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**Cooperation and Conflict in Multistakeholder Governance Processes:
The Case of Internet Governance with a Focus on Internet Filtering**

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Abstract

In recent years multistakeholder cooperation has been increasing in a number of governance processes. While traditionally international cooperation was dominated by sovereign states the rising number of actors involved in different aspects of globalization is today also reflected in their participation in former intergovernmental-only negotiations and forums. More and more private companies and civil society actors become involved in discussions and policy making processes. The case discussed in this paper is the Internet Governance Process, that happens mainly within the United Nations Internet Governance Forum (IGF). The IGF is a result of the World Summit on the Information Society (WSIS) which takes place once a year since 2006. Its goal is to discuss Internet Governance on a broad range in a multistakeholder environment. The focus of this paper lies on the problem of Internet Filtering. Increasingly, states are using different ways and technologies to filter Internet content and thereby limiting the right of free access to information for their own people. The most known and discussed case is China but there are a considerable number of examples, both authoritarian and democratic states use Internet filters. These filters are provided by private companies and challenged by Non-Government Organizations (NGOs), making the group of stakeholders complete. This paper will discuss the interests of different stakeholders as well as the possibilities and limits of a multistakeholder environment to address the problem of Internet filtering in the Internet governance process.

1) Introduction

In the past 20 years the environment where international negotiations take place has experienced considerable changes related to its participants. Besides representatives of national governments as traditional actors, a growing number of non-government organisations (NGO) as well as representatives of the private economy have become involved in processes of international politics. While in the past decades during the Cold War, interests and approaches of these different actors (which will also be called stakeholders here) had shown enormous differences, the new political constellations emerging due to the East European transformation process brought them closer to each other. Multistakeholder cooperation and multistakeholder governance have appeared in diverse constellations in the last years. On the theoretical basis they are part of the discussion about global governance which will be discussed after this introduction, in the second chapter of the article. That chapter will refer on a strictly theoretical approach to the origins of the debate on global governance and its latest developments in the first decade of the XXI century.

The third chapter of the article focuses on multistakeholder governance as a new form of governance that was developed mainly after 1989, when the end of the bloc confrontation between East and West opened up the way for new constellations and forms of cooperation between different kinds of actors in international politics. The necessity to address a number of topics that had been subordinated or simply ignored during the previous decades will be discussed in this chapter as well as the inclusion of actors from the private sector and civil society in the ambit of international negotiations.

The fourth chapter introduces the Internet governance process as an example for a multistakeholder governance process. It concentrates mainly on the World Summit on the Information Society (WSIS) which happened in two phases in 2003 and 2005. While in the first phase development issues dominated the WSIS agenda, in the second phase happened a swift to a new topic, which was designated as Internet governance and dealt with a multitude of topics around technical, social, economical and political regulations of the Internet.

The fifth chapter treats the question of Internet filtering to analyse the function of different stakeholder groups within the Internet governance process. Internet filtering represents an umbrella term for different forms of content control on the Internet, which is conducted both in democratic and non-democratic countries. It is a phenomenon that, sometimes labeled as online censorship, has recently seen increasing popularity by several governments. In the meantime, civil society confronts national governments that maintain filter regimes with the accusation of censorship. Also private companies are criticized for participating in Internet filtering or selling software products to governments filtering the Internet.

After that, in the conclusion, the results of the previous chapters will be compiled to formulate a final statement about the current situation of Internet filtering, the function of its main actors in different political environments and its meaning for the Internet governance process.

2) Global Governance

The fall of the Berlin Wall on November 9, 1989, marked not only the end of the bloc confrontation that dominated international politics far beyond Europe for more than four decades, it sealed also the fate of national sovereignty as the only determinant concept and national governments as the only decisive actors in international affairs. The changing political and economic relations between old and new states, the growing influence of civil society as a global actor, new locations, challenges and forms of violent conflicts, growing awareness of ecological and climate questions and more, pathed the way for new forms of alliances, new alignments of actors and interest groups, new agendas and forms of discussion.

The probably most mentioned, analysed and ripped apart post-1989 concept is globalization which Ngaire Woods defined as a “*combination of internationalization, political and economic liberalization, and a technological revolution*” (WOODS 2002, p. 25). While in the past 20 years the term globalization had been used in any imaginable context it became an almost empty expression over the years. In academic discussions today, globalization often goes hand in hand with global governance, which instead of trying to describe and analyse the phenomenon of globalization itself, is concentrated more on the question of how to rule new global constellations which resulted from it. Constellations that after the end of the Cold War changed governance on a world wide scale (ROSENAU / CZEMPIEL 1992, p. 1). Changes that according to Rosenau “*are surely profound and extensive, and their consequences are surely bound to be enormous for decades to come...*”. (ROSENAU / CZEMPIEL 1992, p. 23).

Klaus Dingwerth and Philipp Pattberg describe Rosenau’s works as following a close approach to understand world politics itself as global governance (DINGWERTH / PATTBERG 2006, p. 379). They distinguished this approach from two others which they developed as categories of different forms of discussion about global governance: 1) global governance as a analytical perspective, 2) global governance as a political program, and 3) a critical analysis of a specific scientific and social discourse (DINGWERTH / PATTBERG 2006, p. 378).

