International Organizations and Governance in a Time of Transition

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In 1999, in a co-edited book about multilateral diplomacy and the United Nations, Jim Muldoon began to discuss the challenges of the global economy for post–Cold War diplomacy (Muldoon 1999, 80). In 2011, in a co-edited book about the new dynamics of multilaterism, Muldoon concluded that institutions and structures were in transition, "moving from the international order established after World War II to a global order for the twenty-first century" (341). In 2015, Karen A. Mingst and he discussed the reconceptualization of international relations for the twenty-first century from the perspective of global governance and nongovernmental organizations (Mingst and Muldoon 2015, 65–81). While developing his ideas about transitional governance, Muldoon also worked on a dissertation, supervised by Rob van Tulder. His aim was to develop an interdisciplinary approach, combining theory from international relations and organization theory, rooted in both international business and public administration, as well as focus on the role and function of hybrid governance forms. Sadly, Muldoon's illness and death in 2016 meant his major opus remained unfinished. This article, edited by Dennis Dijkzeul, Bob Reinalda, and Rob van Tulder, attempts to complete that task posthumously. It summarizes Muldoon's work for his dissertation, with an explanation on the ongoing relevance of international organizations (IOs) and governance in a time of transition, as illustrated by the case study of the Internet Corporation for Assigned Names and Numbers (ICANN), a GONGO (Government-Created NGO). ICANN governs crucial aspects of the Internet administration, but is not constituted as an inter-governmental organization controlled by states. Its neoliberal origins may reflect post–Cold War dynamics and ideology but will also provide a mode of global governance that deserves the attention of scholars and policy makers.

Introduction

This article analyzes the changing global context after the end of the Cold War and the need for even more innovative forms of governance that have emerged in this transitional period. It will explore the ins and outs of transitional governance by evaluating its conceptualization in the disciplines of international relations, public administration, and business administration. Evolving interactions among states and non-state actors have produced new mechanisms of cooperation and coordination, and hybrid organizational forms of governance. The pressures put on international institutions and organizations to address the governance needs of an emerging global political, economic, and social order requires attention, as well as limits of reform, with multi-stakeholder arrangements supplementing rather than replacing existing modes of governance.

The focus of this essay is on the role and function of hybrid governance forms, in particular multi-stakeholder public-private partnerships, in the transition of the international system of governance to a system of global governance. The essay also illustrates this transition to global governance with the ICANN exemplar, one of the more prominent and innovative hybrid organizational forms of international governance, namely private management of public regulation of a natural monopoly: Internet traffic. ICANN has evolved into a new hybrid form where a private-sector entity has regulated a global public policy with legally binding decisions, yet remains independent of governments and treaty-based IGOs. However, the influence of individual states,

like the U.S. and the Governmental Advisory Committee (GAC), has remained significant in this international institution which, unlike intergovernmental organizations, is not based on a formal treaty among states.

Globalization and Global Change—the New Context

One of the greatest challenges confronting the world is managing globalization. This term came into vogue during the last decades of the twentieth century to describe the accelerating integration of national economies into the world market economy. In the early twenty-first century, globalization became more comprehensive, but also encountered protectionist resistance in the quest for increasing political, economic, and social interdependence. The complexity emerging from the forces of globalization and its objectors have been driving systemic change that calls for innovative forms of governance.

While the international system of governance "brought a measure of law and reciprocity to international politics" and "bred some measure of trust among sovereign states that had eyed each other warily at least since Westphalia" (Kennedy 2010, 93–94), it has been slow to adapt to rapid changes in the international system, especially the rise of non-state actors (e.g., nongovernmental organizations [NGOs], other civil and uncivil society groups, and transnational corporations) and the revolution in information and communication technologies. The forces of globalization have catalyzed transnational activity among non-state actors, much of which is outside the effective control of states or IOs, undermining the authority and preeminence of states and disrupting the power distribution and patterns of interdependence that have emerged over the centuries. Globalization has also been causing diffusion of authority among both governmental and nongovernmental entities, with an effect on the way states, markets, and societies interact and intersect at a global level. States, business, and civil society at the local and global levels are adjusting their respective governance roles. As the traditional divides between private and public, and national and international increasingly blur, relations between states, non-state actors, and IOs are being reconfigured.

Due to the shifts in relational authority between states and non-state actors on the global level (see Lake 2010) new forms of governance have emerged. Alternative governing modalities and mechanisms have included new intergovernmental arrangements like the G20, the BRICS Bank, and ad hoc coalitions of willing and multi-stakeholder arrangements like the Global Alliance for Vaccines and Immunization (GAVI), the Global Compact, and global Public-Private Partnerships. They "address issues that are presumed to be underattended or mishandled by the formal multilateral institutions" and increase the provision of international public goods and services "that national governments and intergovernmental institutions seem unable or unwilling to provide" (Forman and Segaar 2006, 214). This trend toward public-private governance arrangements reflects the demand for increased participation of non-state actors in global policy-making and for more effective and responsive governance. Institutionalizing private actors in global governance is transforming governance and epitomizing the process of transitional governance.

