for main sessions and round tables.

As mandated by the Tunis Agenda (WSIS 2005), the first five-year term was subject to a review process intended to take stock of the IGF’s performance. The Economic and Social Council of the UN established the ‘Working Group on Improvements to the IGF’,¹⁷ which identified various weaknesses in the working modalities of the IGF. Its report (UNGA 2012) found that the programme development would benefit from broader participation and establishing clear terms of reference for its work. The programme development of the IGF had indeed been criticised from the outset for its lack of transparency and its obscure working methods. Stakeholders protested against meetings held behind closed doors, and the uncertain impact of public input on the programme. Members of the MAG have, in fact, exercised veto power and blocked controversial issues from getting on the agenda.¹⁸ Supposedly inoffensive topics, such as ‘Connecting the next billion’, easily find their way into the programme, while issues regarded as controversial regularly face uphill struggles (Mueller 2015b). This soft form of content filtering also concerns criticisms of the multi-stakeholder concept itself, which may result in political marginalisation or social exclusion (Epstein 2011, 37).

As a response to the UN working group on improvement, the programme committee has become more open and transparent. Yet absent any formal accountability mechanisms, the programme development process is still prone to undue influence and subtle, ever-changing forms of censorship. On the whole, the multi-stakeholder policy dialogue has succeeded in creating a public sphere where, at least in principle, all aspects of Internet governance can be addressed (IGF 2015, 10). Does this mean that the IGF’s policy dialogue

contributes to the democratisation of Internet governance, as the romantic multi-stakeholder narrative suggests?

In practice, the majority of IGF events arguably gravitate towards ‘capacity building’, in the sense of explaining and justifying existing policy arrangements, rather than questioning and politicising them, in the sense of considering other policy options. As Epstein (2011, 4) notes, the IGF has constituted a ‘recursive public’ (Kelty 2005), which constantly negotiates and constrains its boundaries, including what can be legitimately said and what is banned as out of bounds. One has to believe in the multi-stakeholder ‘value system’ and its liberal political principles (Epstein 2012, 184) in order to be part of the IGF and contribute to its policy dialogue. To the extent that the IGF does indeed set invisible limits to the political scope and diversity of public discourse, it performs an ‘idealized version of multi-stakeholder policy dialogue’ (Epstein 2011, 24) that confirms popular beliefs, rather than openly engaging its shortcomings.

3.3. The fiction of improved outcomes

3.3.1. ICANN: establishing private global regulation

The list of tasks that the White Paper (1998) specified for ICANN roughly corresponds to that of a regulation authority. The overarching goal was the transition of the DNS from a publicly funded service to a market-based, commercial service. This included establishing and regulating a market for allocating domain names, enabling and regulating competition between top-level domains (TLDs), and creating a dispute resolution system as a swift, low-cost alternative to the flaring lawsuits over rights to names. Echoing the gist of the emerging multi-stakeholder discourse, the White Paper grounded its expectations of the quality of the policy output in ‘input from the broad and growing community of Internet users’ (DOC 1998, 31749).

ICANN accomplished two of its tasks very quickly. In 1999, based on recommendations by the World Intellectual Property Organization,¹⁹ not exactly a bottom-up organisation itself, ICANN introduced a mandatory arbitration system, the Universal Dispute Resolution Policy.²⁰ Furthermore, it created an accreditation system for registrars of domain names under .com, .org and .net.²¹ Yet introducing a general procedure for establishing new TLDs, arguably the most controversial of its tasks, proved to be much more difficult. Seven new TLDs were created in 2000, followed by another eight in 2004. Although none of them, except for ‘.info’, gained much traction (Mueller 2010, 232; Spencer 2014), negotiating the policy principles and implementation procedures for a generalised ‘New gTLD Programme’ took nearly a decade. Compared to the consensus-building processes of multilateral organisations, this may not appear unusual, but ICANN had been founded to do better, and ensure speedy outcomes.

