

# **Governing Global Electronic Networks**

**International Perspectives on Policy and Power**

**Edited by William J. Drake and Ernest J. Wilson III**

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## Preface

The purpose of this book is to offer the reader nontraditional perspectives on the global governance of global information and communication networks. Most work on this subject concentrates on the largest, most powerful players in the world system. Through their lens, hegemonic states and large multinational corporations are the center of attention. In this volume we broaden the focus and consider the concerns of those with less power and less influence—the *nondominant* actors, most notably the developing countries and civil society. In other words, this book views the global governance of networks more from the bottom up, and the outside in. Not surprisingly, the view from the bottom and the outside is not the same as the view from the top down and the inside out. Substantive priorities vary, as do interpretations of the value and fairness of the institutionalized global processes that lead to substantive outcomes. From the perspective of Washington, DC, and London, policy priorities adhere around efficiency and market access, and institutions like the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO), while the view from Pretoria and Sao Paulo is more likely to emphasize digital divides and to seek leverage points in the International Telecommunication Union (ITU) and international conferences like the World Summit on Information and Society (WSIS).

Scholars and practitioners who seek to analyze this second perspective, like those in this volume, are different in other ways too. They are more interested in explaining the economic and political origins of the evolving rules of the game that structure the production and distribution of communications in the global system, and how those rules reinforce global power disparities while leaving some room for maneuver for the nondominant actors. This last point is critical. Our colleagues recognize that the global governance of electronic networks greatly constrains nondominant actors, but it also leaves them some freedom of action. There is not an either/or dichotomy; nondominant actors are neither fully free nor hopelessly controlled.

This book grew from the editors' frustration from attending conference after conference billed as addressing "global" information and communications technology (ICT)

issues at which speaker after speaker devoted comparatively little attention to the conditions of the five billion people who live in developing and postcommunist societies. The expert descriptions of the complex rules of the international communications regimes, and their global impacts, rarely included the perspectives of nondominant actors. Furthermore, their accounts of the ways that global networks were governed concentrated mainly on matters of efficiency and Pareto optimality more than on matters of equity and distribution. By contrast, the contributors to this volume concentrate as much on equity as on efficiency, and on the implications of governance arrangements for nondominant actors and the global public interest.

As a complement to describing their structural positions within an inherently unequal system, all the authors also point out the existing spaces for maneuver and leverage that nondominant actors possess to improve their situation individually and through collective action. We believe this offers a much more action-oriented and ultimately optimistic view of power relations in the transition toward a knowledge society, than simply another depressing catalogue of structural inequalities that submerge any possibility for human agency.

A major goal of the book is to uncover the politics that lie beneath global rules and regulations that may seem at first glance to be mainly technical. The authors search for the political and institutional origins of the rules that govern global electronic networks, and the patterns of winners and losers those arrangements create. In this sense, the volume is central to the MIT Press series of which it is a part, *The Information Revolution and Global Politics*. It is certainly true that good analysts of the information revolution must master the basics of the technology, and the ways they limit what is possible. At the same time, good analysts must appreciate how some stakeholders have more access than others to technology making and to rule making. In general, privileged stakeholders design and enforce governance mechanisms that tend to favor their material and ideological interests, and governance in the global (and national) ICT sector is no exception. How information and communications resources are deployed, how they should operate, and who pays for what are critical negotiation issues in which actors bring to bear all the assets they can in order to gain the distributive outcomes they seek. In the process, some clearly benefit more than others.

At its heart, global governance is about big issues like property rights, the definitions of equity and efficiency, and who gets to write the rules of the game. We concentrate on governance because at this moment in the transition toward knowledge societies, it is a critically important but contested concept and process. In this period of extreme turbulence about the ways basic norms, rules, and regulations guide human and institutional behaviors it is not surprising that all stakeholders are deeply concerned about the character of governance.

Concerns about meanings and definitions and their links to power and agenda setting came to the fore around the WSIS, held in Geneva in December 2003 and in Tunis

in November 2005. There and in the lengthy preparatory meetings there were debates over how properly to frame the discussions of information and society. The excitement and energy generated by the WSIS process helped to bump ICT global governance onto a wider and more visible world stage. The editors of this volume attended both meetings, and many of our authors played notable roles in the process. The WSIS debates reinforced our perspective that one needs to devote much more attention to the actions, words, and interests of nondominant actors.

As indicated in the acknowledgments section of this volume, the diversity of participants in the dialogues surrounding this project ensured we would have an anti-technocratic take on the global governance of electronic networks. The initial workshops involved participants with a variety of real-world practical experiences, from grassroots organizers and corporate managers, to public officials and staff from multilateral organizations. The thread of practicality they brought to our deliberations provided a solid grounding in practice that stands in sharp contrast to other projects that are either entirely academic or mainly practical.

