

Let the crowd decide?

Crowdsourcing ideas as an emerging form of multistakeholder participation

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Abstract:

The online crowdsourcing of ideas for institutional change and legislation drafting has been widely adopted by public bodies from the local to the international level, for improving transparency, legitimacy and accountability. In multistakeholder set-ups, such an approach seems to fulfil the promise of real-time engagement and cross-fertilization of ideas. Global Internet policy-making, in particular after the Snowden revelations of mass surveillance, appears as a natural experiment for harnessing the potential of crowdsourcing for institutional change. Our study investigates two key recent initiatives of online collective brainstorming: ICANN's Multistakeholder Innovation Strategic Panel and the NetMundial process, highlighting the merits and limitations of crowdsourcing as an emerging form of multistakeholder participation.

Introduction

The Internet is the largest repository of data and ideas ever created. The fast expansion of digital tools has opened up both the knowledge-building process and participatory decision-making through the use of online platforms for consultations and crowdsourcing ideas. These initiatives seek to enable citizens and stakeholders to participate in consultative, problem solving and decision-making processes. Based on consolidated expectations of deliberative, direct and participatory democratic principles and guided by multistakeholder involvement practices, public bodies and organisations are increasingly using online platforms to improve public participation either in the legislative process or to collect ideas and input from the public on how to improve certain aspects of their work.

Beyond profit-oriented crowdsourcing initiatives (like the Goldcorp Challenge, Threadless, or InnoCentive), online collective problem-solving has also entered the realm of public policy, in particular when input is sought from multiple communities of affected interests. Innovative approaches become possible, as the Internet allows for a 'level of reciprocity and engagement that would be difficult and costly for government institutions to initiative off-line' (Tomkova 2009, p. 4). A set of initiatives based on the concept of town hall meetings has been given substance through online platforms, including the European citizens consultations; AmericaSpeaks.org; deliberative-democracy.net, FixMyStreet.com etc. Currently, opportunities for participation in public decisions no longer come from government only. Multistakeholderism presupposes that different affected interests are represented in policy-making, beyond consultative status. This is part of the paradigm shift of 'digital-era governance' (Dunleavy et al. 2006), bridging the gap between the 'micro public-spheres' (Niemeyer 2011) and the new 'public of publics' (Radu 2014).

The movement to empower external contributors – the *undefined many* as opposed to the *selected few* – through technology is primarily seen as successful in the business sector, but presents mixed outcomes for public participation in policy design, institutional reforms or legislative drafting. Hailed as the cornucopia of new forms of engagement, crowdsourcing also emerged as a new mode of interaction in the multistakeholder Internet governance (IG) policy space, in particular to restore trust following the Snowden revelations in June 2013, with hopes for increasing the legitimacy, transparency and accountability of their sponsoring structures. In this study, we focus on the use of such initiatives for global Internet policy-making, a domain governed by multistakeholder organisations *par défaut*. Here, we follow two recent IG initiatives: (1) the ICANN Strategic Panel on Multistakeholder Innovation; and (2) the Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial).

In spite of the ambitious goals, the IG crowdsourcing projects post-Snowden seem to have failed either in their implementation phase or in the delivery of the promised outcome. In one case (ICANN), crowdsourcing has been able to involve only a low number of people, insufficient to allow any substantial decision-making based on the online public input received. In the other (NETmundial), the complexity of a truly multistakeholder consultation led on the one hand, to claims of voices not being listened to, questioning the legitimacy of the outcome; and on the other, to a failure to produce a vocal condemnation of mass surveillance, disappointing those who saw it as a necessary outcome..

This study offers an in-depth look at crowdsourcing for global Internet policy-making, tracing two recent processes and discussing their merits and downsides. It builds on empirical data to provide a comprehensive view of the process and innovates in two ways: first, by exploring the links between multistakeholder governance and public involvement; second, it assesses the structural constraints of implementing crowdsourcing for reforming IG structures, questioning the extent to which these emerging opportunities of participation can fulfil their promise.

The remainder of this paper is divided as follows. The first part is dedicated to a theoretical discussion about crowdsourcing for the emerging field of Internet governance; the second part analyses two recent IG projects of online collective brainstorming. This is followed by a comparative discussion of the merits of these initiatives and their limitations, providing a set of process guidelines. The final part concludes and offers directions for future research.

Crowdsourcing as an emerging form of public engagement

Crowdsourcing, a concept coined by Jeff Howe and Mark Robinson (contributing editors for *Wired* magazine) in June 2006 (Howe, 2006a), represents ‘the act of a company or institution taking a function once performed by employees and outsourcing it to an undefined (and generally large) network of people in the form of an open call.... The crucial prerequisite is the use of an open call format and the large network of potential laborers (Howe, 2006b)’. Crowdsourcing is typically linked to transparency and participation, reinforcing both. Through collective brainstorming, what emerges is a better fit between outcomes and expectations that are mutually shaped by the participants and the public institutions concerned.