As part of its DNS policy, ICANN has established a dense network of contracts, which today sets the rules for a considerable portion of the DNS space. While the majority of national country code TLDs refused to submit themselves to contractual control,²² all the newly accredited registrars and registries for generic TLDs have no choice but to accept the regulatory authority of ICANN. As Bygrave (2015, 83) observes, ICANN’s ‘contractual web’ with its ‘significant hierarchical characteristics’ reflects the relative negotiation power of the parties involved. Not all stakeholders, however, are happy with what ICANN calls consensus policies.

The first complaint concerns the scope of regulation. Although ICANN's mission is narrow and focuses on coordinative functions related to the DNS, its contractual regime and policy activities extend beyond mere technical coordination (Post and Kehl 2015, 19). ICANN's 'indulgence in mission creep' (Weber and Gunnarson 2012, 45) pertains to the enforcement of copyright provisions and other forms of law enforcement (Bygrave 2015, 83). A second complaint refers to the bias of ICANN's policies. Many observers claim that ICANN takes the concerns of some stakeholders more seriously than others. The non-commercial constituency is seen as the weakest stakeholder with little impact on the outcomes of the policy processes (MacKinnon 2012, 220; Bygrave 2015, 75). A case in point is the new TLD programme, which reflects the misgivings of trademark holders and governments to a degree that goes beyond legal requirements (Mueller 2010, 141–143; Forrest 2013). Due to their strong objections against additional TLDs, the bottom-up process led to a rather complex, expensive and risky application procedure (Spencer 2014, 872), which may disadvantage applicants lacking the means to comply with it.

If these and other complaints about ICANN's policies are justified, it is not obvious that this multi-stakeholder model produces more consensual outcomes across the globe and more conducive to the 'benefit of the Internet community as a whole', as the White Paper (1998) assumes. As Bygrave (2015, 84) notes, the 'legislation' that ICANN establishes through private contracts 'is employed similarly to the way in which ordinary statute tends to be employed – that is, to set down legally binding norms for an entire community or considerable sections of one' and, in this sense, 'it engenders a "bottom-heavy" form of regulation that is at least as intricate, cumbersome, and difficult to comprehend as those of many "top-heavy" statutory frameworks'. It seems ICANN has been subject to the same pressures as any public regulation authority, and its policies to some extent reflect the power imbalances between the stakeholders. This suggests that the multi-stakeholder approach per se is not immune to the shortcomings of other policy regimes. Despite this evidence, belief in the inherent superiority of multi-stakeholder policy outcomes is very powerful, and shapes the collective values and expectations of the global ICANN community.

3.3.2. IGF: negotiating the meaning of outcomes

The mandate defined by the Tunis Agenda (WSIS 2005) requests the IGF to discuss, facilitate, identify or advise on 'public policy issues related to key elements of Internet governance' (WSIS 2005). The idea of the multi-stakeholder policy dialogue is linked to the observation that Internet governance includes many 'cross-cutting international public policy issues that require attention and are not adequately addressed by the current mechanisms' (WSIS 2005). The task of the IGF is to create attention around these issues, but not to solve them. The best way to approach this task and implement the new instrument of policy dialogue has been a contested issue. One important concern in this context is the prevention of the IGF ending up as a mere talk shop. Sceptics have doubted that a multi-stakeholder dialogue would be able to achieve a practical impact. Another concern is the prevention of the IGF ending up negotiating meaningless outcome documents, instead of addressing real problems that 'matter to the people out there'.²³ Right from the start, this controversy zeroed in on the question of 'tangible outcomes' and the correct reading of the IGF's mandate in this respect (Epstein 2012, 160).