Within their first approach Dingwerth and Pattberg refer to Rosenau’s following definition of global governance: “*global governance is conceived to include systems of rule at all levels of human activity – from the family to the international organization – in which the pursuit of goals through the exercise of control has transnational repercussions*” (ROSENAU 1995, p. 13). What Rosenau describes as “all levels of human activity”, is the variety of new actors that play a central part in global governance. Although they are not new in respect to their existence, they are new when it comes to their role in international politics.

While in previous decades national governments were seen as the central and only crucial actor in international politics, global governance includes a multitude of actors, mostly from civil society and the private sector, which now operate with a growing independence from national governments. This development goes along with a gradual reduction of hierarchies between different groups of actors as well as between different forms of governance. Furthermore, Dingwerth and Pattberg mention the establishment of a multilayer governance system in which local, national, regional and global processes are inseparably combined, and new spheres of authority, operating independently from nation states (DINGWERTH / PATTBERG 2006, p. 381ff).

In their second approach, Dingwerth and Pattberg refer to the question of: how societies do or should react to new global constellations? An often mentioned example for this normative approach to global governance is the report of the Commission on Global Governance (Our Global Neighborhood), which was completed in November 1994 and published in 1995. The Commission on Global Governance (CGG) was “an independent group of prominent international figures, formed to consider what reforms in modes of international cooperation were called for by global changes” (KARNS / MINGST 2004, p. 3). Some of its members were Enrique Iglesias (President of the Inter American Development Bank), Hongkoo Lee (Prime Minister of the Republic of Korea), Yuli Vorontsov (Russian Ambassador to the United States), Barber Conable (former President of the World Bank), and Allan Boesak (former South African Minister for Economic Affairs).

Similar to Rosenau’s different “levels of human activity”, the CGG report underlined the importance of new actors in global governance like “*non-governmental organizations (NGOs), citizens’ movements, multinational corporations, and the global capital market*” (CGG 1995, p. 3). The importance of the variety of actors is shown in the report, where topics as diverse as military transformation, social and environmental change, demilitarization, international trade, migration and global civil society are illustrated.

Comparing present-day situations with statements made in the CGG report it becomes clear that in the first decade of the 21st century the interaction between different thematic areas and their actors has evolved more than it was imaginable at the time the CGG was constituted. Examples are the cooperation between military and development organizations (KLINGEBIEL / ROEHDER 2004) or between human rights groups and pharmaceutical multinationals. (AMIS, LUCY / LEISINGER, KLAUS M. / SCHMITT, KARIN 2004)

The third approach developed by Dingwerth and Pattberg refers to authors like Ulrich Brand and Henk Overbeek who take critical standpoints on the global governance discourse. Their focus lies on the discussions, if global governance serve to cover the negative implications of neoliberal ideology and practice, and furthermore they criticize the covering of existing conflicts by a discourse that creates an image of cooperation. In this context, it is mentioned that, although a variety of actors is included in global governance processes, the structural

relations of power and hierarchical configurations of social reality are being ignored (DINGWERTH / PATTBERG 2006, p. 386f).

Fourteen years after Rosenau's basic work on global governance, the German Foundation for Development and Peace published an anthology looking back on and discussing different aspects of global governance. In their introductory contribution, Dirk Messner and Franz Nuscheler point out that they still see global governance research in its initial phase. They describe current debates as a phase of orientation, comparable with the early years of the debate on sustainable development (ROTH / SENGHAAS 2006, p. 44). In this chapter, which had been published already in 2003 as a report by the German Institute for Development and Peace, the authors classify six crucial questions that need to be discussed to bring forward and consolidate global governance research (ROTH / SENGHAAS 2006, p. 44ff).

1) Avoiding traps of analogy during the transition from national to global problem constellations. This first point refers to the tendency to simply analyse and react to global problems with the same methodological tools used for national problems. Instead of falling into this trap, global governance researchers need to find out which concepts and methods are helpful to analyse processes that do not happen on a national but on a global scale.

2) Empirical studies to capture the variety of forms of governance. In the last years global governance research has concentrated on the problem of structural changes of politics. The next steps are more profound studies on actors, multilayer governance, governance pluralism and other empirical aspects.

3) Macro perspectives to understand the whole structure of global governance. Most global governance studies are concentrating on single or a limited number of cases like international organizations, financial, or ecological systems. These different parts need to be combined to create an overview of the global governance structure as a whole.

4) The overcoming of the dichotomy between the two fields of research and global regulation. The authors made out two groups of global governance researchers. One of them is focused on questions of power, hegemony, security and conflicts around natural resources. The other one, on new forms on conflict regulation, transnational actors and multilayer systems. Both groups, which can be denominated as (neo)realists and (neo)institutionalists as well, are concentrating on certain parts of the global governance structure. What they need to do is to get closer together and learn from each others' experiences.

5) Inter- and transdisciplinary orientation. Global governance and also globalization must not be looked on only with the eyes of an economist or a political scientist. The large

number of issues involved requires a large variety of researchers from different areas, be it social science, natural science, law, engineering or others.

6) Multilayer politics in the global governance architecture. In global governance, a growing interlocking of local, national and international politics is happening, which manifests a multilayer governance system. Messner and Nuscheler criticize the dominance of research that is treating the global governance architecture as a model of independent layers, ignoring the interconnections between them. They advocate a stronger consideration of overlapping layers.