Three Disciplines and Transitional Governance

Despite its varied meanings, governance has become a core theoretical concern and a growth industry in at least three disciplines: international relations, public administration, and business administration (Dijkzeul 1997). By taking a closer look at how governance is conceptualized in each discipline, it is possible to discern common theoretical themes and establish core concepts and propositions to analyze transitional governance.

Governance, or rather global governance, gained prominence in the international relations discipline after the Cold War. This concept continues to evolve amid numerous disputes and conflicts among scholars. The essential components of global governance are still debated—such as the processes or forms of global institutions, the new norms, rules and patterns of behavior, or the

effective redistribution or diffusion of power among states and non-state actors. Moreover, the literature on global governance is under-theorized about the process of moving from international to global governance. International governance is a matter of states and intergovernmental organizations (the UN System, regional organizations), which suggests coherence in international efforts to manage political, economic, and social affairs, and assumes that both national and international society is malleable by governmental policies and institutions. Global governance no longer solely reflects the interests of states and intergovernmental organizations, but also those of INGOs, transnational corporations, and new kinds of networks, which include transnational private actors. Private actors may influence governments directly, but they also influence governments through participation in (quasi-)governmental institutions and networks. The world has a way to go before the ingrained international mindset of today (including countervailing forces, where states attempt to regain control) is superseded by a global one. Despite considerable discussion about governance processes, interactions, and dynamics, empirically demonstrating that such processes, interactions, and dynamics actually produce governance, let alone global governance, remains a challenge.

The concept of governance in public administration has traditionally been defined as what governments do and how the political system works, primarily in formal roles but also through informal processes. The field has also moved toward improving government and civil servants' performance through modern management practices, which has also paved the way for the emergence of public management as a distinct field of study. According to Peters and Pierre (1998), European scholars of public administration were among the first to distinguish governance from government to describe changes in the relationship between government, the private sector, and the changing patterns of government where "societal actors have become influential over policy and administration and have done so in ways that were unimaginable in earlier times. Government is seen as weakened and as incapable of steering as it had in the past. The traditional concept of government as a controlling and regulating organization for society is argued to be outmoded" (Peters and Pierre 1998, 223–24).

The idea of steering society became a key concept in the literature on governance. It refers to processes of interaction between government, business, and civil society that over time become regularized institutional patterns. In this view governments need to cooperate with nongovernmental actors to solve societal problems and to create societal opportunities (e.g., public-private partnerships, public policy networks). "Needs are no longer confined to society, capacity to government. Needs and capacities are both public and private. They are embedded in both state and society in their mutual interdependencies" (Hyden and Court 2002, 9). Weiss and Wilkinson (2014) have presented over fifty global governance debates within the IR field, indicating how far political science's IR subfield has advanced on "how the entire world hangs together through formal and informal governing techniques and processes." Although a lively debate continues over definitions and research strategies, the study of governance has advanced almost as much in public administration as in IR, but in its advancement, public administration has gone without the IR's focus on the transnational aspect of global governance.

The concept of governance in the field of business administration has become a focal point, largely in one topic, due in large part to a number of egregious corporate scandals uncovered in the U.S. and Europe in the early 2000s. Traditionally, hierarchy and control are key concepts in business management and organization theory, as well as basic principles that enable companies to be efficient and competitive. How management operates in increasingly complex internal and external relationships, including in international realms, has resulted in more emphasis on steering rather than controlling a company. Instead of using only market-based criteria, the stakeholder approach to corporate governance seeks to consider and include all those affected by its policies in the decision-making process. It emphasizes the relational characteristics among business and other societal actors, which raise issues of power, legitimacy, and representativeness of business, government, and civil society groups in their roles

and responsibilities toward each other and society as a whole. Since the 1960s, corporate social responsibility and corporate citizenship have emerged as key touchstones in defining business-society relations, including in global governance, even if this field does not use these terms as much as IR does.

Despite their naturally different concerns, these three disciplines share similar methodological and theoretical problems. The mainstream orientations of all three are rationalist, though there are significant socially constructed and critical approaches as well. At least five common theoretical themes are posited in governance: 1) institutions and organizations matter, 2) process (or interaction of systems, individuals, countries, and organizations) is a core governance principle, 3) complexity, diversity, and dynamics are key environmental challenges, 4) technological change and innovation are main drivers of systemic transformations, including new or (re)configured institutions, and 5) coordination, cooperation, and collaboration are the primary activity and purpose of governance systems. These common theoretical themes establish similar approaches among the three disciplines, even if they diverge on specific problems and actors, as well as the units and levels of analysis. These five theoretical themes form the basis of an interdisciplinary perspective on global governance structures and systems and the agents of this global transition.