During its first term, the IGF focused on enabling discourse, collaboration and net-working among the emerging multi-stakeholder constellation, rather than creating consensus on specific recommendations.²⁴ The only regular formal outcome of the IGF has been the chairman's report: a carefully worded, dry summary of the issues discussed at the annual meeting, working group reports and transcripts of IGF sessions. While some participants regard the strict focus on dialogue as the IGF's strength (ISOC 2014; IGF 2015), others dismiss it as its weakness (Mueller 2015b). Indirectly, the controversy over outcomes touches upon a taboo surrounding the distribution of authority in the Internet governance landscape: should the open multi-stakeholder dialogue be granted the power to comment on and assess cross-cutting public policy issues in this domain? The UN working group on improvements to the IGF found that the IGF should develop more tangible outcomes, and thereby increase its political relevance, for example by developing a stronger focus on specific policy questions, and documenting the range of opinions on it (UN 2012, 4). In view of the private sector's wariness, the IGF has cautiously started to explore new ways to document its work, aim for more formal outcomes reaching beyond those attending IGF meetings, and evolve the dialogue formats that support these goals.²⁵ A recent example is the Best Practice Forum on Internet exchange points at the IGF (2015). Preceded by an online drafting process, the Best Practice Forum produced guidelines for setting up local exchange points for Internet traffic.²⁶

Notwithstanding the IGF's efforts to strengthen its efficacy, the actual impact of its policy dialogue is hard to determine. As Pavan (2012, 78) states, some participants regard IGF process and multi-stakeholder conversation as the main result, others dismiss it as a waste of time altogether. For the 'forum doves' (Malcolm 2008, 357), the policy dialogue facilitates converging expertise, norms and values. Epstein (2013, 147) emphasises the 'normalising' role of the IGF in the inclusion of non-state actors in multi-lateral processes, and Mueller (2010, 122) speculates that the IGF might institutionalise our 'recognition that authority over Internet governance is highly distributed'.

Strikingly, the outcome of the multi-stakeholder dialogue is primarily assessed 'through the lens of process' (Epstein 2013, 147), rather than against the background of its mandate and the many cross-cutting public policy issues awaiting attention. So far no study has been carried out to empirically assess the impact of the multi-stakeholder policy dialogue. The IGF's focus on process supports the proposition that multi-stakeholderism 'is sometimes viewed as a value in itself', and less as an approach for 'meeting more salient public interest objectives' (Raymond and DeNardis 2015, 39). In light of the multi-stakeholder fiction, which expects improving policy outcomes, it is interesting to note that the IGF stakeholders neither agree on what actually constitutes outcomes, nor on the type of outcomes the IGF should actually strive for. The diversity of multi-stakeholder input thus appears as a double-edged sword; it is a source of legitimation for producing outcomes and, simultaneously, an obstacle to achieving better ones.

4. Conclusion: multi-stakeholderism as romantic fiction and messy practice

Based on a distinction between multi-stakeholderism as fiction and organisational practice, this article has aimed to show how its underlying narrative evolved as part of

political and academic discourses, and how ICANN and the IGF go about implementing its tenets in accordance with their mandates. Not surprisingly, the multi-stakeholder imaginary is characterised by interpretative flexibility. It changes its meaning depending on theoretical schools and policy contexts. Yet, beneath this apparent diversity there are some semantic elements common to all variations of the multi-stakeholder discourse, namely the 'romantic plot' of progress and improvement in transnational policymaking. Multi-stakeholderism today is widely understood to be the panacea to cure the well-known shortcomings and gaps of transnational governance. Building on White's 'fiction of factual representation' (1978) and Ezrahi's 'imagined democracies' (2012), this article has argued that the multi-stakeholder concept is a discursive artefact that aims to smooth contradictory and messy practices into a coherent story about collaborative transnational policymaking.²⁷

The fictional quality of the concept does not imply that the tale is out of touch with the real world, or that organisations are just pretending to follow the multi-stakeholder approach. On the contrary, they are struggling to accommodate and implement its goals including those that Ezrahi (2007, referring to Giambattista Vico) would call a 'publicly "believable impossibility"'. The article has examined the performative power of the multi-stakeholder fiction with regard to three common imaginaries: the imaginary of global representation, the democratisation of the transnational sphere and the possibility of improved outcomes. Although it is impossible to generate a global representative view on a given issue, both ICANN and the IGF never tire of demonstrating their intention to achieve this target.