Dingwerth's and Pattberg's observation, regarding the gradual reduction of hierarchies between the multitude of new actors, which Rosenau described as "all levels of human activity", plays an important role for the next chapter which will concentrate on the development of the multistakeholder governance approach in international cooperation. This form of global governance represents the lowest hierarchical barriers between all relevant stakeholder groups.

3) Multistakeholder Governance

Right from the beginning, the Internet governance process was constituted as a multistakeholder governance process. Just like Internet governance, multistakeholderism is a relatively new form of governance that has not been extensively investigated. Levinson and Smith call it an "understudied phenomenon" (LEVINSON / SMITH 2008, p. 16). It is the result of global changes in cooperation and diplomacy that took place in recent years and can be traced back to the beginning of the 1990s, when, due to the end of the East-West conflict, old alliances underwent profound changes. At the same time, the importance of the private sector and civil society became clearer, though this was not a new phenomenon, since both had gained ground already in the decades before, however at a much slower speed. However, what happened just to a limited extent during the Cold War accelerated in the 1990s and later resulted in the multistakeholder governance approach, which will be discussed in this chapter.

To understand how governance changed in recent years it is important to take a look at its different stages in the history of the United Nations (UN). Jens Martens offers a three-phases-model to describe the basic changes that were happening in the past 60 years and which lead to the inclusion of several non-state actors in international negotiations (MARTENS 2007, p. 11). The model is separated into three time segments: 1) 1940s – 1960s, 2) 1970s – 1980s, and 3) after 1989.

The beginning of the first phase was dominated by the reconstruction after the Second World War and the beginning of the Cold War. This dawning era of bloc confrontation and proxy wars saw the domination of the realist perspective on international politics. Politics at

that time happened mostly among nations (CLINTON / MORGENTHAU / THOMPSON 2005). This was also the case during the era of decolonization in the 1960s, when nation states still dominated the scenery, leaving little space for non-state actors. However, at that time a few NGOs already participated in different UN processes, and also actors from the private sector like the International Chamber of Commerce, which was categorized as an NGO as well. Nevertheless, their influence was marginal if compared to the changes in the following decades.

During the second phase (1970s-1980s) confrontation between states was still dominant. Anyhow, non-state actors were winning more ground. This already started in the second half of the 1960s and went on until the end of the 1980s. Crucial occurrences happened in both the occidental and the oriental parts of the world. In capitalist countries (and their allies) the US civil rights movement, the student protests in France, Germany, Brazil, Mexico and others, as well as the mobilization against the Vietnam war were initial events. Later, a growing number of NGOs and social movements came up, many of them in support of social development in countries that recently achieved their independence and which were situated in what was (and incomprehensibly sometimes still is) called the Third World.

In this wave of new upcoming civil society groups, several new topics were set on the agenda that did not get the attention of national governments. Some of them were environmental questions, womens' rights, and disarmament. Originating from protest movements, most NGOs did not seek for cooperation with national governments and also governments themselves showed little interest to give support to those new and, unprofessionally working organizations. This position was maintained also within the UN system, which thought that the reason why civil society groups were acting was mainly to make opposition to the political establishment.

Besides new NGOs and social movements, also private sector companies started getting more influence in political processes. Especially multinationally acting enterprises were eager to improve their already existing relations with national governments. At the same time, they remained mostly sceptical towards the UN by whom they saw themselves criticized for working conditions and uncontrolled international business activities (MARTENS 2007, p. 12).

Also communist countries saw the appearance of social movements like for example in Hungary, Czech Republic, Yugoslavia and Poland. Although their development was different compared to movements in Western countries, some of them became very influential during the transition processes after 1989 (LINZ / STEPAN 1996).

The third phase was marked by the fall of the Berlin Wall, the collapse of the Soviet Union, and the end of the bloc confrontation that had dominated international affairs for two generations. The role of national governments was not only to be redefined; there was also a certain decrease in governmental influence which was caused by a stronger growing neoliberal ideology, reducing state intervention in several areas.

Deregulation, privatization, and the growing importance of global topics like environmental and climate questions, migration, poverty reduction, health care and others

prepared the ground for an environment in which public, private and civil society actors (stakeholders) approached each other to solve old and new problems of the post-Cold War era. Some of the topics that now appeared on the international agenda had played an underpart in the decades before. Climate change, indigenous and minority rights or children's rights that had been mostly ignored by the nation states before, were now areas where civil society organizations had developed special knowledge and, due to their long-time dedication, legitimacy by the social groups they were working with. This made them important partners for national governments who did not have a lot of experience in those fields. With the growing number of global tasks, the question of financing had to be resolved as well, which was where the private sector had to come in. In exchange, private companies gained support from the public sector to improve their investment strategies in different countries. By cooperating with civil society, actors also managed to improve their image as socially responsible companies. This became an important question in their marketing strategies.

A key event for the multistakeholder approach was the UN Conference on Environment and Development in 1992, also known as the Earth Summit in Rio de Janeiro. One of the results of that conference was the passing of the Agenda 21, targeting sustainable development. It included a variety of topics that civil society had already addressed years before, like rural development and women's and children's rights, besides others. The Rio Summit showed the importance of the integration of new stakeholders in international politics, in this case especially civil society.