Beyond our particular perspective—bottom up, outside in—the volume provides careful explications of the main *concepts* of governance, and the levels at which governance is typically exercised, such as multilateral, unilateral, and private sector governance, each of which has its own inherent strengths and weaknesses for nondominant actors. In addition, the volume presents the reader with rich *empirical descriptions* of what is happening in the governance of a range of substantive topics, from third-generation mobile networks to Internet domain names.

The volume is organized as follows. In the introduction (chapter 1), William Drake sets the stage by providing a historical overview of ICT global governance and mapping its contemporary architecture. He demonstrates that since 1850, we have progressed through three distinct NetWorld Orders (NWOs), each of which has been characterized by a particular blend of dominant technologies, ideas, interest configurations, and institutional arrangements. He concludes that despite the diversity of issues and institutions involved, scholars and policy practitioners alike could usefully pursue holistic analytical approaches to the field of ICT global governance.

We have divided the subsequent essays into three thematic parts. Part I deals with the global governance of infrastructures, or the networks, services, applications, and resources that make communication and information sharing possible. Don MacLean (chapter 2) explicitly addresses matters of rule making, power, and the allocation of resources that lie at the heart of governance. He takes up many of the thorny issues of reform in an organization that was long central to governance but is of less importance today—the ITU. MacLean shows that the ITU is beset by new challenges of radically changing technologies and business models, and suggests new avenues of reform that would, among other things, better accommodate the perspectives of nondominant actors.

Rob Frieden (chapter 3) provides a guide to the ITU's complex governance of international radio frequency spectrum and geostationary satellite orbital slots. While quite technical, when the technical layers are peeled away, Frieden shows that the governance framework tends to favor first movers over latecomers. He describes current pressures on the framework and suggests ways that the interests of nondominant players can be enhanced.

Looking at how self-interested actors jockey for political influence and market position in a very complicated global arena is also the topic of Peter Cowhey, Jonathan Aronson, and John Richards (chapter 4). The third generation of wireless networks represents a huge and hugely valuable territory on which the giants of international commerce battle for market shares, and powerful governments and regional bodies jostle to influence the rules of the game and their interpretations. The authors describe how this market works, the players that now dominate the field, and steps that nondominant actors can take to advance their interests.

Boutheina Guerhazi (chapter 5) turns our attention to another key multilateral body—the WTO. She assesses the WTO's Agreement on Basic Telecommunications, and the General Agreement on Trade in Services (GATS) of which it is part, from the standpoint of developing countries' interests. She concludes unequivocally that developing countries possess more leeway that they have exercised under these agreements, but that they have suffered not only because of constraints imposed internationally, but also because they have failed to organize themselves effectively and to pursue sound bargaining strategies.

Part II of the book deals with the global governance of the information, communication, and commerce flowing over the networks. Byung-il Choi (chapter 6) bridges the first two parts of the book by assessing the WTO's GATS from another angle, namely its treatment of international trade in audiovisual services. The author shows that the negotiations in the WTO have pitted proponents of a *trade perspective* (which holds that audiovisual services should be subject to progressive trade liberalization like any other sector) against proponents of a *cultural perspective* (which holds that they should not be so governed due to their special cultural significance). Choi details the politics of audiovisual trade negotiations in the WTO and other settings (bilateral, regional, multilateral) and argues that support for cultural industries should be pursued in a manner that does not unduly distort international trade.

Cees Hamelink (chapter 7) surveys the global governance battles over traditional mass media that have played out in multiple multilateral forums over the past century. His treatment of the timeless tensions between governments' interest in protecting their populations from content they consider harmful, on the one hand, and the (evolving) rights to communicate and seek information freely, on the other hand, demonstrates how old issues reappear again and again even as the technology evolves. On this contested terrain, Hamelink argues, none of the combatants are entirely pure:

sovereign states have their own *raison d'état* for defining which content is harmful, and international media corporations have their own profit imperatives for championing free speech.

Peng Hwa Ang (chapter 8) provides a parallel assessment of the tensions between freedom of speech and state regulation in the context of the contemporary Internet environment. Insisting on the critical role of the state in the evolution of the Internet, his chapter reflects the view of other intellectuals from Asia that collective responsibilities in communications must be taken seriously, even as one respects individual rights. Surveying various initiatives to establish rules on the circulation of content, Ang argues that the inadequacies of industry self-regulation will lead governments to assert themselves more, perhaps including through international cooperation.