Transitional Governance: Stakes, Processes, and Outcomes

Transitional governance is conceived as the processes of innovation that enable or obstruct societal actors to reconfigure and reconstitute governance roles and practices, and establish new mechanisms of cooperation and coordination, and hybrid organizational forms of governance. The emergence of multi-stakeholder partnerships, particularly legally binding, independent entities that are quasi-governmental or nonprofit organizations, often result from this evolution.

Three dimensions of transitional governance include stakes, processes, and outcomes. The stakes focus on change and innovation, processes give attention to mechanisms of cooperation and coordination, and outcomes concentrate on effectiveness and legitimacy. Transitional governance also includes the reality of countervailing processes in reaction to efforts, explicit or systemic, that resist these developments, contributing to complexity and hybridity.

The stakes may give rise to an incremental shift in existing patterns of interaction between states, business, and civil society, or to more radical innovations such as hybrid (multi-stakeholder) organizations. Stakes result from the pursuit of interests affected by a changing external environment out of which new governance needs appear and new, or latent, interests are formed. The complexity of the issue area affects actors, their interests, and other factors of change and innovation, such as composition and capabilities of actors, technology, and systems' failures.

The processes represent the interactive dynamics between and within governance organizations that occur both horizontally and vertically. Traditionally, governance by governments is a top-down (vertical) hierarchical process with centralized authority to set rules, allocate resources, and regulate behavior. It emphasized command and control mechanisms as a way to mitigate conflicts and increase efficiency (i.e., reduce transaction costs). As authority has diffused or been delegated to other actors, governance processes become less hierarchical, more decentralized, horizontal, and networked. The emphasis shifts from command and control to the notion of steering with and through innovative, hybrid governance organizations and the network structure of public-private and multi-stakeholder partnerships.

The outcomes are the results of governance processes, particularly norms, rules, regulations, and policies that address global problems or manage global issues and concerns. Research on public-private and multi-stakeholder partnerships claim the outcomes of these partnerships are more effective and legitimate for three reasons, only the first of which is rationalist: 1) the inclusion of all stakeholders brings in necessary resources and information to increase the problem-solving capacity of the system of governance (resource exchange theory), 2) the participation of all stakeholders creates a sense of ownership and more compliance with

generated norms, rules, and regulations (constructivist theory, Koh 1996), and 3) the network structure of public-private partnerships encourages communicative action and deliberation which contributes to greater consensus on policies and solutions to global problems (network/ systems theory).

However, there is only limited empirical support of the claims that multi-stakeholder partnerships are more effective in terms of policy formulation and implementation than traditional intergovernmental negotiations and arrangements, whose own effectiveness is contested by realists and some liberals (Schäferhoff et al. 2009, 458–59; Forman and Segaar 2006). Effectiveness can be seen as the extent of achieving organizational and institutional goals and solving problems. This leads attention to the decisions and policies of an organization, the extent of compliance with these decisions and policies, and the degree to which such policies and decisions solve a market failure (or another problem) or provide a public good.

In sum, the form and structure of the transition from international to global governance is under-theorized concerning how and why hybrid forms are created, the function, and when they are effective and legitimate. To illustrate how I conceptualize this transition, I present the example of ICANN's role in Internet governance.

International Organizations in Times of Transition

The dramatic changes in the international political, economic, and social landscape since the end of the Cold War have put immense pressure on international institutions and organizations in the system of international governance. This is founded mostly in terms of intergovernmental organizations, supplemented by some supranational organizations within the United Nations (UN) and especially the European Union (EU), along with nongovernmental and other civil society organizations and social movements. The pace and scope of the adaptation (or innovation) of IOs—governmental and nongovernmental—to the new conditions has been slow and inadequate. Crucial gaps in the incipient international system of governance call into question the legitimacy and relevance of existing IOs for managing global challenges. At the same time, some new and innovative IOs reflect changes within and between three primary institutions: the state, the market, and civil society.