While the Earth Summit was an official demonstration of the importance of civil society, the private sector also had its inclusive event. In the year 2000, UN Secretary-General Kofi Annan launched the Global Compact, a voluntary framework to stimulate private sector companies to support some of the UN's basic principles like human rights, labour standards, environmental protection, and anti-corruption. By winning the support of the private sector, Annan also hoped to get access to financial resources, especially for the growing number of development programs. For the private sector, the consideration of the Global Compact principles meant the creation of new and stable markets and investment areas.

Two years later, in 2002, the first truly UN multistakeholder conferences were held in Monterrey (Conference on Financing Development) and Johannesburg (Summit on Sustainable Development). In both cases stakeholders from all areas of society were not just invited, but also (and this is the crucial point) involved in the preparatory phase. Furthermore, for the first time also individual companies, instead of business associations, could participate as actors from the private sector. Since then, multistakeholder governance has gained growing attention and was considered in several cases of international negotiations. This is also the case for the Internet governance process in which the multistakeholder approach is widely recognized as the central form of participatory and inclusive governance. In the initial phase of the UN Internet Governance Forum (IGF) the multistakeholder approach was determined

to be a leading principle to guarantee the participation of all relevant actors. The following chapter concentrates on the process of the World Summit on the Information Society (WSIS), which prepared the ground for the IGF and which serves as an example for an ongoing multistakeholder process.

4) Internet Governance

The international discussion about Internet governance happens largely as a consequence of the Internet Governance Forum (IGF), which was established as a result of the World Summit on the Information Society (WSIS). The following paragraphs are going to focus on the WSIS process, which resulted in the IGF whose last meeting will be in 2010.

The WSIS was organized by the United Nations (UN) in the beginning of the 21st century. It happened in two phases: in 2003 (Geneva) and 2005 (Tunis). During the WSIS process, a number of official papers and declarations was published, like the Geneva Plan of Action or the Tunis Agenda for the Information Society. The Geneva Plan of Action already stressed the fact that the WSIS process was conducted in a multistakeholder environment, made up of representatives from governments, the private sector, civil society and international and regional institutions. In *The New Global Politics of Internet Governance*, Milton Mueller expressed that this constellation also pointed out a different approach to Internet governance itself: “*At the summit there was a clash between two models of global governance, a traditional one based on agreements among sovereign, territorial states, and a new transnational order based on private contracts among nonstate actors – but dependent on the global hegemony of a single state (the U.S.) for its implementation.*” (KLEINWÄCHTER 2007, p. 217).

Furthermore, Wolfgang Kleinwächter expressed

“While one group argued that the Internet should be globally governed by an intergovernmental organisation, others pointed to the fact that the Internet emerged bottom-up in the shadow of governmental regulation and is rather successfully self-organised by non-governmental entities representing the developers, providers and users of Internet services themselves.” (KLEINWÄCHTER 2007, p. 13).

The choice of topics discussed at the WSIS shows that technical regulation was not the main aspect of this meeting. Development issues were much more important to the participants like the bridging of the digital divide. The OECD describes the digital divide as “*the gap between individuals, households, businesses and geographic areas at different socio-economic levels with regard both to their opportunities to access information and communication technologies (ICTs) and to their use of the Internet for a wide variety of activities.*” (OECD 2001, p. 5).

It can be seen as a superordinate concept under which different actors with a focus on development politics follow various approaches, from improving education and infrastructure to assuring health care or disaster prevention. Some of the goals pointed out in the Geneva Plan of Action were therefore similar to the Millennium Development Goals (MDG), like the connection of villages, universities, schools, public libraries, hospitals and governmental departments with ICT until 2015. Another emphasis was the improvement of, among others, e-government, e-business, e-health and e-learning with a special focus on remote areas.

As discussions during the first phase of the WSIS were mainly concentrated on development issues, the question of Internet governance was left behind until the formation of the Working Group on Internet Governance (WGIG) by the UN Secretary-General Kofi Annan. The WGIG's goals were to 1) develop a working definition of Internet governance, 2) identify the public policy issues that are relevant to Internet governance, 3) develop a common understanding of the respective roles and responsibilities of governments, existing intergovernmental and international organizations and other forums as well as the private sector and civil society from both developing and developed countries, 4) prepare a report on the results of this activity to be presented for consideration and appropriate action for the second phase of the WSIS in Tunis in 2005 (WSIS 2003).

The results of these tasks have an important impact on the whole Internet governance process as it is happening today. The definition of Internet governance as published in the WGIG report in June 2005 is: "Internet governance is 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 programs that shape the evolution and use of the Internet." This definition is multistakeholder oriented and shows a close connection to Stephen Krasner's regime definition (KRASNER 1984). Furthermore the WGIG also established four key public policy areas which demonstrated its understanding of Internet governance as being more than a question of mainly technical regulation, like it is done by the US-based Internet Corporation for Assigned Names and Numbers (ICANN):

1) Issues relating to infrastructure and the management of critical Internet resources, including administration of the domain name system and Internet protocol addresses (IP addresses), administration of the root server system, technical standards, peering and interconnection, telecommunications infrastructure, including innovative and convergent technologies, as well as multilingualization. These issues are matters of direct relevance to Internet governance and fall within the ambit of existing organizations with responsibility for these matters;

2) Issues relating to the use of the Internet, including spam, network security and cybercrime. While these issues are directly related to Internet governance, the nature of global cooperation required is not well defined;

3) Issues that are relevant to the Internet but have an impact much wider than the Internet and for which existing organizations are responsible, such as intellectual property rights (IPRs) or international trade. The WGIG started examining the extent to which these matters are being handled consistent with the Declaration of Principles [WSIS document published in 2003];

4) Issues relating to the developmental aspects of Internet governance, in particular capacity-building in developing countries (WGIG 2005, p. 5).