Collective democracy embodies this understanding that the public sphere is shaped by the unnamed many, be it through the idea of ‘democratizing innovation’ (von Hippel 2005) or through ‘citizensourcing’ (Lukensmeyer and Torres 2008). Cyberlibertarians have viewed the expansion of technology as ‘automatically’ liberating and democratising participation in public processes, yet in spite of the plethora of digital tools available, the levels of engagement did not match the expectations. ‘Ideagoras’, or the marketplaces for ideas, innovations and solutions (Tapscott and Williams 2006) as new forms of mass-collaboration, seem to be the middle-ground, building on the practice of the most feasible solutions being (selected and) implemented by specialists.

A key feature of crowdsourcing processes is the screening of inputs. Unlike public consultations, which aim towards deliberation, argument- and consensus building, crowdsourcing exercises streamline particular ideas in their solution-driven approach. One innovation that this model of participation introduces is a form of ‘collaborative administration’, in which the larger public supports internal administrative processes and contributes to improving the quality and the speed of services through peer vetting procedures (reviewing and ranking ideas, voting etc.). When applied effectively, this can increase responsiveness and lead to more creating outcomes.

Crowdsourcing represents a managed process, which ‘blends an open creative process with a traditional, top-down, managed process’ (Brabham 2012: 123), in which the diversity of voices characteristic to multistakeholder set-ups will ideally be represented. However, in practice, the measures taken to encourage participation of all affected interests remain limited and that trickles down to different structures of incentives for participants. Their level of involvement will vary according to the efforts to attract their attention. The

potential to aggregate separate flows of ideas in one stream in real-time (Brabham 2008) does not materialize unless there is a deliberate push to nurture this into a substantive input: a valuable contribution and feedback on how that can be integrated or applied.

In highly-politicized cases, such as the recently crowdsourced constitutional revision in Iceland or the open consultation for the new copyright regulation in Italy, this innovative democratic method has been sidelined by institutional forces, due to the absence of a specific legal obligation to follow a multistakeholder process. In Iceland in particular, although the consultative and drafting process was supposed to involve common Icelanders with solicited feedback from citizens through social media not politicians, the work of the elected constituent assembly of 25 citizens with no particular political or special interest affiliations, was eventually declared null and void, and substituted by 25 representatives appointed by parliament.

Crowdsourcing in Internet governance

Internet governance represents a natural experiment for utilising crowdsourcing. The development of technical standards and protocols for the Internet has been conducted in an open manner, with the involvement of a broader community encouraged to participate at different levels. Linux became the best operating system with the volunteer contributions of software developers from all over the world. The World Wide Web expanded and changed tremendously through the collective work of users who became content creators and software innovators.

Paradoxically, the largest part of decisions regarding the public policy aspects of Internet governance are taken in face-to-face meetings, with a minimum use of online collaborative platforms bridging across the different stakeholder groups. Notably, there is an intense use of mailing-lists, often the primary vehicle for the exchange of ideas and (statement) coordination, but they remain confined to a specific community or a specific process. Open calls for the involvement of anyone interested remain the rhetoric, rather than the reality in this space.

For many years, Internet Governance (IG) was synonymous with the management of technical resources, and implicitly, driven by concerns related to the legitimacy and accountability of the body in charge of the domain name system, the Internet Corporation for Assigned Names and Numbers (ICANN) (Chenou and Radu 2014). Since its creation in 1998 as a California-based non-for-profit corporation, the ICANN attempted to create venues for online participation both to reform its decision-making processes and to vote for its Board members. A ground-breaking attempt to enhance community participation was the 2000 global election for five At-Large Directors, one from each geographical region. The election was the first attempt by ICANN to represent the public interest and to involve a wide and global public by giving them a direct vote (fully online) in their governing structure. The case of a global direct ballot and online vote offers insights into the forms of engagement ICANN has experimented with, in addition to online consultations.

The direct election for At-Large Directors was designed to be broadly inclusive, inexpensive to conduct, and based on principles such as enhanced participation and legitimacy. It should have minimised capture and fraud, and it was designed to be completed in less than a year. The process started in February 25, 2000 when ICANN began to accept registrations for its new “At-Large Membership”—about eight months before the actual election and five

months before the direct election system were approved in Yokohama. Registration was extended from February through 31 July 2000. ICANN received 176,837 registrations—far more than it had been expected¹. Potential voters in the direct election broadly included anyone in the world with an e-mail address and postal address who completed the web registration. Out of all registered people, over 30,000 ultimately voted. Up to seven candidates were on the ballot in each region, selected by nomination or a petition-like member nomination process. Voting occurred online, through preferential balloting, and five new directors were elected to the Board.

The election created some disagreements between those who believe there is no need for public participation in ICANN at all and those for whom the At-Large participation is a basic principle of ICANN's existence. It is undeniable that the 2000 election was perceived to be successful in selecting directors by a broad membership. However, the election also presented some challenges, such as the technical problems that undermined its credibility². Moreover, participation was understood in that case as no more than casting an online vote, with no interactions with the community in the exchange of ideas in the phases before balloting or during the bylaws drafting. Also, in most developing countries, and particularly in Africa and Latin America, there was only little public education about the At-Large elections together with almost absent Internet access and use. These wide education and access gaps between developed and developing countries have raised concerns about the possibility of national capture of a regional election, or regional domination of elections held on a global basis (NGO and Academic ICANN Study 2001).