Structural changes in the international system, such as the end of the Cold War, technological change, and globalization, along with periodic crises and disasters (e.g., interstate and intrastate armed conflicts, economic collapse or depression, or catastrophic environmental events) that shock the system are the most obvious exogenous factors driving changes in IOs. They expose weaknesses in existing international, institutional arrangements and point out needed alterations in the fundamental world order. IOs that are unable to adapt to such new conditions and mobilize support from powerful constituencies are endangered, while those that have the capability to adapt and serve "a value critical to succeeding world orders," survive and evolve (Cupitt, Whitlock and Whitlock 1997, 11–12). Aside from exogenous shocks, shifts in the international system's characteristics or nature can also drive organizational change. Kapur (2002, 340–43) identifies three key factors: 1) competition "among IOs and between IOs and national bodies, market institutions, and NGOs" for resources and mandates, 2) norms, that is, "complex sets of meanings" that frame peoples' views of the world and their behaviors in the world, "have played an important role in institutional change," and 3) domestic politics, particularly those in more powerful, funding states. These three endogenous sources of change in IOs are supplemented by two intervening variables, namely IO leadership and organizational learning.

The various hybrid forms of IO change are incremental and evolutionary. According to Kapur (2002, 346), the variation in IOs' capacity to change is due to "the interaction between institutional history and the type of exogenous changes discussed." An IO's goals, instruments, governance, and financial structure shape the specific trajectory of change in response to exogenous change. The formal organizational ecology includes

its constitution (or articles of agreement) that delineates membership criteria, mandated functions, institutional governance, and internal organizational processes, such as recruitment practices and budgetary sources—factors that are sometimes ignored in IO analysis. Following exogenous shocks or shifts in general environmental factors, stakeholders of the system (e.g., states, business, civil society, epistemic communities) demand reforms, however difficult they have proven to be.

Limits of Reform

IOs have to contend with the tension between change and continuity: The dilemma of how to meet new demands for which they are not designed, while fulfilling traditional roles and functions. This dilemma is often exacerbated by constitutional and resource constraints that have long plagued IOs.

IOs are chronically under-resourced and are dependent on contributions from members. Since IGOs like the UN rely almost exclusively on membership dues and voluntary contributions from member states, they are especially vulnerable to the vicissitudes of clashing or competing interests and goals of member states, particularly the most powerful. In the case of the UN, this has resulted in "a serious imbalance between what is expected from the UN and the financial resources available to translate such responsibilities into reality" (Hüfner 2003, 29). Most IOs' constitutions or charters restrict their latitude for action as new problems arise, either through explicit prohibitions or, contextually, by requiring super-majorities or consensus, or by other controlling procedures usually about decision-making, internal rules, and regulations for the staff. Political differences exacerbate cumbersome decision-making processes that thwart timely action and effective response operations. These constraints have inhibited the development of IOs and their ability to make structural and operational changes that circumstances demand.

It is relatively easy to pinpoint the deficiencies of international institutions and organizations, but it is much more difficult to rectify them. Especially as the context of the emerging global governance system evolves, of which IO roles and resources concurrently change as only one part of that governance system. Efforts at reform are often selective and poorly executed, producing marginal performance improvements resulting from such piecemeal changes in IO adjustments. For example, reforms of key IGOs like the UN, the World Bank, the International Monetary Fund, and the EU have minimized jurisdictional overlap and competition by retooling their respective programs and increasing inter-organizational cooperation. But, these reforms are much too limited since they have done little to expand or repair IOs' capabilities and effectiveness. The EU has developed a much broader supranational bureaucracy with autonomy and capabilities, because that has been the intent of its member states. More universal IGOs enjoy less consensus, even among the subset of the powerful states who will not yield autonomy needed for coherent, complex, programmatic, and procedural adaptations. The bolder reform proposals that call for creating new organizations or strengthening IO autonomy and operational capacity are often vetoed by great powers, who rarely approve of anything but interim projects on an ad hoc basis. For example, the broad peacebuilding initiatives in Bhoutros-Ghali's 1993 "Agenda for Peace," were restrained by the U.S. under President William J. Clinton. This and other attempts to institutionalize UN autonomy deposed him as secretary-general after only one term in office (see, for example, Frey and Stutzer 2006; Beigbeder 2011).

While IGOs have faced significant obstacles in this post–Cold War environment, the private sector, international NGOs (INGOs) and NGOs, have adapted more easily, though their capabilities are limited, since several of them are GONGOs and QUANGOs, to use the abbreviations of Gordenker and Weiss (1995), and are controlled by governments that respectively created and funded them. In the 1990s, many of the largest and oldest international NGOs "found themselves with large and growing bureaucracies, outdated operational

systems, and a perceived alienation from their original values," which led many of them to undertake "major overhauls of their financial, human resources, and information systems," as well as reviews of "how the organizations are governed" (Forman and Stoddard 2002, 258). Likewise, international business enterprises have innovated to remain competitive in the rapidly globalizing world economy. The more pronounced role of non-state actors has filled some of the political and economic space that states have either abandoned or been unwilling or unable to maintain or manage. This pluralization of international relations results from transnational private initiatives. Both civil society and the private sector have challenged states' efforts to control the international environment and IOs' rule-setting functions.