Furthermore, the WGIG spoke out for establishing a discussion forum to address Internet governance issues, especially as existing organizations like OECD, who are involved in Internet governance discussions but are not open for a big number of developing countries. Based on the WGIG report, Internet governance became a more important topic during the second stage of the WSIS in Tunis (2005). During this phase, the focus was put on the implementation of principles developed in Geneva.

The most important output of the Tunis meeting was the Tunis Agenda for the Information Society, which was published at the end of the meeting on 18 November, 2005. It is also considered to be the constitutional document of the Internet Governance Forum as a multistakeholder discussion forum on Internet governance. The three central topics of the Tunis Agenda were 1) Financial mechanisms for meeting the challenges of ICT for development, 2) Internet governance, and 3) Implementation and follow up.

The first topic (financial mechanisms) was related to the main objectives of development and inclusion already stressed in the Geneva Plan of Action. A Task Force on Financial Mechanisms (TFFM) was established to report on existing and potential possibilities to finance, what is called ICT for development (ICT4D). The Tunis Agenda stressed the problematic of the digital divide between industrialized and developing countries.

Sustainable investments in ICT infrastructure and services as well as capacity building, transfer of technology and technological cooperation between northern and southern countries were mentioned to be important measures to change the status quo. As investments in the past were mainly done by the public sector, it was underlined that also private companies have an important role in the ICT4D process. One example were investments in infrastructure, especially in remote areas. A crucial precondition for private sector engagement is the implementation of policies and regulations to make investments more attractive.

In this context, the Agenda pointed out that market forces alone cannot solve the problem and therefore also international cooperation was important and so was the inclusion of ICT in national development strategies (also in government activities themselves). But not only the national level, also the global level was addressed, especially the necessity of the reduction of international Internet costs to let national providers offer lower prices to final customers. As

an interesting and innovative way to finance ICT4D, the Agenda commended the Digital Solidarity Fund (DSF) which was established in Geneva and is open to any interested stakeholder.

The second topic of the Tunis Agenda concentrated on Internet governance. It was stressed that the Internet must be seen as a global facility and, within the debate about the Information Society, Internet governance should play a central role. The importance of a multistakeholder environment consisting of governments, private sector, civil society, intergovernmental and international organizations was confirmed.

The mentioned definition of Internet governance, developed by the WGIG, was accepted and the Agenda also pointed out that not only technical questions were part of the Internet governance discussion but also public policy issues. By doing so, it became clear that not just IP numbers and related aspects dealt with by ICANN, but several other aspects and topics were also going to be part of the new discussion process on Internet governance. Some of them mentioned were multilingualism, spam, e-business, cybercrime, freedom of expression, privacy, cyber-security, critical Internet resources, affordability, reliability and quality of service.

To distinguish tasks and duties of the different stakeholders, the Agenda categorized some of the aspects. Policy authority was therefore said to be the sovereign right of states. The private sector was mentioned in relation to development of the Internet in technical and economical fields while civil society was declared responsible for the community level. Intergovernmental and international organizations were said to act mainly as facilitators in the coordination of public policy issues and to set technical standards. The UN Secretary-General was asked to set up a multistakeholder policy forum to address these topics.

This was to be called the Internet Governance Forum (IGF), whose mandate until 2010 is to:

“discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet...The Internet Governance Forum, in its working and function [was declared to be] ... multilateral, multistakeholder, democratic and transparent.” (WSIS 2005, p. 11).

Since 2006 the IGF has happened once a year in Greece, Brazil, and India and will happen in Egypt (2009) and Lithuania (2010). Each meeting offers a variety of presentations and workshops prepared by members of different stakeholder groups, targeting relevant topics like the future of ICANN, the implementation of technical standards, internet access in remote areas, or human rights, privacy and freedom of speech on the Internet. One aspect of Internet governance that touches a number of issues mentioned, especially freedom of speech and privacy, but also cybersecurity topics, is Internet filtering. The next chapter will focus on this issue of growing international importance and on the function that different stakeholder groups have in this context.

5) Internet Filtering

Internet filters are used to control the content a user can access on his computer. They can be installed on a personal computer or on a server by means of software (other forms of filtering will be mentioned later in this chapter). These programs are available for free download on the Internet or as commercial products. They are not just common on family computers but also in public institutions or private companies to prevent users and employees to access selected websites like social networks, video portals and others. While in these situations it is an internal decision to block a certain number of websites, it becomes much more interesting when national governments decide to block websites for the whole population. It is this second form of filtering which is mostly discussed within the Internet governance context and also in this article.