Confirming case studies based in other policy domains, the investigation of multi-stakeholderism as a practice in Internet governance shows that the outcomes are often disappointing. Yet the striking discrepancy between organised practices and shared beliefs does not result in a crisis, or reconsideration of the concept. On the contrary, the multi-stakeholder approach seems to have reached the status of a mantra in Internet governance, and a strong focus on procedures protects this mantra against clashes with reality. Hence, defining multi-stakeholderism as a constellation of actors, issues and modes of governance, as many authors do, is only half the story. The other half consists of fiction, a romantic plot hoping for a happy ending.

In closing, a few words about the practical implications of these findings. It would certainly be a misunderstanding to assume that disappointing fictions can simply be dismissed and buried. As both White and Ezrahi point out, fictions are necessary elements in making sense of and engaging with the world. There is no political practice or discourse that does not resort to imaginaries as a means of relating the local and the present to broader developments and structures of the past or the future. However, as a brief review of the origins of the multi-stakeholder concept has shown, fictions are by no means intrinsically static. They emerge in, and adapt to, specific contexts; even their basic messages are open to debate and change. Because fictions have a history and always compete against other fictions they encourage critical reflection. Thus, there is problem when this critical reflection no longer takes place, or is only tolerated at the fringes, and when fictions become static and begin resembling a religion. In this spirit, a measured 'desecration' of the multi-stakeholder approach in Internet governance which could facilitate a debate about achievements, failures and its reasons would be a positive effect.

Notes

1. A concrete example is the democratic imaginary of the people. Ezrahi (2012, 162) quotes Morgan (1988) who compares the king, 'a visible presence, wearing his crown and carrying his scepter', to the people:

Before we ascribe sovereignty to the people we have to imagine that there is such a thing, something we personify as though it were a single body, capable of thinking, of acting, of making decisions and carrying them out, (...) and able to alter or remove a government at will, a collective entity more powerful and less fallible than a king.

Other authors who address the crucial role of imaginaries in social and political organisation are, for example, Taylor (2004) and Castoriadis (1987).

2. By now, there are many more initiatives dealing with, among other things, the production and trade of tobacco, flowers, clothes, carpets, leather and palm oil. An overview of multi-stakeholder standard setting cases can be found in Hale and Held (2011, 155) and Fransen and Kolk (2007).
3. A Web of Science query shows roughly 10 articles using that term in 1998, 40 in 2006 and more than 100 in 2013.
4. Kummer (2013) traces the use of the term back throughout WSIS:

While a multistakeholder approach is embedded in WSIS, the term 'multistakeholder' is not used. The resolution uses the term 'stakeholder' twice and identifies civil society and the private sector as stakeholder groups. Likewise, the Geneva Declaration from 2003 does not use the term 'multistakeholder'. However, it emerges for the first time in the Geneva Action Plan, in a rather arcane section of Action Line C2 related to 'establishing multi-stakeholder portals for indigenous peoples at the national level'.

5. The DNS industry basically consists of registries which manage the database of TLDs and registrars, who are responsible for the registration of domain names.
6. The technical community, for example, lost its status as a supporting organisation, while the weight of the national ccTLDs and the Governmental Advisory Committee has increased considerably. An Internet search for images of 'ICANN chart' provides a good overview of these changes.
7. The ICANN budget for the financial year 2015/2016 shows more than 30 million USD for enhancing its global representativeness (ICANN 2015).
8. See <https://www.icann.org/progress>.
9. There are different sets of criteria for defining democratic processes. In 'Democracy and its Critics', Dahl (1989, 37) suggested five such standards, which seem applicable to ICANN because he intended them for associations, not for territorial nation states. These standards are: effective participation, voting equality, enlightened understanding, control of the agenda and inclusion of adults.
10. In the aftermath of WSIS, ICANN replaced the original formula 'private, bottom-up coordination' to describe its policy processes by 'bottom-up, multi-stakeholder, open and transparent'. Among the first official documents mentioning 'multi-stakeholder' is the Joint Project Agreement issued in 2006 (JPA 2006, 5).
11. ICANN's complex policymaking process is an obvious example of the dilemma identified by Boström and Tamm Hallström (2013). The long-winded procedures reflect the strong criticism of ICANN stakeholders of the policy processes, and are intended to increase their legitimacy. Yet, meaningful participation in ICANN has become so time-consuming that only a small share of those interested in the governance of critical infrastructure resources can actually afford to contribute.
12. For a helpful illustration of the policy development process, see <http://gnso.icann.org/en/node/31379/>.