The increasing influence and power of non-state actors, epitomized by INGOs in contemporary international relations, "turns on their network structure and their capacity to use information technology to mobilize constituencies across the globe and thereby multiply their voices. These networks have been increasingly effective in shaping global public policy, especially when they managed, as the International Campaign to Ban Landmines did, to engage governments and intergovernmental organizations in their activities" (Forman and Segaar 2006, 217). INGOs have also become significant players in humanitarian assistance (HINGOs) as well as international development, since donor governments and IGOs have subcontracted relief and development projects throughout the world.

Previously clear boundaries between public and private sectors and between the political, economic, and sociocultural domains are becoming increasingly blurred. Institutional parameters of the international governance system are being reconfigured, as the interaction between states and non-state actors try to break free, or exceed institutional or member state-imposed constraints. The growing systemic complexity, diversity, and dynamics demand broader approaches and instruments (Kooiman 2000; Kruck and Rittberger 2010).

The operational and participatory gaps in the international system's institutional and organizational infrastructure induce partial organizational reforms that vary widely in size, composition, and functional capacity. Some have been instigated by the private sector, others by civil society, and still others by states and IOs. They go by a variety of names, such as global public policy networks, private sector initiatives, public-private partnerships, and (ad hoc) global alliances and coalitions (Forman and Segaar 2006; Van Tulder 2008). Since the turn of the century partnerships have been most common, usually in an ad hoc manner, to describe a vast array of informal and formal public-private arrangements to address a wide range of global issues. Their structure varies considerably depending on the partners and the partnerships' objectives.

Partnering with the private sector and civil society organizations on sustainable development projects and programs has been a favored tool of the UN Development Programme, the UN Environment Programme, the World Health Organization, and the World Bank. Some partnerships use contracts between a UN agency, NGOs, and companies that commit resources and assets for services, often as part of a joint venture. New IOs or institutionalized multisector networks have emerged, such as the Global Reporting Initiative, Medicines for Malaria, Global Alliance for Vaccines and Immunization, Forest Law Enforcement and Governance, and the UN Global Compact. They enhance the UN's operational capacity in directing foreign direct investment and other private sector resources toward poverty reduction and sustainable development through partnerships.

Such innovative modalities suggest that the overall international governance system is being partly dismantled and reinvented. Sectoral jurisdictions are to be reconfigured, organizational boundaries to be redrawn, and roles and responsibilities of international actors could be redefined. Yet, multi-stakeholder arrangements are fundamentally a provisional form of governance. Most are in experimental phases in their organizational development, supplementing rather than replacing existing modes of governance. Although insufficient to constitute a new structure of global governance by themselves, these novel governance mechanisms fill up some of the institutional void left by the failing international governance system. In other

words, multi-stakeholder arrangements are important catalysts of change and innovation in IOs and add a new dimension to the architecture of governance as the world transitions from an international order to a global order.

Hybrid or Transitional Governance? The Creation of ICANN

One of the more prominent organizations of a new generation of IOs is the Internet Corporation for Assigned Names and Numbers (ICANN). It is a private, nonprofit, public benefit corporation that was created in 1998 to take over the centralized coordination and management of the Internet's Domain Name System from the U.S. government. This example is highlighted here, not just as a new structure of global governance but as a building block of the systemic process toward which an incipient global order could evolve. Unlike IGOs as instruments of member governments, "ICANN was deliberately set up as a private sector, multi-stakeholder governance organization" that would operate independently of national governments and IGOs (Mueller, Mathiason, and Klein 2007, 238). It has a unique organizational design and decision-making process, with bottom-up policy development processes for "managing a global resource on a nongovernmental basis. Indeed, in its early days it was touted as a model for other issues that required unified action of numerous groups from government, industry, and civil society, such as treating communicable diseases or handling climate change" (Cukier 2005, 10–11). Yet, ICANN's ability to formulate and carry out policies through internal processes without significant IGO structure and resources was also inadequate for the challenge, which may still induce further evolution in global governance.

The revolution in information and communications technology (ICT) has rapidly transformed the political, economic, and social landscape of the international system. As a driving force of globalization ICTs, particularly the Internet, are dramatically changing the way people work, play, and interact, as well as changing the relationships between society, government, and business. They have arguably increased the number of significant international actors, disrupted traditional hierarchies, and decentralized power and authority. The Internet emerged out of a technical research project of computer scientists based in the U.S. and underwritten by the U.S. government. The original Internet backbone was directly owned and controlled by the U.S. Department of Defense or its contractor. Internet was based on the idea that there would be multiple independent networks of rather arbitrary design, beginning with a pioneering packet switching network but soon would include packet satellite networks, ground-based packet radio networks, and others.

