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THE EVOLUTION OF INTERNATIONAL POLICY AGENDAS IN THE REGULATION OF ELECTRONIC COMMUNICATIONS: THE INTERNET AND TELECOMMUNICATIONS

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ABSTRACT

This paper focuses on the recent evolution of global regulatory policy agendas in two key parts of communication media: the Internet and telecommunications. It explores the key regulatory governance ideas and practices that have come to the fore in shaping these fast-moving policy arenas, commenting in the process on the place of regulatory competition and cooperation therein. It places particular focus on how, in different ways, selected global institutional contexts have played vital roles in shaping telecommunications and Internet policy agendas and the implications of this. In doing so, it explores a number of key junctures in the evolution of regulatory policy at the international level, highlighting the positions of Northern and Southern states at moments of policy change. The paper's findings tend to underpin the assertion that sectoral internationalisation in telecommunications and the Internet have reinforced - rather than created a context for change in - the traditional order of North-South relations.

INTRODUCTION

This paper focuses on the recent evolution of global regulatory policy agendas in two key parts of communication media: the Internet and telecommunications. It explores the key regulatory governance ideas and practices that have come to the fore in shaping these fast-moving policy arenas, commenting in the process on the place of regulatory competition and cooperation therein. Though related (through their function of providing means of electronic network communication) the Internet and telecommunications have very different origins and evolutionary histories, making the recent period of internationalisation of each interesting from a comparative perspective. For both Northern and Southern states, telecommunications has strong historical foundations at the national level. This influenced not only the developmental character of telecommunications domestically but also shaped perspectives on, and operational arrangements for, international telecommunication. Nevertheless, as the paper shows, within the last 25-30 years there have been transformative developments in the nature of telecommunications in both these respects across the globe shaped by policy agendas prosecuted at the international level. The Internet, by contrast a much more recent development, has grown rapidly 'outwards' internationally from the USA. The task of developing a regulatory governance system at the international level for it has been prominent though is still very much a work in progress.

Taking each case, the paper explores the policy ideas and practices which have come to prominence as the internationalisation agenda has taken hold. It places particular focus on how, in different ways, key (sometimes new) global institutional contexts have played vital roles in shaping telecommunications and Internet policy agendas and the implications of this. In doing so, it explores a number of key junctures in the evolution of regulatory policy at the international level, highlighting the positions of Northern and Southern states at moments of policy change. The paper's findings tend to underpin the assertion that sectoral liberalisation and internationalisation have thus far in respect of telecommunications and the Internet reinforced - rather than created a context for change in - the traditional order of North-South relations. In telecommunications, the core features of the policy agenda originating from key Northern States that advocated liberalisation and international market opening have been adopted globally, as witnessed in institutional contexts such as the International Telecommunication Union (ITU) and the World Trade Organization (WTO). This process has often been facilitated through regulatory cooperation aimed at learning the disciplines of neo-liberalism through policy diffusion, though also in the case of the WTO due to the hard enforcement potential of the Disputes Settlement Procedure. The paper argues that, despite the remarkably broad adoption of the neo-liberal model for telecommunications worldwide through policy emulation, the role of regulatory competition has thus far been limited given the still predominantly inter-national nature of the sector. In Internet governance, Southern States have played only marginal roles in processes of new institution shaping and evolution, despite moments of contestation, exemplified in the debates on the future of the Internet Corporation for Assigned Names and Numbers (ICANN) and in the World Summit on the Information Society (WSIS) process. The paper argues that a key institutional product of the latter, the multi-stakeholder Internet Governance Forum (IGF), whilst possessing innovative governance characteristics, has proven a relatively weak instrument for addressing this problem.

INTERNATIONAL POLICY AGENDAS AND TELECOMMUNICATIONS

For most of the 20th century, telecommunications systems were organised on the basis of state-controlled and state-run service monopolies. The very time-consuming and costly task of constructing mostly cable based telecommunications infrastructure meant that the reach and performance levels of telecommunications systems varied greatly, even within the economically most affluent regions of the world. The international character of the sector in terms of service provision was limited for the most part to commercial interface agreements between national telecommunications carriers, the rates for which were devised in a cartel-like fashion within the International Telecommunication Union (ITU), as well as cooperation on the production of technical standards. The telecommunication equipment production sub-sector displayed more of an international character, for developing countries often in the form of (ex) colonial firm foreign direct investment and ownership (see Goransson 1992).