13. I owe this insight to one of the reviewers of this article.
14. Details about the process, including specific proposals and transcripts of the relevant debates about them, can be found here. <https://www.icann.org/stewardship>.
15. Transcript of the Cross Community Working Group meeting with the ICANN board, 25 September 2015. <http://bit.ly/1OrnF3d> (see also Mueller 2015a).
16. See <http://www.intgovforum.org/cms/dynamiccoalitions>.
17. See http://unctad.org/sections/un_cstd/docs/cstd2010d19_report-wsis_en.pdf.
18. Examples of temporarily banned topics include “Critical Internet Resources” (Hofmann 2010, 8–9), and “The Role of Human Rights and Intellectual Property in Internet Governance”. There might be more banned topics the author is not aware of. See Erment (2014).
19. See <https://archive.icann.org/en/wipo/wipo-report.htm>.
20. See <https://archive.icann.org/en/dndr/udrp/uniform-rules-24oct99-en.htm>.
21. See <https://www.icann.org/resources/unthemed-pages/raa-1999-05-12-en>.
22. The registries for Internet addresses and the root server operators also did not enter into contractual agreements with ICANN.
23. The ‘people out there’ is a common point of reference in the IGF discourse. It is meant to signify real problems as opposed to non-real problems. While the former typically refers to people who have, as yet, no access to the Internet, all other matters, particularly governance aspects, appear minor by comparison.
24. Recommendations are mentioned once as a possible form of outcome in the IGF mandate (WSIS 2005).
25. This concerns, for example, greater emphasis on ‘intersessional work’ and its output, as recommended by the UN working group on the improvement of the IGF.
26. Draft outcome documents of all IGF Best Practice Forums can be found here: <http://review.intgovforum.org/igf-2015/best-practice-forums/enabling-environments-to-establish-successful-ixps/>
27. Similar phenomena are discussed by other theoretical schools, for example, by Meyer and Rowan (1977) who looked at institutional structures as ‘myth and ceremony’.

Acknowledgements

I would like to thank Benjamin Bergemann for his indispensable support in researching this article.

Disclosure statement

No potential conflict of interest was reported by the author.

References

- Bäckstrand, Karin. 2006a. “Multi-Stakeholder Partnerships for Sustainable Development: Rethinking Legitimacy, Accountability and Effectiveness.” *European Environment* 16 (5): 290–306. doi:10.1002/eet.425.
- Bäckstrand, Karin. 2006b. “Democratizing Global Environmental Governance? Stakeholder Democracy after the World Summit on Sustainable Development.” *European Journal of International Relations* 12 (4): 467–498. doi:10.1177/1354066106069321.
- Belli, Luca. 2015. “A Heterostakeholder Cooperation for Sustainable Internet Policymaking.” *Internet Policy Review* 4 (2), doi:10.14763/2015.2.364.
- Berkman Center for Internet & Society. 2010. “Accountability and Transparency at ICANN: An Independent Review.” <https://www.icann.org/en/system/files/files/review-berkman-final-report-20oct10-en.pdf>.
- Bernstorff von, Jochen. 2004. “The Structural Limitations of Network Governance: ICANN as a Case in Point.” In *Transnational Governance and Constitutionalism*, edited by Christian Joerges, Inger-