The use of crowdsourcing for IG policy changes seems to have increased in the aftermath of the Snowden leaks about mass surveillance programmes. In IG, crowdsourcing appears to be one of the popular means to build trust and enhance legitimacy for the actors stirring the process. Following the condemnation by the Brazilian president, Dilma Roussef at the opening of the 68th Session of the United Nations General Assembly³, Brazil announced that it would host a summit on Internet governance with governments, industry, civil society and academia⁴.

Roussef's speech stressed the gravity of the violations to individuals' right to privacy, and the affront to the sovereignty of other States, that the revelations had exposed⁵. The declarations were echoed by an approving remark of the CEO of ICANN, Fadi Chehadé, who offered his support for the summit from the outset: "The trust in the global internet has

¹Through a second step, Activation, ICANN attempted to authenticate voters by mailing each registered member a password and PIN number, which the voter would then use to "activate" his or her membership on the ICANN web site members.icann.org.

²Technical problems were related to the fact that the system was not scalable and could not properly handle higher peak loads. As a result, some potential members could not register because registration servers were unable to handle high demand. Some registered members failed to receive a PIN number after registering while others had trouble actually voting. A tradeoff between cost and security was reached in order to have the election on time. Since the global authentication system was not well developed, it was difficult to prevent people from registering more than once. The combination of online registration and postal mail confirmation, while inconvenient, seemed a reasonable tradeoff for additional security.

³Brazil. Statement By H. E. Dilma Rousseff, President Of The Federative Republic Of Brazil, at The Opening Of The General Debate Of The 68th Session Of The United Nations General Assembly, 2013. Available at http://gadebate.un.org/sites/default/files/gastatements/68/BR_en.pdf

⁴"Brazil to host Internet governance summit next year", Phys Org. (Oct 9, 2014) <http://phys.org/news/2013-10-brazil-host-internet-summit-year.html>

⁵"Without the right of privacy, there is no real freedom of speech or freedom of opinion, and so there is no actual democracy. Without respect for [a nation's] sovereignty, there is no basis for proper relations among nations. Those who want a strategic partnership cannot possibly allow recurring and illegal action to go on as if they were an ordinary practice." See *Id.*

been punctured and now it's time to restore this trust through leadership and institutions that can make that happen⁶". The same concern was expressed by Chehadé in a statement signed by all the leaders of organizations responsible for coordination of the Internet technical infrastructure globally, following a meeting in Montevideo to discuss current issues affecting the future of the Internet⁷.

The request to support and enhance the multistakeholder model of ICANN policymaking and governance became particularly relevant in the period between the mass surveillance leaks and the announcement by the U.S. Commerce Department's National Telecommunications and Information Administration (NTIA) announcement, in March 2014, of its intent to transition key internet domain name functions to the global multistakeholder community. As a first step, NTIA asked the ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA in the coordination of the Internet's domain name system (DNS) (NTIA, 2014).

Here, we look back at two initiatives of ICANN which had mixed results: the first one, the ICANN multistakeholder innovation panel, garnered only limited support; the second, conducted in cooperation with the Brazilian government and a range of stakeholders, became one of the landmark events of 2014.

Methodological considerations

The following section presents a structured analysis of two recent experiments in crowdsourcing for Internet-related policies: the ICANN Multistakeholder Innovation and NetMundial initiatives. These two processes, though not leading to binding decisions, took place in a relatively similar timeframe, which makes them comparable on certain dimensions. Both were initiated by the ICANN, a key body in the management of technical resources for the Internet. Our analysis is based on the design of the participation process and its outcomes, and it sheds light on the crowdsourcing phenomenon as an emerging form of multistakeholder engagement, discussing preliminary 'lessons'. The two processes were selected to highlight variation in the methods used to raise awareness and in the outcomes, one being more successful than the other.

Implementing crowdsourcing in ICANN policy-shaping processes

ICANN conducts online consultations on a regular basis, with mixed results. Their target audience is the 'ICANN community', a group of experts and newcomers that volunteer their time and expertise to improve policy processes within the organisation. One of the most innovative initiatives launched by ICANN is the recent Strategy Panel on Multistakeholder Innovation, which made use of crowdsourcing. In order to reform ICANN's decision-making system and internet policymaking processes to keep pace with the growth and globalisation of internet access, during a global discussion held in July 2013 at ICANN 47 Durban,

⁶ RT, "Brazil to host global internet summit in ongoing fight against NSA surveillance" (10 October 2013) <http://rt.com/news/brazil-internet-summit-fight-nsa-006/>

⁷ ICANN, Montevideo Statement on the Future of Internet Cooperation, October 7th 2013. Available at <http://www.icann.org/en/news/announcements/announcement-07oct13-en.htm>.

President and CEO Fadi Chehadé announced the creation of five strategy panels⁸ to convene subject matter experts, leaders and industry practitioners to inform and support the development of ICANN's strategic and operational goals over the course of one year.