However, as has by now been extensively catalogued in the academic literature, over the course of approximately the last 30 years, this state-centric, monopolistic policy model for telecommunications has been abandoned and replaced by one of regulated competition. Given the steady evolutionary history of telecommunications, this change has been both swift and extensive. The new policy model, like its predecessor, has clear ideological underpinnings, stressing the superiority of market forces in the delivery of communications services over public provision by the state, couched in the context of economic globalisation (Cerny 2008). However, more importantly, this neo-liberal policy model in telecommunications has developed through time a clear set of structural and operational features based on public regulation of a new set of competitively ordered telecommunications markets. The sources of change in telecommunications emerged, predictably, from the Northern hemisphere. The liberalisation (through the introduction of competition) of regulated and already privately-based telecommunications services in the USA from the mid-1980s was highly significant though arguably far from path-breaking. However, the introduction of competitively ordered markets governed by a series of independent national regulatory authorities in, first, the UK and then the remainder of the European Union certainly was. Both the EU and the US subsequently played prominent roles in promoting the agenda of regulated open market competition beyond their territories (see below). Through the last 20 years what emerged as a trend has developed into a full scale neo-liberal transformative movement, with states across most of the Northern and Southern hemispheres adopting a neo-liberal model of telecommunications.

An early prominent indicator of the important role which international neo-liberal policy agendas developed in key international organisations would play in the transformation of telecommunications along neo-liberal lines was provided, albeit at the international regional level, by the European Union (EU). From the mid-1980s onwards, the EU became an increasingly important actor in the evolution of telecommunications across its Member States. Its international policy agenda had a number of dimensions. First, the EU produced - by agreement of its Member States - a series of legislative measures mandating the liberalisation of, but also very importantly the harmonisation of regulatory practice within, key telecommunications markets. Second, the EU introduced a number of research and development and

regional aid packages aimed at enhancing the quality of telecommunications infrastructures and services across Member States. Third, the EU became a key actor in monitoring the implementation of the telecommunications regulatory package at the national level (Humphreys 2004). This has had a 'hard' legal dimension in terms of the power of the European Commission and the European Court of Justice to ensure the adoption of agreed legislation. However, as important has been the role of the Commission in seeking information from national regulatory authorities and publishing subsequently reports detailing good (and at the same time inadequate) implementation and regulatory practice. The EU also established, in 2002, the European Regulators Group (now known as the Body of European Regulators for Electronic Communications), comprising members of national regulatory authorities whose aim is to share and adopt regulatory best practice. Finally, in its many policy statements produced over the years, the EU produced strong rhetorical support for the introduction and adherence to the neo-liberal agenda of international market opening and regulated competition in telecommunications (see Simpson 2009). Though much more difficult to achieve at the global level, many of these kinds of policy activities undertaken by the EU at a relatively early stage in the process of telecommunications liberalisation soon became evident in the work of the World Trade Organization and the International Telecommunication Union, to a consideration of which the paper now turns.

INTERNATIONAL NEO-LIBERAL POLICY AGENDAS IN TELECOMMUNICATIONS - THE INFLUENCE OF THE INTERNATIONAL TELECOMMUNICATION UNION AND THE WORLD TRADE ORGANIZATION

The World Trade Organization
The successful development of a policy agenda of regulated competition in telecommunications at the global level required focus on trade and trade-related matters. Here, its key advocates – the US and the EU – faced the difficult challenge of securing agreement to domestic and international telecommunications service provision among as many states as possible. Perceived as equally significant was the need to create liberal systems with few restrictions on international foreign direct investment in telecommunications services provision and indigenous service providers. Such efforts soon became an important part of the more general global trade liberalisation agenda of the Uruguay Round of negotiations as part of the General Agreement in Trade and Tariffs (GATT) 1986-94 in which there was a strong push by industrialised states for the creation of a trade in services liberalisation agreement. This proved successful in 1994 with the conclusion of the General Agreement on Trade in Services (GATS). The GATS was accompanied by the announcement of the creation, at the beginning of 2005, of the World Trade Organization as a new global body for the administration of current agreements and the negotiations in future international trade and trade related matters. In those negotiations leading to GATS that took place on telecommunications trade liberalisation, Anglo-American technical or 'epistemic' experts were prominent initially, whose often arcane work proved important since the 'the very act of defining services transactions as "trade" established normative presumptions that "free trade" was the yardstick for good policy' (Drake and Nicolaidis 1992). The US in particular was keen to see an effective forum-shifting of negotiations on international call settlement rates take place from the ITU to global trade fora (Huntley et al. 1989) and went as far as to propose the liberalisation of international voice telephonic services,