- Johanne Sand, and Gunther Teubner, 257–281. International Studies in the Theory of Private Law. Oxford: Hart.
- Boström, Magnus, and Kristina Tamm Hallström. 2013. "Global Multi-Stakeholder Standard Setters: How Fragile Are They?" *Journal of Global Ethics* 9 (1): 93–110. doi:10.1080/17449626.2013.773180.
- Bygrave, Lee A. 2015. *Internet Governance by Contract*. 1st ed. Oxford: Oxford Univ Press.
- Calandro, Enrico, Alison Gillwald, and Nicolo Zingales. 2013. "Mapping Multistakeholderism in Internet Governance: Implications for Africa." Evidence for ICT Policy Action–Discussion Paper. Cape Town: Research ICT, July. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2338999
- Calton, Jerry M., and Nancy B. Kurland. 1996. "A Theory of Stakeholder Enabling: Giving Voice to an Emerging Postmodern Praxis of Organizational Discourse." In *Postmodern Management and Organization Theory*, edited by David Boje, Robert Gephart, and Tojo Thatchenkery, 154–177. Thousand Oaks, CA: SAGE.
- Castoriadis, Cornelius. 1987. *The Imaginary Institution of Society*. Cambridge: MIT Press.
- Dahl, Robert Alan. 1991. *Democracy and Its Critics*. New Haven: Yale University Press.
- Department of Commerce (DOC). 1998. 'Management of Internet Names and Addresses'. Statement of policy 980212036–8146–02. Federal Register /Vol. 63, No. 111. National Telecommunications and Information Administration.
- Dodds, Felix. 2002. "The Context: Multi-Stakeholder Processes and Global Governance." In *Multi-Stakeholder Processes for Governance and Sustainability: Beyond Deadlock and Conflict*, edited by Minu Hemmati, 26–38. London: Earthscan.
- Epstein, Dmitry. 2011. *Manufacturing Internet Policy Language: The Inner Workings of the Discourse Construction at the Internet Governance Forum*. SSRN Scholarly Paper ID 1989674. Rochester, NY: Social Science Research Network. <http://papers.ssrn.com/abstract=1989674>.
- Epstein, Dmitry. 2012. "The Duality of Information Policy Debates: The Case of the Internet Governance Forum." Dissertation, Cornell University.
- Epstein, Dmitry. 2013. "The Making of Institutions of Information Governance: The Case of the Internet Governance Forum." *Journal of Information Technology* 28 (2): 137–149. doi:10.1057/jit.2013.8.
- Ermert, Monika. 2014. "Internet Freedom in Turkey: 'It Just Keeps Getting Worse and Worse.'" *Internet Policy Review*. Accessed September 11. <http://policyreview.info/articles/news/internet-freedom-turkey-it-just-keeps-getting-worse-and-worse/323>.
- Ezrahi, Yaron. 2007. (Ms) *The Reality of Political Fictions: Democracy Between Modernity and Postmodernity*. http://en.idi.org.il/media/1429201/ByThePeople_EZRAHI.pdf.
- Ezrahi, Yaron. 2012. *Imagined Democracies. Necessary Political Fictions*. Cambridge: Cambridge University Press.
- Faysse, Nicolas. 2006. "Troubles on the Way: An Analysis of the Challenges Faced by Multi-Stakeholder Platforms." *Natural Resources Forum* 30: 219–229.
- Forrest, Heather Ann. 2013. "Rights Protection in New GTLDs: The Multi-Stakeholder Internet Governance Model at Work." *Telecommunications Journal of Australia* 63 (3): 00–00.
- Fransen, L. W., and A. Kolk. 2007. "Global Rule-setting for Business: A Critical Analysis of Multi-Stakeholder Standards." *Organization* 14 (5): 667–684. doi:10.1177/1350508407080305.
- Freeman, R. Edward. 1984. *Strategic Management: A Stakeholder Approach*. Pitman Series in Business and Public Policy. Boston, MA: Pitman.
- Hale, Thomas, and David Held, eds. 2011. *Handbook of Transnational Governance: Institutions and Innovations*. Cambridge: Polity.
- Hofmann, Jeanette. 2010. "Critical Internet Resources: Coping with the Elephant in the Room." In *Internet Governance Creating Opportunities for All: The Fourth Internet Governance Forum, Sharm El Sheikh, Egypt*, 15–18 November, edited by William J. Drake, 1–14. New York: United Nations Dept. of Economic and Social Affairs.
- Internet Corporation for Assigned Names and Numbers (ICANN). 2013. "Beginner's Guide to Participating in ICANN." Internet Corporation for Assigned Names and Numbers (ICANN). <https://www.icann.org/resources/files/participating-2013-11-08-en>.