Internet filtering has not been given a lot of attention so far in terms of scientific publications. Only in the past four years it has attracted more interest, usually in relation to China's efforts to control web content for its population (MUSIL 2008). One exception is the OpenNet Initiative (ONI), a research entity made up by the Citizen Lab (University of Toronto), the Berkman Center for Internet and Society (Harvard University), the Advanced Research Group (University of Cambridge), and the Oxford Internet Institute (Oxford University). ONI researchers have been working on Internet filters in a large variety of countries, mainly in Asia, North Africa and the Middle East. They have also been involved in the discovery of GhostNet in March 2009, a supposedly Chinese cyber espionage network which had infiltrated at least 1,295 computers in 103 countries (DEIBERT / ROHOZINSKI 2009).

Although Internet filtering in the regions mentioned above does attract more attention than similar discussions in Europe or North America for example, it must be mentioned that Internet filtering does also happen in those parts of the world. In the following paragraphs, I am going to take a closer look at the development of Internet filter in democratic and non-democratic countries (based on data by Freedom House and the OpenNet Initiative) to find out what role different stakeholders (public sector, private sector, and civil society) play in this context. There are two important points to be considered. The first one is the intention of a government installing Internet filter. The second one is how this decision is communicated and regulated.

In the past ten years, Internet filter were used in democratic countries mostly on a voluntary basis by Internet Service Providers (ISPs) to block content that was considered illegal in specific countries. Common cases were websites spreading racism, websites related to terrorist groups and websites containing child pornography. In some cases, search engines filtered websites with such content (for example Google in Germany). Although search engine filters were and still are futile, as google.com usually shows all the results which google.de for example is filtering.

Since 2004 a growing number of countries (mostly within but also outside the European Union) started filtering particularly child pornography on the Internet. Most systems are based on a blacklist like it was developed by the British Internet Watch Foundation (IWF). In voluntary filter systems ISPs agree to filter all websites mentioned on the IWF blacklist. After the UK also Norway, Sweden, Denmark and Finland installed a similar filtering system, using their own blacklists that were based on the list of the IWF. Different than its predecessors, Germany was not satisfied with the voluntary solution and forced all ISPs to filter the Internet, based on a law passed in June 2009 (SUEDDEUTSCHE.DE 2009). German Internet user accessing a blocked website will see a blockpage on their monitor, declaring that the content they tried to access is illegal. The German case shows extensively the different interests between stakeholder groups regarding Internet filter.

Before the German filter law was passed, the German Ministry of Family and five of the seven biggest ISPs signed a voluntary contract in April 2009 in which the ISPs committed themselves to filter child pornographic websites. The two remaining ISPs declared not to accept filtering methods that were happening without a legal basis. Also civil society organizations articulated their disagreement with the government's approach. Their reactions were intensified when the government declared that was to prepare a legal basis to force all ISPs under the new filter regime. The main arguments from civil society organizations were that blocking websites would only cover, but not remove the problem. They referred to experiences from Scandinavian countries, where investigators lamented the lack of success of filter regimes against child porn (FOCUS.DE 2009).

Furthermore, civil society criticized endangering of freedom of speech, free access to information and a lack of privacy once a filter regime had been installed. Moreover they feared the original idea of filtering child pornography could be extended after some time to other types of websites. But the civil society was not uniform in its criticisms toward the filters, indeed different lobby groups from the music industry and copyright associations raised their voices in favor of Internet filters.

The same demand was articulated by ethnic minority groups to block right winged websites. A request that once agreed on could easily be extended to other political content as well. Criticism reached such a high level that an e-petition that was formulated to oppose the new law received 134.015 signatures, making it the biggest e-petition ever created in Germany. Nevertheless, the law was passed, although civil society had let its mark on it.

Therefore, the Federal Commissioner for Data Protection and Freedom of Information was instructed by the government to regularly control the content of the blacklist which originally was supposed to be only in the hands of the Federal Police Agency BKA (SUEDDEUTSCHE.DE 2009). However, civil society groups criticized the insufficiency of those changes and decided to file a suit against the new law at the Federal Constitutional Court (which has not happened yet at the time this article was written).

Looking at the situation of Internet filtering in non-democratic countries it becomes obvious that there is a greater diversity of methods, levels of filtering, transparency of the filtering process and diversity of the content filtered. Also important is to mention that filtering happens permanently or on an occasional basis, for example before elections (DEIBERT et al. 2008, p. 3).

The most prominent and also most active government to filter the Internet is the Chinese. What became known to a wider public during the Olympic Games in 2008 when Western journalists lamented not having access to the Internet (MUSIL 2008) was reality already years before. China's very sophisticated filter regime, which sometimes is referred to as the Great Firewall of China, includes different types of Internet filter like URL filtering, DNS tampering, IP blocking or keyword filtering. As their names suggest, these different filter methods are based on different parts of the Internet like the URL of a website, the DNS system, IP numbers or keywords. They also have different levels of complexity and efficiency. While IP blocking for example is a simple and cheap way of filtering, it is less efficient for bigger filtering projects. Other more complex systems require a bigger financial investment and appropriate technical knowledge. Content that is filtered in China includes a wide variety of websites like international news sites (BBC or Voice of America), independent Chinese media (for example from Hong Kong), information about Tibet, the Uyghur population, Mongolia, Falun Gong, Amnesty International and other human rights websites, labor rights websites and more (DEIBERT et. al 2008, p. 267).