withdrawn subsequently because of lack of support (Fredebul-Krein and Freytag, 1997). In fact, the GATS produced a significant, though in retrospect only modest, trade liberalisation in Value Added Telecommunications Services (excluding voice telephony). Here, 48 states agreed schedules of commitments to liberalise telecommunications services across the 15 categories defined as a consequence of the negotiations (Drake and Noam 1997).

The agreements made at the end of the Uruguay Round marked merely the commencement of a more aggressive push by the US and the EU to broaden the number of states committing to telecommunications liberalisation as well as to extend trade agreements to include all telecommunications services, most notably voice telephony. In this respect both parties aimed to 'promote aggressively the transfer of ideas on telecommunications policy liberalisation, so avidly pursued in their jurisdictions, to the global forum of the WTO' (Humphreys and Simpson 2005: 132). Beyond that, the two years after the inception of the WTO marked an intense period of negotiation in which the Northern States, principally the US, EU, Canada and Japan dominated proceedings. This culminated in February 1997 in the landmark Agreement on Basic Telecommunications (ABT) where initially 69 states (later extended to 85) agreed to create competition in a range of telecommunications markets, including voice telephony.

The ABT was equally significant in respect of the adoption by 57 of its signatories of the so-called Reference Paper whose elements became part of referenced commitments made by signatories of the ABT in their schedules of commitments taken (Luff 2004). The paper amounted to a framework of regulatory principles to be pursued in the process of compliance with the ABT which aimed to give expression to - and to shore up - the agenda of regulated market competition and open market access in telecommunications. The specifics of the Paper are dominated by the agenda formulated by the liberalisation forerunner states from the Northern hemisphere. Here issues such as dealing with anti-competitive behaviour, interconnection, licensing and regulatory independence form the basis of a set of neo-liberal disciplines to ensure the enforcement of the policy model of international regulated competition. The Paper does, in contrast, commit signatories to maintaining universal service provision, albeit in a way that is competitively neutral (Blouin 2000) and mirrors closely ideas on the articulation of universal service as already developed in Northern neo-liberal telecommunications systems. It is important to note that the commitments made to liberalisation by each WTO member were not identical, highlighting the way in which the international neo-liberal policy agenda for telecommunications allows flexibility, albeit within clearly defined parameters such as those articulated in the Reference Paper. Particularly significant were commitments made in respect of voice telephony, the most widespread telecommunications service. Here 55 states agreed to introduce competition in the local voice telephonic market whilst 52 states made commitments in respect of long distance voice telephony and a further 56 in respect of international voice telephony. A further 42 states permitted resale of public voice services. In terms of the establishment of commercial presence to provide telecommunications services through foreign direct investment, 27 governments immediately, and another 21 mostly developing states by 2004, agreed to make liberalising commitments (Drake and Noam 1997: 803-4).

It is interesting to note that whilst the US was arguably the most forceful player in driving forward the liberalisation policy agenda in the WTO (see Singh 2008), the ABT – and in particular the Reference Paper - tallied very closely with the policy model developed by EU states for telecommunications. In this respect, a sense began to develop through the 1990s that the international policy agenda for telecommunications was developing into a framework of European style managed liberalism rather than out-and-out deregulated marketisation (Drake and Nicolaidis 1992). Overall, the creation of the WTO marked a highly significant moment in the development of neo-liberal international policy agendas in telecommunications. The goal of the WTO to liberalise international trade in goods and particularly services presented telecommunications as a tailor-made opportunity to exercise its influence shortly after inception. In so doing, it possesses hard enforcement powers enshrined in its Dispute Settlement Procedures. However, interesting the ABT has been subject to very few disputes, which provides an indication of the extent to which the systems of regulated competition entailed in the ABT have been complied with by signatories.