The Internet now uses open architecture networking (see Leiner et al. 2003), which is based on the original concept of subsidiary computer networks and even individual computers made possible after the development (in 1972) of the Transmission Control Protocol (TCP) and the Internetwork Protocol (IP), which "allowed a streamlined overall system in which the IP protocols passed individual packets between machines (from host to packet switch or between packet switches), while the TCP ordered the packets into reliable connections between pairs of hosts" (Franda 2001, 21–23). The TCP/IP suite ultimately became the de facto global standard that all computer networks use, with two principles, namely 1) that the authority for operationalizing the Internet would be decentralized internationally, and 2) that the process for developing international technical standards would be inclusive rather than proprietary- or government-directed.

The Internet consists of two systems, one for communications (the TCP/IP protocols) and one for addressing (the Domain Name System [DNS]). As stated, the TCP/IP is decentralized (so much so that it is just a set of protocols by which independent computer networks can send data packets to each other), whereas the DNS is centralized. While IP numbers (or addresses) are machine-friendly numeric identifiers, domain names are alphanumeric and human-friendly. The DNS is considered the heart of the Internet, with a root server as a starting point and a group of Top-Level Domains (such as .com for commercial and .edu for education), as well as two-digit domains

for countries (such as .uk for United Kingdom and .jp for Japan). Control of the DNS raised many concerns, especially over the immense power of those administering and managing the system, and it became the focal point in the debate over the structure of Internet governance.

In the early years, managing the development and implementation of protocols and network operations was in the hands of the Network Working Group (NWG), which consisted of a core group of computer scientists and engineers. When the NWG was disbanded in the early 1970s, an advisory group of network experts called the Internet Configuration Control Board (ICCB), was set up to coordinate discussions about technical questions among government and private groups and to "oversee the network's architectural evolution." The ICCB was replaced in 1985 by the Internet Activities [in 1992: Architecture] Board (IAB) (Franda 2001, 45). The IAB, with two components (the Internet Engineering Task Force [IETF] and the Internet Research Task Force), set up a unique open procedure for discussion and resolution of governance issues, Internet protocols, and standards. This inclusive process has worked well in encouraging innovation and invention, as well as international collaboration among companies, academics, government agencies, and individuals on technical issues and standardization of the Internet's infrastructure.

During the period between 1986 and 1992, Internet governance and management functions became divided between the U.S. Department of Defense and the National Science Foundation (NSF), with a number of private associations playing various roles (Franda 2001, 45). In the early 1990s, NSF and other U.S. funding for IAB and IETF activities was insufficient, which led several long-standing IETF members to form the Internet Society (ISOC)— a nonprofit, nongovernmental, international, professional membership organization—as a mechanism to aggregate funds from a variety of sources to support the IETF and as the organizational home for groups responsible for Internet infrastructure standards and administration (Cerf 1995). The establishment of ISOC in 1992 coincided with the formal transfer of management of the Internet backbone from the U.S. government to private and to public companies, and the decision "to move the system's technical administration out of the U.S. government entirely, with the result that formal oversight of IAB and IETF was contracted to the Internet Society" (Franda 2001, 46). By 1995, the Internet backbone was replaced by a "fully commercial system of backbones" that had been erected through the privatization of regional networks into for-profit enterprises (Cerf 1997).

The U.S. government contracted the University of Southern California's Information Services Institute under the direction of Jon Postel to administer the DNS system. Postel single-handedly assumed the functions of maintaining the root zone file, authorizing the addition of new top-level domain names, choosing zone file administrators to whom to delegate authority, and other administrative tasks. Postel created the Internet Assigned Numbers Authority (IANA)—an informal organization that was "accepted as a constituent organization of ISOC in 1992, but never had legal standing" (Franda 2001, 48)—through which he exercised policy authority over the DNS (Klein 2002, 198). When the U.S. government started to privatize the Internet's technical management and administration, Postel tried to transfer his government contract to IANA in 1994 so the DNS would fall under the ISOC umbrella, but he was unsuccessful. Instead, the NSF reached a five-year cooperative agreement with Network Solutions, Inc. (NSI) to manage the so-called *A* root server, zone file, and the DNS registry (known as InterNIC), creating a monopoly and "a lucrative, multimillion dollar revenue stream for NSI" (Franda 2001, 49; Weinberg 2000, 199).