In September 2013, Beth Noveck, Co-Founder and Director of The Governance Lab and Chair of the ICANN President's Strategy Panel on Multistakeholder Innovation invited seven experts⁹ convened from a number of disciplines and geographies to help redesign ICANN and its multistakeholder decision-making processes. The Multistakeholder Innovation Panel was created to collect ideas on how to create a new organisational 21st-century model for ICANN. The key deliverables of the strategy panel were to examine how internet policy related to unique identifiers might be best managed in the future; propose new models for broad, inclusive engagement, consensus-based policymaking and institutional structures to support such enhanced functions; and design processes, tools and platforms that enable the global ICANN community to engage in these new forms of participatory decision-making. GovLab set up online crowdsourcing platforms for public participation¹⁰ and ran experiments to design the most open and collaborative online mechanisms for deciding public problems.

The initiative officially started in November 2013 when panellists were invited to participate remotely in a strategic planning meeting. During the meeting, participants made an informal assessment of current practices on multistakeholder participation at the ICANN and were invited to submit proposals on how problems related to multistakeholder participation in Internet governance could be addressed. They were also required to suggest concrete ideas on how to improve multistakeholder participation. After the meeting, the panellists put forward formal proposals which were posted on the IdeaScale page, officially created to manage the online crowdsourcing process of gathering ideas for the evolution of the ICANN multistakeholder model. Not only were panellists able to submit their proposals, but the platform was open to the ICANN community which could submit additional ideas or vote and comment on existing ideas.

The brainstorming meeting was live blogged¹¹ and panellists and participants were requested to spread the word through their own networks. Additional blog posts were published on thegovlab.org website. A "Call To Action" blog post was created¹² and additional social marketing and social media tools, such as a video to inspire participation¹³ and a Twitter account (@thegovlab) were created. The campaign was intended to go viral on a voluntary basis, through community support.

Despite the initiative seeking to reach as many stakeholders as possible, relying substantially on social media and crowdsourcing platforms, only 20 ideas open for comments and votes were posted on the IdeaScale crowdsourcing platform. The ideas received 46 comments and

⁸The strategy panels are on Identifier Technology Innovation; on ICANN's Role in the Internet Organizations' Ecosystem; on Multistakeholder Innovation; on the Public Responsibility Framework; on the Role of ICANN in the Future of Internet Governance (ICANN, 2013).

⁹The group included Alison Gillwald, Executive Director at Research ICT Africa; Bitange Ndemo, former Permanent Secretary of Kenya's Ministry of Information and Communication; Guo Liang, Director of the China Internet Project and Associate Professor at the Chinese Academy of Social Sciences; Joi Ito, Media Lab Director; Karim Lakhani, Lumry Family Associate Professor of Business Administration at the Harvard Business School.

¹⁰The IdeaScale platform is available at the following link: <http://bit.ly/1dS9sLp>. The online platform allows to submit an idea in any of the categories opened up for public consultation, to tag ideas to help community search submissions, to discuss idea posed to improve them, to vote on ideas to ensure that the best ones were selected to follow-up, and to share a link to brainstorm and invite others to get involved.

¹¹ <http://thegovlab.org/recap-of-icann48s-strategy-panels-an-introduction/>

¹² <http://bit.ly/HWNxrW>

¹³ <http://bit.ly/185t28Q>

71 votes in total by 86 users¹⁴. Therefore, the initiative was able to involve only a small number of people taking into account the audience that the Network is able to reach. The online public input received by this small number of stakeholders might result insignificant to allow the public body make any substantial decision on the future of policy and decision-making procedures.

The strategy panels' lifecycle closed at the end of April 2014. Overall, the process was very focused and time-lined. A compilation of the contributions received was published on the ICANN website. A final proposal was posted in May 2014 and it is opened up for public comments. It has been drafted based on the inputs received and it is open for public comments. The report describes in detail the overall process of public consultation, it carefully analyses each proposal received and provides comments from experts and ICANN stakeholders.

A number of proposals revolved around using online-based platforms to improve ICANN decision-making and procurement processes in general. Most of the proposals suggested to improve online participation processes in order to crowdsource solutions to technical problems – with their policy implications – related to internet naming and numbering.

The ICANN initiative of opening up a public discussion on these issues was very well received by all panellists. The majority of final proposals and comments, however, assumed that there are substantial numbers of users online, especially from countries that have historically been excluded from ICANN decision-making processes. The ideas also assume that users have access to well-functioning PCs and that potential participants have the technical expertise necessary to easily use crowdsourcing online platforms. But taking into account that one of the main participatory gap in internet governance is the absence of stakeholders from developing countries the majority of whom do not have access to the internet (Calandro, Gillwald, and Zingales, 2013), these ideas raised concerns on how they could effectively fill up participatory gaps and how effective they can reform governance structures and processes at the ICANN.

ICANN's discussion on multistakeholder innovation sought to canvass different stakeholders and experts involving them mostly through online participation. However concerns have been raised on the capacity of this approach to substantially transform policymaking structures and processes within ICANN. Although the ideas and suggestions collated and analysed may improve ICANN's participatory structures and processes at a very technical level, they cannot be considered significant new opportunities for a broader multistakeholder participation, certainly not outside these new online and technical platforms. Panels' ideas failed to stimulate a debate on some of the main problems related to under-representation of stakeholders in internet governance such as lack of participation of governments, civil society and internet industry from developing countries and especially from Africa. For instance, issues on the marginalisation of African governments from ICANN decision-making structures and processes and their defaulting to ITU meeting as African caucus for the governance of the internet were absent. In addition, issues related to the areas of Internet policies that a technical body such as ICANN should be dealing with have not been part of the discussion of the Strategy Panel on Multistakeholder Innovation.