The Chinese filter system had its latest update in May 2009, when the Chinese Ministry of Industry and Information Technology informed national computer producers about a new regulation to pre-install the filter software Green Dam Youth Escort on every computer to be sold in the country. The intention of the Green Dam software is to protect children from inappropriate content on the Internet, mainly pornography. Nevertheless, critics fear that other websites could end up on the blocklist, maintained by the Chinese company Jinhui Computer System Engineering which is also responsible for the development of the software (FARIS 2009, p. 4).

This way, the Green Dam can filter all unwanted content already on the home computer of any user. Nevertheless, its usage is not an obligation. Chinese users have the possibility to put filtered websites on a list of allowed websites (white list) making it possible to access them. They can also put additional websites on their individual blocklist, turn off the software or uninstall it. This means that the Green Dam is technically seen as a simple software product but not an instrument of censorship.

On the other hand, user behaviour could make it another brick in the Chinese filter system if users tend not to turn it off or uninstall it. Judging from experiences with Microsoft users all over the world, who still use MS Internet Explorer as a browser in spite of its security problems just because it comes already installed on the computer, it is likely to expect that

also only few Chinese people will delete the pre-installed Green Dam software.

Besides the Chinese a lot of other non-democratic governments are filtering the Internet albeit with less intensity. The content filtered differs from country to country but there is a certain tendency that websites containing sexual content are likely to be blocked in many of the non-democratic countries tested by the ONI (DEIBERT et al. 2008).

Other content blocked include gambling sites, political or religious websites, websites of radical or extremist groups, human rights websites, opposition parties or groups, workers unions, blogs, VoIP companies, anonymizer tools, proxy servers and more. The content to be blocked is in almost all cases chosen by the respective governments. Only in a few cases like, for example, Saudi Arabia, citizens can officially suggest websites to be blocked or unblocked (DEIBERT et al. 2008, p. 40). This certain form of participatory filtering is not common in most other countries. What Saudi Arabia shares with other countries is the display of a blockpage informing the user he was trying to access a blocked website (DEIBERT et al. 2008, p. 15). A different form of blockpage is shown in Tunisia where the user does not get informed about the filtering but instead will see a (fake) default error page of the Internet Explorer (even if he uses other products like Firefox). Other countries like Uzbekistan use the possibility of redirecting the user to a different website without informing him that the website he tried to access was filtered. In the case of Uzbekistan, the redirection goes to the Microsoft site live.com. It is obvious that some countries prefer to inform their citizens about websites being blocked, while others decide not to.

The software used to filter the Internet on a national scale is produced by Western, in most cases US companies like Websense, Fortinet or Secure Computing (today owned by McAfee). All three are specialized IT security companies offering a variety of soft- and hardware products to establish secure network connections. Just as well as their products can be used to secure private company networks, they can be applied to install a filter or a censorship regime for a whole country.

For this reason, these companies sometimes see themselves confronted with the accusation of supporting censorship for the sake of earning money. Besides specialized IT security companies also leading IT and Internet firms like Google, Microsoft and Yahoo were confronted with the same situation when they entered the Chinese market. Google announced in January 2006 the launch of a China-based version of their search engine.

Although they already maintained a Chinese-written search site the performance was considerably slow due to governmental filtering. The new edition promised to be faster as Google carried out the filtering process by itself. As a global Internet company this was a logical step to avoid letting others (like Yahoo) take over the biggest Internet market of the future. On the other hand, participating in a censorship regime did not combine with their marketing slogan "don't be evil" for which reason the company earned a lot of critics (BBC 2006).

Its competitor, Yahoo, was faced with similar accusations of censorship and cooperation with Chinese officials, which led to the arrest of a cyber dissident who later was sent to jail for 10 years in April 2005 (BBC 2005). Also Microsoft was confronted with critics in June 2005 for censoring its own blogging service in China, which made it impossible to use words like “democracy” or “freedom” (WATTS 2005). After having been confronted with ongoing criticism, all three companies joined to form the Global Network Initiative (GNI) in October 2008. In cooperation with a number of recognized human rights organizations and other NGOs like Human Rights Watch or the World Press Freedom Committee, GNI developed a set of principles to be applied by ICT companies to protect freedom of expression and privacy rights. In the preamble of the GNI principles the participants declared: “*The collaboration between the ICT industry, investors, civil society organizations, academics and other stakeholders can strengthen efforts to work with governments to advance freedom of expression and privacy globally.*” (GLOBAL NETWORK INITIATIVE). However, not all actors invited to participate in the GNI accepted this offer. Amnesty International refused participation after stating that the documents developed did not show enough effort to protect freedom of speech (JOHNSON 2008).

When it comes to civil society groups concerned with Internet filtering in non-democratic countries, it has to be mentioned that within the respective countries they or other kinds of oppositional groups do not have the same possibilities to act like in democratic countries. Therefore, civil society groups concerned with Internet filtering and censorship in these countries are usually based in democratic countries and possibly maintain contact to single activists or small partner groups. Another form of civil society that comes from within undemocratic countries are bloggers or cyber dissidents like they were mentioned above. In its 2009 report called “Internet Enemies”, the international agitating NGO Reporters without Borders (RWB) labeled 12 countries (all of them also studied by the ONI) as “Internet enemies” due to the fact that they limit access to the Internet and arrest people for using the Internet as a mean to criticize their governments. Following the information of RWB, at least 69 people have been imprisoned because of using the Internet to spread critical opinions, mostly about their own government (REPORTERS WITHOUT BORDERS 2009, p. 2).