The contract with NSI was not well received by the Internet Society who "sensed that a key feature of its long stewardship of the civilian part of the Internet was being surrendered to NSI" (Franda 2001, 49). IANA (meaning Postel) and ISOC leaders began to develop alternative plans for expanding the Top-Level Domains to replace the NSI monopoly by the time the NSI contract expired in 1998. An ad hoc committee, formed by the Internet Society with representatives from the International Trademark Association, the World Intellectual Property

Organization (WIPO), and the International Telecommunications Union (ITU), developed a proposal to manage domain names in lieu of NSI. The ITU established control of an international regime to manage these issues. The result of this process was a Memorandum of Understanding (MOU) among the parties to the ad hoc committee, which assigned governance functions to an entity housed in the ITU, with representation from ISOC, business interests, and IGOs. In March 1997, the ITU arranged a formal signing ceremony to give the agreement the trappings of an international treaty. However, the Memorandum of Understanding immediately ran into opposition from two groups. Governments strongly protested the agreement. EU governments opposed it because of continued U.S. dominance. The U.S. secretary of state wrote a memorandum blasting the ITU Secretariat for acting "without authorization of member governments" and "concluding with a quote international agreement unquote." Additional opposition also emerged from Internet enthusiasts, who criticized the proposed governance structure as lacking in democratic accountability and too solicitous of corporate concerns (Drezner 2004, 494; also Mueller 2002, 146–56).

The Clinton administration moved swiftly to marginalize the proposed role of the ITU in the governance of the DNS. On 1 July 1997, President Clinton issued an executive order instructing the National Telecommunications and Information Agency (NTIA) of the U.S. Department of Commerce to support privatization of the DNS and create a contractually based, self-regulatory regime. On 3 June 1998, the NTIA released a white paper entitled "Management of Internet Names and Addresses," which officially rejected the MOU process and instead advocated DNS privatization. U.S. policy reflected the neoliberal foreign policy of the Clinton administration. Through the white paper process, the U.S. government resolved the issue by selecting the ISOC-led coalition proposal for a new private nonprofit corporation, the ICANN. IANA/ISOC had incorporated it under California state law and established its headquarters in Marina Del Rey. With the formal designation of ICANN to oversee the technical management and development of the DNS, administration and management of the Internet's technical infrastructure was situated in the private sector with some state participation in Internet governance. The Clinton administration's private sector-led governance system for the Internet relied on market competition and decentralized authority, instead of government regulation. At the same time, the U.S. government assured the business community that it would ensure Internet stability, including protecting intellectual property. The U.S. also pledged to cooperate with ICANN to "design, develop, and test the mechanisms, methods, and procedures that should be in place and steps necessary to transition management responsibility for DNS functions" to the private sector (Memorandum of Understanding, Department of Commerce and ICANN, November 25, 1998).

The ICANN Experiment—Structure and Management

The organizational structure of ICANN was corporatist in the European sense of tripartite representation, but instead of labor, management, and government, ICANN was organized to act like a public organization while under private ownership and management "with private management virtues" (Franda 2001, 60). ICANN's original bylaws set out the organizational structure to encompass a board of directors (the highest policy-making body), three supporting organizations (SOs that were to be self-organizing and the mechanisms for ICANN's bottom-up policy development processes and for electing representatives of ICANN's key constituencies to the board), an "At Large Membership Council" (the mechanism for selecting representatives of individual users of the Internet to sit on the board of directors), and two advisory committees (ACs), one for governments and the other for the DNS root-server operators (to implement ICANN decisions and policies), as well as administration, as small staff was available. This structure "met with a barrage of criticism during ICANN's first year of existence," in particular the electoral system for electing at-large board members (Franda 2001, 63). In response to this and subsequent criticism, ICANN made changes to the election procedures and developed accountability and transparency mechanisms.

Throughout its first four years, ICANN attempted to resolve the often controversial organizational and procedural issues of starting a new organization. Its initial multi-stakeholder, bottom-up governance model created multiple committees, working groups, advisory bodies, and other ad hoc entities. In 2001, its new CEO facilitated a systematic, reexamination of ICANN's mission, structure, and procedures. This resulted in the adoption of new bylaws in December 2002, which expanded the decision-making power of the board and staff and were designed to be more efficient and predictable, based on achieving stakeholder consensus. This reform redefined ICANN explicitly as a public-private partnership, with expanded governmental participation and reduced gaps in the ICANN contractual web (Antonova 2008, 277).

ICANN 2.0, a term commonly used since the new bylaws took effect, operates more like a private enterprise, a business to ensure DNS stability and security, and de-emphasize policy-making. Its staff grew from twelve in 2000 to 110 in 2009, its operating budget grew to USD 52 million in 2009, based on revenues of USD 61 million, and it established more offices. By most accounts, ICANN's performance improved significantly. ICANN 2.0 established open and transparent procedures for allowing stakeholders participation without capture, and achieving a balanced and representative board "that reflects the main stakeholders." However, one stakeholder group of governments and IGOs, were not permitted to serve as directors. Instead, governments are represented through the GAC, nonvoting liaisons to the board, the Nominating Committee, and the Councils and Advisory Committees (Mathiason 2009, 83–84).