Since the technical dimension of the governance of the internet has significant contentious political implications, such as the transition of key internet domain name functions managed by the IANA to the global multistakeholder community, or the private nature of ICANN as a

¹⁴It is difficult to provide a breakdown of participants because except from the affiliation, the registration process did not require participants to provide nationality, stakeholder group, gender, etc.

California-based non-for profit entity, the policymaking process should also (and with more urgency) be a subject of reform. Consideration should be given on how to select which stakeholders should be involved on different technical queries and how to gather, on the other hand, a broader audience on issues requiring a larger number of stakeholders in the decision-making process.

Crowdsourcing for NETmundial

Days after Rouseff's speech in the UN General Assembly, a meeting between Brazilian representatives and civil society organizations took place at the Internet Governance Forum in October 2013 to discuss the next steps. Civil society representatives proposed holding online consultations drawing on the successful experience of the Brazilian Civil Rights Framework for The Internet (Marco Civil), a law that was drafted collaboratively online based on the inputs from a range of stakeholders¹⁵. The proposal was well received and, as a result, the preparatory phase of the Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial) offered stakeholders the possibility to contribute to the elaboration of the outcome declaration, through the use of a dedicated online platform (www.netmundial.br).

While the actual meeting was scheduled for April 23rd and 24th in Sao Paolo, the shaping of it started much earlier with discussions concerning the composition and appointment of the multistakeholder board of chairs (composed by one chairman and 4 co-chairs) and the committees involved in different aspects of the meeting¹⁶, both assisted by the NETmundial Secretariat (composed of 6 people). It was not until mid- February that emails started to circulate soliciting public input on the platform, where contributions could be submitted on the two topics addressed by NETmundial ("Principles of Internet governance" and "Roadmap for the evolution of the Internet governance ecosystem") through a dedicated web-form. Specifically, the web-form solicited comments on principles that could serve as the foundation for an inclusive, multistakeholder, effective, legitimate and evolving Internet governance ecosystem¹⁷, and on possible frameworks to address the complexity of governments/stakeholders shaping the growing Internet Governance needs.¹⁸

¹⁵In addition to the proposal at the meeting, BestBits, a network of civil society organizations, sent a letter to the hosts of NETmundial suggesting concrete mechanisms that would "facilitate purposeful deliberation and help to narrow down the meeting's conclusions". See BestBits. Submission to Brazil meeting committees on deliberative processes for the Brazil meeting. February, 2014. <http://bestbits.net/brazil-processes/>

¹⁶The four meeting committees were:

1. High-Level Multistakeholder Committee (HLMC): Responsible for conducting the political articulation and fostering the involvement of the international community.
2. Executive Multistakeholder Committee (EMC): Responsible for organizing the event, including the agenda discussion and execution, and for the treatment of the proposals from participants and different stakeholders;
3. Logistics and Organizational Committee: Responsible for overseeing every logistic aspect of the meeting;
4. Governmental Advisory Committee: Open to all governments willing to contribute to the meeting. Although this last committee did not have a multistakeholder composition as the others, it was not granted any specific task, nor were its members given additional privileges as compared to other participants of the meeting.

¹⁷Literally, the web-form stated: "NETmundial is accepting contributions from any interested party on Internet Governance Principles to serve as the foundation for an Internet Governance Ecosystem that is inclusive, multistakeholder, effective, legitimate, and evolving, while maintaining alignment between national and global requirements".

¹⁸Literally: "The NETmundial meeting supports the need to evolve the Multistakeholder Internet Governance Ecosystem. The goals are to energize discussion and pursue agreements for the way forward based on equal footage. NETmundial is accepting contributions on frameworks to evolve and extend Internet Governance institutions and networks to address current and emerging issues. Such frameworks should address the complexity of governments/stakeholders shaping the growing Internet Governance needs.

From the opening on February 14th to the closing day of March 8th, a total of 188 contributions were received, 65 of which related to principles, 69 to the roadmap, and 54 combining the two. The majority of contributions were from United States (31) and Brazil (16), followed by United Kingdom (7), India (7) and Switzerland (6). They came from 136 organizations making a single submission and 22 making multiple submissions¹⁹; 147 individuals making a single submission and 18 making a multiple one²⁰.

All the contributions were made available online, yet submissions were only allowed in English. Due to the limited time available for the analysis of contributions, the organizers felt compelled to sacrifice multilingualism at this stage, despite this being one of the guiding principles established by the World Summit on Information Society²¹ and the Tunis Agenda²². This linguistic issue may have impacted, probably even more than subject matter expertise and access to the Internet, the number and geographic spread of the submissions; for example, only 19 submissions came from the whole African continent, and even less from Asia.