6) Conclusion

The changing of global constellations in the post-Cold War era has opened space for a number of new actors in international politics. The stage of international negotiations that was dominated by national governments for two generations after the Second World War has been filled with different interest groups from the private sector economy and civil society. With them, also the topics on the international agenda have changed, including more than basically security aspects. Today, minority rights, poverty reduction and climate change are considered

crucial issues in international affairs.

This growing importance and inclusion of different actors is today reflected in the multistakeholder governance approach in which all participants are accepted and respected as equal partners, each bringing in special qualifications. UN congresses and initiatives like the Earth Summit in Rio (1992), the Global Compact (2000) or the Monterrey Conference (2002) were important steps in this direction. Multistakeholder processes are characterized by its ability to create environments where actors not longer simply criticize and blockade each other as a matter of principle, but where they recognized their common interests in certain issues and as a next step join each other to develop solutions.

The Internet governance process, which can be seen as a part of the global governance discourse, is one example for an ongoing multistakeholder governance process. The necessity to include a wide variety of stakeholder groups explains itself with the structure and the functioning of the Internet. As a global communication network, it serves to access information independently from geographic locations, which poses a challenge for any national government. At the same time, its technical infrastructure, software applications and commercial character include a large number of private companies, including some of the biggest IT companies of the world.

And finally questions of human and individual rights or social development call the attention of civil society. These particular interests are in many cases connected to each other, as the example of Internet filtering shows. But although unity is demonstrated during global events like the IGF, interests of different stakeholder groups can still be varying. The case of Internet filtering shows very clearly some of these differences, which are of diverse nature in democratic and in non-democratic countries.

In democratic countries, governmental ambitions to filter the Internet have increased mostly on the basis to address certain forms of cybercrime, especially child pornography. At the same time, non-democratic governments make an effort to filter a large number of websites with different content, including pornographic but also political, religious, news, or human rights websites. All filter regimes show different degrees of transparency. Democratic and also some non-democratic countries openly use blockpages, making clear to the user that he tried to access illegal content. Others try to hide their filtering activities by using false error pages or redirect the user to other existing websites. In all cases governments refer to their national sovereignty to filter what is also illegal in the non-virtual world.

Private sector companies participating in Internet filtering regimes have different roles defined by their economic activities and their political environment. In democratic countries Internet Service Providers participating in Internet filtering show little enthusiasm to do so, but with a few exceptions agree. This reaction is also related to the topic of child pornography, which is commonly condemned and their reluctance not to filter could be misinterpreted by the public, though in some cases, like Germany, ISPs declared that they do not agree with a voluntary filter regime without a legal basis, due to concerns about users' rights. In non-democratic countries ISPs show different forms of behaviour, depending on the political

environment.

In cases of strict regulations, as China, they are bound to governmental decisions (which of course is also the case in democratic countries). In cases where content regulation is not clearly defined it happens that ISPs decide on their own about the websites to be filtered. Different than the role of ISPs is the situation of IT security companies producing filter software. While they are confronted with protests by international civil society groups when selling their products to non-democratic countries, they hardly appear in the discussion about filtering regimes in democratic countries. A third type of company involved in discussions about filtering are leading IT companies (Google, Microsoft, Yahoo) that are censoring their own products to enter the growing markets of non-democratic countries.

Confronted with the accusation of putting profit before human rights when recognizing market regulations in non-democratic countries, they decided to form a multistakeholder initiative, including human rights groups and other actors, to develop a framework for IT companies willing to consider international human rights standards. So far, an evaluation of this initiative has not been done. In democratic countries some of the companies mentioned that other search engines are also filtering certain websites (e.g. racist or neonazi content) which is hardly recognized by the public.

Also civil society groups pursue different interests in different political environments. As mentioned above, they are responsible for controlling private and also public actors decisions and policies. Most civil society actors concerned with Internet filtering are based in democratic countries, where they concentrate their discussions, which are mainly on the principal question that Internet filtering, even of child pornography (which they disapprove like all other actors), has to be rejected because it can lead to the filtering of other data.

In this context their objective is a constitutive protection of privacy and freedom of speech and not the protection of specific websites that are targeted by the filter regime. They also do not address companies producing filter software. Exceptions might be ISPs agreeing with the introduction of filter regimes. This situation is different when it comes to non-democratic countries. In this case civil society organizations are interested in both, a discourse about human rights and freedom of speech and the protection of specific content to be filtered. Criticism is articulated towards non-democratic governments for filtering as well as punishing bloggers and cyber dissidents, and also towards Western companies censoring their web products or selling filter software to non-democratic governments.

Like the analysis of the three main stakeholder groups involved in Internet filtering has shown, they represent to some extent profoundly different interests. These differences demonstrate weak points and at the same time challenges for the Internet Governance Forum and the Internet governance process in general. It is obvious that multistakeholder processes do cover but not dissolve the basic differences between stakeholder groups. For the IGF, whose mandate ends in 2010, the differences between its participating interest groups could imply an additional problem when thinking about how to continue after 2010.

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