A key goal of the WTO is to create mutually supportive relationships with other global bodies such as the International Monetary Fund, the World Bank and the World Intellectual Property Organization. This contributed to something of a loosely nested system of governance in telecommunications in which the disciplines of regulated competition could be transferred and learned, particularly by developing states (Simpson and Wilkinson 2002). As Drake and Noam (1997: 807) pointed out shortly after the signing of the ABT 'the real significance of the...deal does not rest on how deeply countries have liberalised....What may matter more for the governance of the global information economy is that the deal signals the beginning of an evolutionary process of mutual adjustment that will unfold according to a clearly defined set of principles, baselines and mechanisms'. Focusing on development, Drake (2009) somewhat optimistically argues that the WTO has 'institutionalised a normative baseline against which governments and other stakeholders can undertake principled evaluations of the negotiation's conformity with development objectives and at least holds out the possibility of support and flexibility for developing economies'.

The International Telecommunication Union
Whilst the creation of key trade and market access provisions in the WTO as part of the GATS was vital in setting the parameters of the neo-liberal international telecommunications policy agenda, the agreements could be questioned in terms of their lack of detail and thus ability to deliver (Fredebul-Krein and Freytag 1999). As noted above, the WTO possessed the potential to embed further the neo-liberal policy agenda through learning and 'socialisation', though it also faced some challenges in so doing. Not least, the WTO was a new organisation which had emerged from an often fractious history of international trade negotiation, particularly between Northern and Southern states, in the areas of agriculture and textiles and clothing. An interesting feature of the last 15 or so years of international telecommunications policy in respect of this kind of activity has been the perhaps unlikely emergence of the ITU as a source of international organisational support for the reinforcement of the parameters of the model of international regulated competition. The recent role of the ITU can be regarded as highly significant for a number of reasons. First, it is a global telecommunications specific body with a wealth of technical expertise, stretching beyond that available to more generic bodies historically more closely

associated with the neo-liberal approach, such as the WTO and the World Bank. Second, the ITU is a relatively long-standing special agency of the United Nations and, beyond this, is one of the oldest international organisations, dating back to 1865 as the International Telegraph Union. It has a very large membership of 192 states, including most from the Southern hemisphere.

For most of the 20th century, nevertheless, the ITU firmly represented what by the 1990s had come to be viewed as the 'old order' of international telecommunications. It was essentially technocratic in nature, dominated by the state owned telecommunications incumbents and did not hold strongly the neo-liberal imperatives of market based competition and regulation. Maclean (1999: 151) argues that 'before telecommunications became a huge, largely private, competitive, fast–moving, global business, there was no compelling practical reason for the ITU to be any more than a place where experts from different countries could meet periodically to develop the standards and regulations needed to enable the growth of 'inter–national' telecommunications networks and services'. There is strong evidence that among the leading edge telecommunications liberalisers, not least the US and the EU, the ITU was viewed as a major organisational impediment to change. This was clearly manifest in objections raised by both parties to the system of international accounting rates historically formulated at the ITU. These rates, upon which bilateral international call charges were settled by incumbent telecommunications operators, historically bore little relation to the economic cost of providing the service and, thus, sat very uneasily with the idea of market-based, regulation-framed international telecommunications. They did, however, provide for developing economies, a source of much needed revenue. The system was also historically highly uncompetitive and dominated, cartel-like, by incumbent operators.

However, the scope of the Northern State liberalisers in altering the ITU's agenda from an impediment to a proponent of neo-liberal telecommunications has become powerfully evident. Key developments noted above in international trade negotiations, not least the creation of a new global organisational context in the shape of the WTO, with its early expressed keen interest in telecommunications, exerted strong pressure on the ITU to embrace elements of the neo-liberal agenda. The ITU began to view itself as in danger of being downgraded in status, if not bypassed, in the newly emerging international telecommunications policy regime. As a consequence, from the mid 1990s onwards it began to transform itself into a body which not only embraced the international policy model of regulated telecommunications, but acted as a firm promoter of it. A key moment occurred at the 1994 ITU Plenipotentiary meeting where it was agreed that membership of the Union was to be opened up to private sector interests (the ITU now has as many as 547 non-state sectoral members from both public and private realms, though the vast majority of these are from private capital deeply supportive of the agenda of liberalisation). This weight of numbers, plus the increasing volume of the call of Northern states advocating neo-liberal reform, laid the ground for a significant change in emphasis in the agenda of the ITU.