Since the participants would only have two days for discussions in Sao Paulo, the organizers decided to adopt a standard practice of diplomatic meetings, namely to produce in advance an outcome document in order to give attendees a starting point for “negotiation”. In order to facilitate the drafting of this document, a task assigned to the Executive Multistakeholder Committee (EMC), the Secretariat compiled a summary of all the contributions. This process took place over 10 days, 7 of which reading and categorizing information into themes, and the 3 remaining days to analyse submissions by theme and produce a 1 page summary with quotes taken from the various contributions and a specific recommendation to the EMC. Importantly, the Secretariat strived to maintain the same language used in the submissions, without paraphrasing, thereby suggesting that no substantive decision was involved in processing such data. For the same reason, caution was adopted in determining whether a contribution was “out of scope”, which occurred in 5 cases of manifestly irrelevant submissions, excluded from the summary upon a succinct explanation of their manifest irrelevance to the questions at issue.²³

The EMC decided, however, to only marginally rely upon the categories and recommendations provided by the Secretariat, mainly due to the unorthodoxy of some of the characterizations made in the document. Instead, it preferred to read again all contributions one by one, and adopted the following guidelines: to include issues mentioned in a large number of contributions (relevance) and to address them in a way that made consensus possible (consensus-driven). Thus, this collation is likely to have tilted the balance in favour of the more “mainstream” and “uncontroversial” contributions. Unsurprisingly, when the draft outcome document was revealed by Wikileaks on April 8th, it appeared that it sacrificed the digital rights desired by some to satisfy the wants of others — namely,

¹⁹The breakdown of the organizations submitting more than one contributions was as follows: 16 organizations with 2 submissions; 4 organizations with 3; and 1 organization with 4.

²⁰The breakdown of the authors submitting more than one contributions was as follows: 14 authors with 2 submissions; 3 authors with 3; and 1 author with 4.

²¹at 48 and 52

²²at 29, 49 and 53

²³Specifically, the reasons were:

- 1 document being a submission of an unedited document written in 1998, and therefore irrelevant to today’s Internet governance discussion;
- 1 document constituting the first half of another submission;
- 2 documents representing the duplicate of other submissions;
- a document containing a “rant about US sanctions against Sudan”, therefore not relevant to NETmundial debate.

stakeholders in the US. Specifically, it was lamented that the drive against surveillance was gutted to just one paragraph, compromising with the will of some nations²⁴. Nevertheless, it is worth remind that the leaked version of the document simply constituted a point of departure, precisely because modifications were expected following comments by the High Level Multistakeholder Committee (HLMC, in charge of setting the political tone of the meeting) but also following a second phase of online consultation over the draft, which started four days after the publication of the revised version of the document (taking into account the comments by the HLMC) on April 11th.

From April 15th to April 21st, 1370 comments were made on the side of the text. Commenters were invited to provide their name, their preferred email address and the sector to which they thought they belonged to when commenting; however, but there was no validation system in place to verify the identity or the stakeholder group of the commenter. In the end, the breakdown was as follows: 97 from academia, 120 from the technical community, 147 from government, 342 from the private sector, 584 from civil society and 80 unidentified.²⁵ The comments were then assembled by the NETmundial's data team into a spreadsheet, and the Secretariat subsequently extracted the most meaningful comments (based on the existence of a 'rationale' for the suggested edit²⁶) and produced a summary, which was published on April 22nd. In this document, the Secretariat acknowledged the imperfection of this consolidation, suggesting that the most transparent way to do that would be to go through all the comments one by one- something that the EMC endeavoured to do in the two days remaining prior to the start of the meeting.

The actual meeting of NETmundial included two working sessions focused on each of the document's sections, including some repetition but also some new comments, both from the audience at the Hyatt in Sao Paolo and from remote participants. It is out of the scope of this paper to analyse how this live interaction was fed into the final document; however, it is interesting to note that an additional element of online consultation was the use of a platform for political participation (www.participa.br), similar to the one used in the process leading to the Marco Civil, for gathering and selecting comments of remote participants from the Sao Paolo hub in Arena Mundial. The platform received more than 300 proposals and 280.000 votes in the 27 days of consultation, to prioritize 15 ideas about the rights and principles for the Internet, which were then presented at the Sao Paulo Hub and used as a starting point for two remote interventions made in the plenary. This platform added a real crowdsourcing element not simply to the proposal but also to the assessment of proposals, which could perhaps be seen as a valid option for the management of all types of online consultations –especially where the stage of assessment is so time-sensitive and “edge-smoothing” as the one at stake in NETmundial.

²⁴ See “WikiLeaks release: Internet governance body trying to stop NSA surveillance”, RT. April 8, 2014. At <http://rt.com/usa/wikileaks-netmundial-internet-governance-221/>

²⁵ More specifically, divided by sections of the document: for the Introduction, 3 comments from academia, 1 from the technical community, 10 from government, 2 from the private sector, 23 from civil society and 1 unidentified, for a total of 40; for the “Principles” section, 55 comments from academia, 78 from the technical community, 62 from governments, 221 from the private sector, 357 from civil society and 59 unidentified, for a total of 832; for the “Roadmap” section, 39 from academia, 41 from the technical community, 75 from governments, 119 from the private sector, 204 from civil society and 20 unidentified, for a total of 498.