Ian Hosein (chapter 9) explores the increasingly central realm of security and cybercrime as the Group of Eight and the Council of Europe have addressed it. The author finds fault with the approaches pursued in these bodies, which raise significant problems with respect to privacy and other key values. Moreover, their efforts have constituted instances of policy laundering because they circumvent national democratic discourses in favor of comparatively closed international decision-making processes.

Henry Farrell (chapter 10) considers governance mechanisms that are designed to protect citizens' privacy rights. He concentrates his attention on the relationship between the United States and the European Union (EU), which have pursued very different approaches to the question, with the former preferring weaker international rules than the latter. The author views power relations as central to the transatlantic accommodation that has been reached, and to the EU's efforts to push third-party countries toward higher levels of privacy protection.

Christopher May (chapter 11) examines the international politics of intellectual property protection within the WTO and WIPO. Emphasizing power dynamics and the distributive issues of winners and losers, he argues that the current trajectory toward strict and expansive intellectual property rules has been driven by the industrialized countries and their industries and is contrary to the needs of nondominant actors, especially the developing countries. May covers a range of issues before outlining ways in which nondominant actors can exploit the flexibilities provided by the relevant arrangements to promote developmental and public interest objectives.

The third and final part of the book deals more intensively with the problems nondominant actors confront in seeking to participate in ICT global governance processes. David Souter (chapter 12) writes from the perspective of one of the authors of the pathbreaking international report *Louder Voices* (2002). Souter assesses the continuing relevance of the report's main findings regarding the domestic and international institutional issues that can limit the effectiveness of developing countries' participation. In general, he argues that the most pressing problems concern domestic constraints and capacity building, and that sophisticated leadership will be needed if developing

countries are to participate and defend their interests effectively in international negotiations.

Tracy Cohen and Alison Gillwald (chapter 13) demonstrate how the sort of issues highlighted by Souter play out in a specific case—the highly politically charged context of post-apartheid South Africa. The authors present a fine-grained analysis of the country's participation in the ITU and the WTO, demonstrating that international power dynamics and institutional factors can interact with domestic conditions to limit developing countries' influence in governance processes. They argue that these institutions do provide developing countries with some flexibility, but that global governance reform is needed nevertheless.

The same themes of power, institutions, and participation emerge with considerable clarity in the contribution by Milton Mueller and Jisuk Woo (chapter 14). The authors examine South Korea's involvement in the Internet Corporation for Assigned Names and Numbers (ICANN). They show that Western governments (most notably the United States) and transnational firms (such as intellectual property interests) have dominated ICANN at the expense of the developing and transitional economies, which the authors dub the “rest of the world.” Mueller and Woo propose a series of changes to ICANN in order to enhance the rest of the world's effectiveness in that crucial international body.

Wolfgang Kleinwächter (chapter 15) turns our attention from developing countries to another set of nondominant actors—global civil society. He traces the evolution of civil society participation in the WSIS process and the development of “multistakeholderism” as a new principle that may come to inform more of ICT global governance. However, he cautions that to make this scenario viable, civil society actors will have to become better organized and more adept at securing governmental recognition of their legitimacy and importance as partners.

In the volume's conclusion (chapter 16), I synthesize some of this project's main lessons by posing and answering four guiding questions: Is there a Washington consensus separate from the preferences of nondominant actors? Are the current ICT governance mechanisms working well or are they broken? What is the impact of the current GGEN arrangements on nondominant actors? What can scholars and researchers do to help practitioners in the field of ICTs?

We believe the perspective of those who stand on the outside looking in, and at the bottom looking up, is an important corrective to some of the work on ICT global governance. Not every chapter in this book analyzes this overarching theme to the same extent, or even from the same angle. But the authors' analyses help to situate the “outside-in” discussion within a broader range of substantive and institutional issues not typically incorporated into discussions of governance. The reader is invited to reflect on how these contributions help enrich our understanding not only of those on the outside and at the bottom, but also how these insights may change our understanding

of the behaviors of the privileged nations who sit inside, and at the top, of the governance system. Much of the scholarly work on international regimes, for example, starts with the assumption that global governance structures are positive sum arrangements for rich and poor alike. Our authors call this assumption into question.

Not every volume can cover every topic. Some issues we did not include in this volume still deserve more critical attention. For example, scholars should pay more attention to the weight of private sector actors in global governance, both in their efforts to influence government bodies, and also in their own firm-level commercial and long-term strategic choices. Still, as this book's authors demonstrate, there are more than enough important issues to engage scholars for years to come in the changing dynamics of the governance of global electronic networks.

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