As developments proceeded in the WTO leading to the 1997 ABT, the debate about liberalisation of the international call charging system continued apace. Here, the power of Northern liberalising states proved decisive. The ABT mandated for its signatories international resale of telecommunications, thus allowing new

international telecommunications service providers to enter the market for international calling, in the process circumventing and directly challenging the international call charging system created at the ITU. However, a key problem for the EU and the US was that the adoption of international simple resale services occurred in the richest OECD states for the most part. Thus, the US, with the tacit agreement of the EU, introduced a unilateral system of individually targeted international call benchmark tariff reduction schemes in an effort to drive call charges down. Since then, international call rates have dropped significantly as a liberalised international calling market has matured.

In contrast to the fractious period of transition of most of the 1990s, the ITU has been for some years now a key international player in the cementing and development of liberalised telecommunications. Whilst it does not possess legislative or enforcement powers, its influence is arguably as important in other areas. Much of its work resembles that undertaken in the EU by the European Commission. For example, it has organised a series of global symposia for regulators. The latest of these resulted in the production of a set of best practice guidelines for the implementation and refinement of regulated competition in telecommunications. Focus was placed on the key regulatory problems which have become impediments to the business of trying to create effective international competition in telecommunications, such as open access to network facilities; network infrastructural upgrading to so-called Next Generation Networks; and stimulating access to new content based services in an increasingly convergent, Internet-focused communications network environment. The ITU has also produced regular data on the evolution of the global telecommunications market in the direction of liberalisation. Its Telecommunication Development Bureau, through a Regulatory Knowledge Centre, undertakes 'the collection, analysis and dissemination of information on telecommunication regulatory trends and practices' (ITU TDB, 2010). This focuses on the key range of indicators that have come to characterise liberalised telecommunications, dealing with such matters as the level of competition in key telecommunications markets; the existence (or otherwise) and characteristic features of regulation, in particular the presence of separate telecommunications regulatory authorities; the degree of foreign ownership permitted in key telecommunication markets; tariff policies; new service introduction plans; and criteria for establishing the existence of Significant Market Power. In providing this wealth of statistics from within its development arm, ITU-D, the ITU has come to act as major agent in the promotion and diffusion of the international policy agenda of telecommunications liberalisation through regulatory cooperation and information diffusion. As Chakravartty and Sarikakis (2006: 69) argue, the ITU has affirmed the message 'to implement a comprehensive reform process that would enable competition and technological modernization, promising to balance the concerns of equity with those of efficiency. In theory, this included the deregulation of the state-operated network with the ultimate goal of privatisation, liberalization of the supply of services and the separation of the government's policy and regulatory arm from its responsibility as a network operator'.

THE EMERGENCE OF INTERNATIONAL POLICY AGENDAS FOR THE INTERNET - ICANN

In contrast to telecommunications, the Internet is one of the newest aspects of international electronic network communication. The Internet is unique in that for all states, arguably even the US, from which its key communications protocols –

Transmission Control Protocol/Internet Protocol (TCP/IP) - originated, it did not possess the kind of long-standing national 'centred-ness' characteristic of the development of telecommunications or broadcasting. Thus, as the Internet developed user-friendliness coupled with the original capacity to allow in theory any computer (or network) of whatever specification connected to it to communicate, it soon became envisioned as a tool with innate global communication potential. As a consequence of this, the development of a global system of governance for the Internet became from the mid-1990s onwards a high profile international communications policy agenda item. Given its strategic importance, the debate on Internet governance has often excited considerable controversy. Like in telecommunications, the international institutional context has been an important focal point.

One of the most high profile aspects of the debate on the Internet has been the governance of its system of naming and addressing. This is, in simple operational terms, a technical and information storage and management set of functions. However, the system also bestows upon those parties in control of it the right to afford, deny or modify access to individuals or groups of users to the Internet. It also allows control over a vast quantity of key information on users connected to the Internet. Given the growing economic, social and political importance of Internet-based communication and its perceived 'border-lessness' and 'internationality', the argument grew that the system of governance of what have come to be termed the critical technical resources of the Internet should be shared in an international organisational context among all the world's states. This, however, did not materialise as a result of a period of negotiation on creating a new international body for governing the Internet's address system that took place through the mid-to-late 1990s. The process led to the establishment, in 1999, of the Internet Corporation for Assigned Names and Numbers (ICANN). ICANN is a unique global governance body in a number of respects since, operationally, it is private and not-for-profit whose relationship with states is arm's length, through a Governmental Advisory Committee (GAC). The most controversial aspect of ICANN, however, has been its unilateral oversight contractual relationship with the US government (through the Department of Commerce) (Mueller 2002; 2009).