²⁶ In the words of the Secretariat, “rationale” includes “even the most primary forms of supporting arguments. Some rationales are elaborated and go deep into the subject. Others are one-liners which will not develop the subject as much as other arguments. Nevertheless, despite the stark difference between those simpler rationale and deep arguments that elevate the level of the debate, they are *something* to start with and that is why they are included in the report”. See NETmundial Draft Outcome Document Public Consultation: final report on comments, p. 8 (emphasis in the original).

Discussion

The two cases discussed above show that mass collaboration for institutional change via online means is in its incipient form in Internet policy-making. The potential for crowd wisdom being harnessed 'in the cloud' depends both on the development of this model to overcome its current problems and on the structural conditions for multistakeholder participation. A few problems remain unresolved for multistakeholderism as a form of participatory policy making. First, multistakeholder participation has not been fully institutionalised. Second, definitions of multistakeholder participation do not specify procedures by which decisions are taken, other than them being based on consensus and being open, transparent and accountable. Also, consensus has not been reached yet on the scope of multistakeholder participation as a policy-making process or as a form of representation.

The design of the online collective problem-solving process is key, in particular with regards to the possibility to overcome the barriers of participation in terms of access and skills. In the case of the ICANN multistakeholder innovation, shortcomings regarding public awareness prevail, in particular as the online platform was used as a basis for the assertion of or the increase of legitimacy. This has to do with the fact that non-institutional or associational actors, especially from developing areas, often lack the appreciation of the importance of their potential contribution to the achievement of policy-making outcomes. Secondly, partly due to the low levels of connectivity and technical capacity, there seems to be a pervasive level of distrust in the real ability of crowdsourcing to affect policy-making, which often translates into a perpetuation of the divide between a more equipped and participative class and a more silent, less represented society. Furthermore, it was interesting to note that the crowdsourced process of reform was used for highly technical matters, but was overlooked for the discussion of more widely encompassing, controversial and political reforms. This suggests the risk that multistakeholder participation, and more specifically crowdsourcing consultation, may be cherry-picked as a strategic tool to increase awareness and appearance of legitimacy.

One important criticism of NETmundial concerned the lack of rules concerning the way in which contributions would be evaluated. This vacuum in which the deliberating body (or committee) is free to disregard inputs without providing any motivation does not seem good practice in a transnational governance framework where there is no election of those few who, given their mandate to reflect the content of the contributions into the draft outcome document, end up making determinations significantly affecting individuals. Clearly, a possible agency problem arises for the lack of accountability over incorporation of inputs. Not surprisingly, during the NETmundial meeting, government delegations such as India and Argentina complained that their comments and submissions had not been adequately taken into account. Similarly, at the closing session several complaints were made about issues affecting the overall administration of the NETmundial process, such as the lack of clarity in the principles underlying the composition of the EMC and the principles used to select comments for incorporation; the "arbitrary change" of the rules throughout the event (by Russia, who objected to the document thus obtained and explicitly declared it would not consider implementing it); the failure to take into account submissions and the interventions during the meeting, as well as the incorporation of significant changes in the very last stage of the process (again by India, who did not accept the document and took issue with many of its recommendations).

Accordingly, it would be recommendable to require at least succinct reasons for choosing not to follow one or a particular set of suggestions. At NETmundial, this was neither done in the process leading to the first draft of the outcome document, nor in the phase that took into account the comments made on that first draft. While an additional “reasons giving” requirement implies an increased expenditure of time and resources, this would seem entirely feasible by providing longer intervals between the submissions and the publication of the draft, and between the closing of the comments period and the start of the meeting.

Crowdsourcing for institutional reform relies on the possibility to engage a robust and active online community, whose public input is incorporated without the risk of manipulation through technical means. In the processes we analysed, crowdsourcing complemented physical meetings and face-to-face opportunities for participation. At NetMundial, the plenary discussion could also be used as a safeguard to prevent the manifest disregard of salient comments to the draft, in particular by prioritizing interventions by participants who had suggested edits and who feel that their suggestions had not been duly considered. Such prioritization, which could be done by reserving the first half of each session for that particular type of interventions, would address the perceived problem of wasteful repetition of comments already incorporated in the draft. Furthermore, its inclusion into the initial rules is likely to generate broader participation in the prior stage of the process, incentivizing participants to state their position beforehand, thus creating the possibility for an early start of the dialogue and a quicker identification of the common ground between competing positions.

Finally, it should be noted that the availability of a full-time secretarial body constitutes a valuable resource to facilitate the assessment of inputs: for NETmundial, the Secretariat compiled a very useful report listing of comments that recommended an alteration of the text, summarizing the rationale of the suggested changes to specific paragraphs (but not discussions or topics developed around those paragraphs). Likewise, the Secretariat prepared a report with a summary of the several contributions submitted, and one with the feedback of the HLMC. This largely clerical work not only facilitates the incorporation of amendments to the draft in line with the wide range of suggestions, but also creates a format which potentially enables responses to the proposed modifications.

Conclusions

This paper sheds light on the successes and failures of two recent initiatives of crowdsourcing and highlights the potential of broad participation via online platforms for enhancing multistakeholder participation in Internet governance structures. It questions the extent to which crowdsourcing ideas for institutional change can be considered an emerging form of multistakeholder participation, and its technical, political and legal limits in becoming the mantra for increased legitimacy, transparency and accountability of IG organisations. The two IG cases discussed here are emblematic of the way in which public bodies retain a certain degree of discretion over the mechanisms by which the online inputs of different stakeholders are assessed and factored into decisions and the extent to which the design of the process shapes the final outcome.