- Internet Corporation for Assigned Names and Numbers (ICANN). 2015. "FY16 Budget by Portfolio and Project." Current Year (FY16) Financial Information. Internet Corporation for Assigned Names and Numbers (ICANN).
- Internet Governance Forum (IGF). 2015. "The Internet Governance Forum (IGF)." Internet Governance Forum. <http://www.intgovforum.org/cms/2015/IGF.24.06.2015.pdf>.
- Internet Society (ISOC). 2014. "IGF 2014 – Producing Tangible Outcomes on Best Practices. Submission by the Internet Society." <https://www.intgovforum.org/cms/images/2014/IGF2014/IGF-2014Request-for-Public-Input.v3.pdf>.
- Joint Project Agreement between the U.S. Department of Commerce and the Internet Corporation for Assigned Names and Numbers (JPA). 2006. <https://www.icann.org/en/system/files/files/jpa-29sep06-en.pdf>.
- Kelty, Christopher. 2005. "Geeks, Social Imaginaries, and Recursive Publics." *Cultural Anthropology* 20 (2): 185–214. doi:10.1525/can.2005.20.2.185.
- Khagram, Sanjeev, and Saalem H. Ali. 2008. "Transnational Transformations: From Government-Centric Interstate Regimes to Cross-Sectoral Multi-Level Networks of Global Governance." In *The Crisis of Global Environmental Governance: Towards a New Political Economy of Sustainability*, edited by Jacob Park, Ken Conca, and Matthias Finger, 206–256. Oxon: Routledge.
- Kummer, Markus. 2013. "Multistakeholder Cooperation: Reflections on the Emergence of a New Phraseology in International Cooperation." *Internet Society Blog*. Accessed May 14. <http://www.internetsociety.org/blog/2013/05/multistakeholder-cooperation-reflections-emergence-new-phraseology-international>.
- LSE Public Policy Group. 2006. "A Review of the Generic Names Supporting Organization (GNSO) for the Internet Corporation for Assigned Names and Numbers (ICANN)." London.
- Maciel, Marília, and Carlos Affonso Pereira de Souza. 2011. "Multi-stakeholder Participation on Internet Governance: An Analysis from a Developing Country, Civil Society Perspective." Association for Progressive Communications. https://www.apc.org/en/system/files/NoN_Multistakeholder_InternetGovernance.pdf.
- MacKinnon, Rebecca. 2012. *Consent of the Networked: The World-wide Struggle for Internet Freedom*. New York: Basic Books.
- Malcolm, Jeremy. 2008. *Multi-Stakeholder Governance and the Internet Governance Forum*, 1st Paperback ed. Perth: Terminus Press.
- Meyer, John W., and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony." *American Journal of Sociology* 83 (2): 340–363.
- Moog, Sandra, André Spicer, and Steffen Böhm. 2014. "The Politics of Multi-Stakeholder Initiatives: The Crisis of the Forest Stewardship Council." *Journal of Business Ethics*, May. doi:10.1007/s10551-013-2033-3.
- Morgan, Edmund. 1988. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York: W.W. Norton.
- Mueller, Milton. 2009. "ICANN Inc.: Accountability and Participation in the Governance of Critical Internet Resources." *The Korean Journal of Policy Studies* 24 (2): 91–116.
- Mueller, Milton. 2010. *Networks and States: The Global Politics of Internet Governance*. Information Revolution and Global Politics. Cambridge: MIT Press.
- Mueller, Milton. 2015a. "ICANN Board Mobilizes Against Accountability Plan." *Internet Governance Project*. Accessed September 26. <http://www.internetgovernance.org/2015/09/26/icann-board-mobilizes-against-accountability-plan/>.
- Mueller, Milton. 2015b. "IGF 2015: Running in Place." *Internet Governance Project*. Accessed November 16. <http://www.internetgovernance.org/2015/11/16/igf-2015-running-in-place/>.
- Musiani, Francesca, and Julia Pohle. 2014. "NETmundial: Only a Landmark Event If 'Digital Cold War' Rhetoric Abandoned." *Internet Policy Review*. doi:10.14763/2014.1.251.
- NGO and Academic ICANN Study (NAIS). 2001. "ICANN, Legitimacy, and the Public Voice: Making Global Participation and Representation Work." Report on the NGO and Academic ICANN Study. Washington, DC.
- Palfrey, John. 2004. "The End of the Experiment: How ICANN's Foray into Global Internet Democracy Failed." *Harvard Journal of Law & Technology* 17 (2): 409–473.