The establishment of ICANN according to this structure provided a clear illustration of the powerful exercising of US interests in the evolution of Internet governance. In this respect, the process leading to the creation of ICANN was contested though was not at the time illustrative of a North-South division of interests with a familiar prevailing of the former. Instead, the period is noteworthy for the way in which an original high profile alliance, called the International Ad-Hoc Committee, was by-passed by the US government in the process leading to the creation of what became ICANN. The IAHC, through a Memo of Understanding produced in 1997, proposed a not-for-profit international body that would be headquartered in Geneva. However, the US government was concerned about the presence of the ITU in the IAHC, at that stage still viewing it as very much an 'old order' state dominated communications body. The period is also illustrative of the very limited way in which the EU was able to secure its interests in the creation of ICANN. In particular, it was only able to secure the creation of the GAC as a much lighter touch advisory body than it would have preferred, though the latter's influence over the ICANN board has grown through time (Christou and Simpson 2011). Instead, the process leading ICANN's

creation was dominated by negotiations between US technical and business interests presided over by the US government.

Drawn together, these features merely served to illustrate how far removed Southern states were from the initial process of institution building around the Internet. As has often been the case in the development of key international governance bodies for economic and technical resources, first mover advantage lay with the Northern hemisphere, something which has set the context for the subsequent evolution of the debate on Internet governance. The story of this differential access to a say in the evolution of governance of a key Internet institution can be put down, in considerable part, to a familiar technological lag in communications resources available to Northern and Southern hemisphere states in the Internet's development. However, in the years subsequent to ICANN's creation, as the significance of the Internet became increasingly apparent, the contested nature of this initial attempt to establish global Internet governance arrangements also materialised. An area of particular concern was ICANN's jurisdiction over the country code Top Level Domain (ccTLD) system through which, by dint of a two letter code, each of the world's states is able to allow Internet users to register their computers under. Here, complaints over the legitimacy held by ICANN were raised by developing states, notably Syria, not least in respect of its potential ability to remove particular users, and even a country in its own right should it wish to, from Internet communication. Some states, notably South Africa, even expressed interest in having its country code TLD re-designated to another international body and introduced legislation, in 2003, which aimed to reclaim its name space from the then ccTLD manager (Yu 2003). Another major area of concern has been ICANN's GAC. Initially a select body, the GAC's membership expanded to 100 members by 2007, many from developing states, though at that stage it was estimated by the GAC itself that only about 40 members participated on a regular basis. The GAC also allowed the ITU observer status at its meetings (Christou and Simpson, 2008). However, it was the exclusive contractual relationship between the US and ICANN which proved most controversial in the eyes of many of the world's states, something which by the early part of the last decade motivated efforts to multilateralise governance control of Internet addressing. This emerged in the context of the World Summit on the Information Society (WSIS) to an analysis of which in respect of its effects on international policy agendas and initiatives for the Internet, the paper now turns.

CONTESTATION AND MULTI-STAKEHOLDERISM IN INTERNATIONAL INTERNET POLICY AGENDAS - WSIS AND THE IGF

As noted above, as the 1990s progressed the ITU began to take serious measures to reassert itself as an important global institutional player in electronic network communications. A significant part of this was to be its attempted role as an agenda setter. Whilst the IAHC MoU to which it was a signatory proved a dead-end initiative, the decision taken at its 1998 Plenipotentiary meeting to launch a World Summit on the Information Society proved more successful, though not without an unexpected and important twist. Having received UN approval in 2001, WSIS was organised as a two phase event to take place in the North in 2003 (in Geneva) and in the South in 2005 (in Tunis). Around the time of WSIS I, it became clear that the summit was going to be used as a platform for the rumbling discontent that continued to be felt about what was seen as the unilateral control over ICANN held by the US. Here, at

one of the preparatory meetings for the summit in February 2003, Internet governance 'moved quickly into the centre of the political debate' (Kleinwachter 2009: 78). WSIS thus somewhat unexpectedly became a process in which a debate on developing an agreed future global governance system for the Internet, not least the critical technical resources around its naming system, assumed a high - and as it turned out - controversial profile. Here, the voices of developing economies were strongly discernible, a key source of dissatisfaction being the perceived slowness of ICANN at creating new English Language Top Level Domains to the exclusion of many new Internet users from the South. The Brazilian government expressed concern about a potential loss of sovereignty through having to go through ICANN for the creation of any new ccTLD. A number of countries from the Arab world were concerned about the indirect ability of the US to remove their presence from the Internet should it determine to do so. In a different way, a number of other states, notably China, were interested in being able to assert more control over users' access to the Internet in their sovereign territory.