The absence of a proper institutional setting that recognises a role for online multistakeholder participation brought serious constraints to the initiatives analysed here. These examples show that the failure to give explicit weight to stakeholder input in the legislative process either *ex ante* (through specific rules predetermining procedures that must be followed by the authority in response to public input) or *ex post* (through diligent

and consistent reliance on stakeholder input for policy-making) significantly affects the level of participation. Based on these experiences, we discussed the design of these IG initiatives and provided some process recommendations to improve the forms of participation that allow multistakeholder democracy to flourish. Future research could explore the potential of collectively designing the platforms for public input and the extent to which crowdsourcing can be effectively used to enhance the legitimacy of different IG decision-making processes.

References:

- BestBits (2014). Submission to Brazil meeting committees on deliberative processes for the Brazil meeting (February). Retrieved from <http://bestbits.net/brazil-processes/>
- Brabham, D. (2008). Crowdsourcing as a model for problem solving: an introduction and cases, *Convergence: The International Journal of Research into New Media Technologies*, Vol. 14 (1): 75-90
- Brabham, D. (2012). Crowdsourcing: a model for leveraging online communities. In *The Participatory Cultures Handbook*, eds. Aaron Alan Delwiche, Jennifer Jacobs Henderson, New York: Routledge, pp. 120-129
- Calandro, E., Gillwald, A. & Zingales, N. (2013). Mapping Multistakeholderism in Internet Governance: Implications for Africa. Report, Research ICT Africa. Retrieved from http://www.researchictafrica.net/docs/Mapping_Multistakeholderism_in_Internet_Governance.pdf
- Chattapadhai, S., NETmundial- Which Countries have not submitted contributions o NETmundial?, April 22, 2014. <http://cis-india.org/internet-governance/blog/net-mundial-which-countries-have-not-contributed-to-net-mundial>
- Chenou, J-M., & Radu, R. (2014). Global Internet policy: a fifteen-year long debate, in: Radu, R., Chenou, J-M., & Weber, R.H. *The Evolution of Global Internet Governance: Principles and Policies in the Making*. Berlin and New York: Springer, 3-19
- Dunleavy, P., Margetts, H., Bastow, S. & Tinkler, J. (2006). New public management is dead – long live digital-era governance. *Journal of Public Administration Research and Theory*, 16 (3), 467-494
- Howe, Jeff (2006a). The rise of crowdsourcing, *Wired*, Vol. 14 (6), <http://archive.wired.com/wired/archive/14.06/crowds.html>
- Howe, Jeff (2006b). 'Crowdsourcing: a definition', Weblog (2 June) Crowdsourcing: tracking the rise of the amateur, <http://archive.wired.com/wired/archive/14.06/crowds.html>
- ICANN, Montevideo Statement on the Future of Internet Cooperation, October 7th 2013. Available at <http://www.icann.org/en/news/announcements/>
- ICANN (2013). ICANN Strategy Panels Launched, 15 July. Available at <https://www.icann.org/news/announcement-2013-07-15-en> (Accessed August 2014)
- Lukensmeyer, C. J. & Torres, L.H. (2008). Citizensourcing: Citizen Participation in a Networked Nation. In Yang, K. & Bergrud, E. (eds.) *Civic Engagement in a Network Society*. Information Age Publishing: Charlotte, North Carolina, 207- 233
- Niemeyer, S. J. (2011a). The Emancipatory Effect of Deliberation: Empirical Lessons from Mini-Publics. *Politics & Society* 39(1): 103–140
- NTIA, Office of Public Affairs (2014). NTIA Announces Internet to Transition Key Internet Domain Name Functions, March 14

Phys Org. "Brazil to host Internet governance summit next year", Phys Org. (Oct 9, 2014)
<http://phys.org/news/2013-10-brazil-host-internet-summit-year.html>

Radu, R. (2014). E-participation and deliberation in the European Union: the case of Debate Europe. *International Journal of E-Politics*, 5 (2), 1-15

Radunovic, V. Predicting NETmundial: What does data-mining contributions tell us? April 18, 2014.
Retrieved from <http://www.diplomacy.edu/blog/predicting-netmundial-what-does-data-mining-contributions-tell-us>

RT, "WikiLeaks release: Internet governance body trying to stop NSA surveillance". April 8, 2014.
Retrieved from <http://rt.com/usa/wikileaks-netmundial-internet-governance-221/>

RT, "Brazil to host global internet summit in ongoing fight against NSA surveillance" (10 October 2013).
Retrieved from <http://rt.com/news/brazil-internet-summit-fight-nsa-006/>

Tapscott, D. & Williams, A. D. (2006). *Wikinomics: How Mass Collaboration Changes Everything*. Brentford: Portfolio Books.

Tomkova, J. (2009). E-consultations: new tools for civic engagement or façades for political correctness?", *European Journal of ePractice*, 7, 1-10.

Von Hippel, E. (2005). *Democratizing innovation*. Cambridge, MA: MIT Press.