- Pavan, Elena. 2012. *Frames and Connections in the Governance of Global Communications: A Network Study of the Internet Governance Forum*. Lanham, MD: Lexington Books.
- Post, David G., and Danielle Kehl. 2015. "Controlling Internet Infrastructure: The 'IANA Transition' and Why It Matters for the Future of the Internet, Part 1." Open Technology Institute. https://static.newamerica.org/attachments/2964-controlling-internet-infrastructure/IANA_Paper_No_1_Final.32d31198a3da4e0d859f989306f6d480.pdf.
- Radu, Roxana, Nicolo Zingales, and Enrico Calandro. 2015. "Crowdsourcing Ideas as an Emerging Form of Multistakeholder Participation in Internet Governance." *Policy & Internet* 7 (3): 362–382. doi:10.1002/poi3.99.
- Raymond, Mark, and Laura DeNardis. 2015. "Multistakeholderism: Anatomy of an Inchoate Global Institution." *International Theory* 7 (03): 572–616. doi:10.1017/S1752971915000081.
- Roloff, Julia. 2008. "Learning from Multi-stakeholder Networks: Issue-focussed Stakeholder Management." *Journal of Business Ethics* 82 (1): 233–250. doi:10.1007/s10551-007-9573-3.
- Scherer, Andreas Georg, and Guido Palazzo. 2011. "The New Political Role of Business in a Globalized World: A Review of a New Perspective on CSR and Its Implications for the Firm, Governance, and Democracy: Political Role of Business in a Globalized World." *Journal of Management Studies* 48 (4): 899–931. doi:10.1111/j.1467-6486.2010.00950.x.
- Spencer, Daniela Michele. 2014. "Much Ado about Nothing: ICANN's New GTLDs." *Berkeley Tech. L.J.* 29: 865–894. doi:10.15779/Z38FX30.
- Taylor, Charles. 2004. *Modern Social Imaginaries*. Durham, NC: Duke University Press.
- Taylor, Emily. 2015. "The Internet Is Run by an Unaccountable Private Company. This Is a Problem." *The Guardian*. Accessed September 21. Technology. <http://www.theguardian.com/technology/2015/sep/21/icann-internet-us-government>.
- United Nations Conference on Trade and Development (UNCTAD). 2015. "Implementing WSIS Outcomes: A Ten-year Review." UNCTAD/DTL/STICT/2015/3. New York. http://unctad.org/en/PublicationsLibrary/dtlstict2015d3_en.pdf.
- United Nations General Assembly (UNGA). 2012. "Report of the Working Group on Improvements to the Internet Governance Forum." A/67/65–E/2012/48. New York.
- Weber, Rolf H., and Shawn R. Gunnarson. 2012. "A Constitutional Solution for Internet Governance." *Columbia Science & Technology Law Review* 14: 00–00.
- Weinberg, Jonathan. 2011. "Governments, Privatization and 'Privatization': ICANN and the GAC." *Michigan Telecommunications and Technology Law Review* 18 (189): 189–218.
- White, Hayden V. 1978. *Tropics of Discourse: Essays in Cultural Criticism*. Baltimore: Johns Hopkins University Press.
- World Summit on the Information Society (WSIS). 2005. "Tunis Agenda for the Information Society." WSIS-05/TUNIS/DOC/6 (rev. 1). Geneva: United Nations. <http://www.itu.int/wsisis/docs2/tunis/off/6rev1.html>.