There were two important outcomes from WSIS I in respect of Internet governance. First, states agreed to declare that 'international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organisations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet' (WSIS 2003a, p.7). Second, WSIS established the Working Group on Internet Governance (WGIG) given the task of producing a working definition of Internet governance; highlighting relevant public policy issues around Internet governance; and working towards creating a common understanding of the roles and responsibilities of a range of public and private actors in Internet governance (WSIS 2003b, pp.7– 8). WGIG was interesting in that it contained 20 governmental and 20 non-governmental members, each afforded equal weight in the discussions and decision-making. According to Kleinwachter (2009) this led the group to focus less on ideological differences and more on finding solutions collectively to the policy problems discussed. WGIG duly produced its report for the second phase of WSIS, at which decisions on the future of Internet governance were to be taken. The definition produced enunciated that Internet governance was 'the development and application by Governments the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution of the Internet' (WGIG 2005, p.4).

Whilst the lead up to WSIS II suggested strongly that an important multilateralisation of Internet governance, and particularly that related to ICANN, would be agreed the reality proved something less substantial for the course of the international policy agenda for the Internet. In the months prior to the summit, the US issued a firm declaration that its contractual relationship with ICANN would continue into the future and that the status of ICANN was not on the agenda for alteration as part of the WSIS process. Faced with this clear exercising of material power, and with continuing pressure - not least from civil society quarters - for some kind of multilateral institutional outcome, states eventually agreed to the creation of a new body, the Internet Governance Forum (IGF). The inability to create a new shared oversight function for ICANN also yielded the softer agreement to develop so-called enhanced cooperation, possibly leading to a 'new cooperation model', though little or nothing in this respect has materialised since the conclusion of WSIS II.

In fact, the idea of a forum was championed in WGIG by civil society, technical community and academic members (Kleinwachter 2009). The IGF was something of an experiment in global governance in that it was designated by the UN as a deliberative, multi-stakeholder body in which all participants had in theory an equal voice. Meeting annually since 2006 it has the broad remit to discuss Internet policy matters, though it does 'not replace existing arrangements, mechanisms, institutions or organisations…[and is]…constituted as a neutral, non-duplicative and non-binding process…with no involvement in day-to-day or technical operations of the Internet' (WSIS 2005a, p.12).

An important issue is the extent to which the IGF provides a context for the South to influence the development of international policy agendas on Internet governance. Here, evidence appears to be mixed. It is interesting to note that at WSIS II, states resolved to create 'enhanced cooperation' in Internet governance. This very loose term served to embody the aspiration of many states for increased say in the way decisions on the way the Internet would evolve were taken. The first two meetings of the IGF in Athens in 2006 and Rio 2007, however, were organised such that 'the management of critical Internet resources in general and the future of ICANN in particular came close to being a taboo' (Hoffman 2009: 8). Furthermore, the IGF is merely deliberative and thus any work that occurs on matters of Internet governance is not permitted to result in even the provision of a recommendation, let alone a regulatory decision. However, it has been suggested that the cooperation undertaken in the IGF has contributed to a general acceptance of key Internet governance terminology and has created principles adopted in ICANN's new accountability framework. Overall, Hoffman (2009: 13) contends that the 'unique combination of institutional anchoring in the U.N. and experimental multi-stakeholder arrangement turns the IGF into a laboratory of transnational coordination that seems to work precisely because it does not draw on formal decision-making but the legitimacy of the institution'.

The support of developing states for the creation of the IGF was contingent on their expectation that it would have a development agenda, though this has not materialised. Instead, development was envisaged as a cross-cutting theme which has meant that it has tended to be marginalised (Drake 2009). The IGF has failed to undertake any real debate on the activities of other large organisations such as the ITU, WTO, ICANN and the OECD in addressing development issues in respect of the Internet. However, the Sharm el Sheikh meeting did address development issues in the implementation of the WSIS principles and open planning meetings in preparation for the 2010 meeting in Vilnius raised development to such an extent that a main session on it was included in the programme. There is also some evidence of institutional emulation resulting from policy cooperation in the IGF. Here, regional IGFs have been formed in Latin America and Africa at the regional level and at the national level in Brazil. These IGFs are sites for policy learning but also policy coordination in preparation for future global IGF meetings (Klienwachter 2009). More broadly, and in respect of those WSIS goals related to development, a recent ITU report highlights only moderate progress in some areas - and very little progress in most - in relation to the position of developing economies. Here, connecting public institutions (libraries, cultural centres, museums, post offices and archives) with Internet access has produced an equal mix of 'medium' and 'low' achievement in key

sub-categories. In respect of connecting health centres and hospitals to the Internet, attainment has been for the most part 'low'. Whilst provision of Internet access to governmental institutions in developing economies has produced 'medium' progress, provision of Internet access to households is 'low' (ITU 2010: 16-17). With a target date of 2015 to achieve the set WSIS goals, much therefore currently remains to be done in an environment of likely sluggish global economic growth and reduced public spending.

CONCLUSIONS

This paper has outlined the development of recent international policy agendas in two parts of electronic network communications with very different characteristic features, despite their obvious connectedness in functional terms. Policy change in both cases has occurred in the context of new technological developments and the attendant governance challenges posed in each case. Leading edge technological arenas have shown historically very limited capacity for states of the Southern hemisphere to shape new and changing global institutional contexts, and telecommunications and the Internet are no exceptions. First mover advantage in the global governance of electronic network communication continues to reside overwhelmingly with the North. This has even proven to be the case in the institutional contexts old and new examined in this paper, even those where it might be expected that developing economies could exercise a significant the degree of presence in moments of contestation. In the development of telecommunications and Internet policy agendas in the WTO and ICANN, as might be predicted, the material power and resources of key parties from the North has proven decisive. However, perhaps more surprisingly, the ITU, since the mid 1990s, has taken a remarkable neo-liberal policy turn which has ensured that it maintains its prominence in the global telecommunications institutional landscape. In so doing, it has become a key adopter and promoter of the agendas of regulated competition in telecommunications led originally by the US and the EU and established in the WTO through the mid-to-late 1990s. Thus, in international telecommunications, policy agendas are characterised much more by regulatory cooperation and learning than regulatory competition (more generally see Radaelli 2003). Much the same can be said of the Internet policy context. In the WSIS process, the subsequent 'soft' institutional context of the IGF (despite calls for multilateral governance of Internet critical technical resources to be created) produced a policy agenda only weakly influenced by the interests of developing economies. This is somewhat surprising since the deliberative nature of the IGF might have been expected to provide scope for developing economy voices to be heard and agendas to be addressed to a greater extent than has been the case. Instead, parties from civil society have been more influential, though there is clearly scope for commonality between the interests of the latter and the developing world. Hoffman (2009: 12) argues that 'sceptics suspect that the ostentatious appreciation of the IGF's soft outputs is a mere pretext to fend off attempts to create a formal international decision making authority'. Even if the status of the IGF remains unchanged, the forum is some distance from attaining cooperation involving strong input from developing states, of the kind envisaged through forms such as international regulatory webs (see Braithwaite and Drahos 2000).

Overall, both the case of telecommunications and the Internet illustrate the broad reinforcement of traditional North-South relations, rather than a change to them. This leaves considerable policy challenges on at least three fronts, for which there is some

potential for progress. First, there is evidence from the North (particularly the EU) that the application of the neo-liberal model of telecommunication displays considerable variety at the national level. This suggests scope for developing economies in particular to tailor their adoption of neo-liberal policy agendas, at least to some extent, to national specificities, though it provides little or no capacity for the development of any radically alternative policy model. Second, strong efforts should be made in the IGF to address specifically the core aspects of development in any future policy agendas (see Kleinwachter 2009). Third, it is important for states from the South to develop a stronger engagement with ICANN, in particular its Governmental Advisory Committee. Finally, as always, international level policy decisions resulting in deployment of as many resources as possible in respect of WSIS digital divide goals would have a knock on effect on the recipients' willingness and ability to engage in the development of future international communication policy agendas.

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