Over its first decade, ICANN evolved into a unique hybrid governance form—a private-sector regulator of a global public resource. Its policy decisions are legally binding, yet at least nominally independent of governments and IGOs. ICANN's consensus process to satisfy diverse stakeholder demands was not the major challenge. Rather, many of ICANN's problems resulted from management of the DNS. Though technically owned by the U.S. Government, ICANN was contractually obligated to submit status reports for two years on fulfilling the conditions of the MOU as it transitioned to an autonomous agency (Mueller, Mathiason, and Klein 2007, 240). But, this short time frame was unrealistic, which ICANN's second status report of 30 June 2000 had already noted. Each subsequent status report "was followed by certain amendments [to the MoU] and, consequently, a year-long extension" (Antonova 2008, 172n248). There were six amendments made to the original MOU between 1999 and 2003, which was renamed the Joint Project Agreement in 2006 with a new end-date of 30 September 2009. While the U.S. government was judicious in exercising its oversight role, ICANN's autonomy was clearly limited, which led other stakeholders, especially non-U.S. groups, to question its decisions.

The delay in ending U.S. control reinforced existing suspicions that ICANN was an indirect tool of U.S. hegemony and led to calls for shifting oversight and control to a multilateral intergovernmental body. This came to a head in 2003, during the preparatory meetings for the World Summit on the Information Society, convened by the ITU and the UN. The U.S. government deflected some of the criticism of ICANN in bilateral discussions but was unable to block them at the multilateral meetings. By November 2004, UN Secretary-General Kofi Annan appointed a forty-person working group on Internet governance, which favored transferring authority over the Internet to the UN. The U.S. government opposed any changes. "In the brief Commerce Department statement [issued on June 30, 2005], Washington announced its decision: the United States would retain its authority over ICANN, period" (Cukier 2005, 11). In August 2005, the U.S. intervened directly in a key ICANN function—authorizing new generic Top Level Domains—thereby reversing the U.S. government's position and policy of not interfering in ICANN policy decisions. The so-called "XXX controversy" from 2005 to 2006, based on U.S. lobbying against a specific domain-name suffix for Internet pornography, exemplified U.S. dominance of ICANN, when the latter rejected the proposal in a 9 to 5 vote in May 2006. The incident awakened many governments of their limited influence on ICANN's management of Internet policy.

On 1 October 2009, the ICANN/DoC Joint Project Agreement (as stated formerly the MOU) was replaced by a long-term permanent agreement called Affirmation of Commitments (AoC)

between ICANN and the U.S. Department of Commerce. The AoC has recognized ICANN's autonomy as an international private sector, multi-stakeholder governance organization. At the same time, ICANN's freedom has come at a price, namely accepting the privileged role of the Governmental Advisory Committee (GAC). Consequently, since 2002, ICANN has been following the GAC's policy advice. However, unlike an IGO, GAC's authority is not based on a formal treaty and its rules and powers were never ratified by any democratically elected legislature or other IGO member state. Moreover, unlike a formal treaty or negotiation process, which requires near-consensus among member states, the GAC is able to issue policy advice without obtaining a formal consensus. Whether or not GAC is the appropriate mechanism to involve the world's national governments in the ICANN process, its influence on the decisions and policies of the ICANN board is obviously significant and certainly challenges the notion of ICANN's autonomy, as well as compromising the multi-stakeholder, private-sector led, bottom-up policy. In sum, the hybrid public-private nature of ICANN is not stable but continues to evolve in an environment characterized by different political and economic interests, including the dominance of the state-controlled GAC.

Case Analysis

This article has examined some of the origins and logic of international governance innovations that have emerged in the transitional period after the end of the Cold War. The pace and scope of IOs' adaptations to address the governance needs of an emerging global political, economic, and social order has been slow and inadequate. Partnerships and multisector networks have opened up the international governance system to non-state actors and private institutions. However, most of the new, multi-stakeholder arrangements remain in experimental phases in their organizational development, supplementing rather than replacing existing modes of governance.

As an example of such innovations, I discussed ICANN's role in Internet governance as a private sector regulator that fell prone to hegemonic state influence after it created the organization to whom the U.S. ostensibly granted autonomy. Although ending U.S. control of the root and oversight of ICANN had an explicit purpose, the U.S. would retain its authority over ICANN, which has led to questions about ICANN's effectiveness and legitimacy. My expectation of ICANN's role as an example of an innovative hybrid governance form was partly confirmed (not created to be an instrument of member governments and IGOs) but also met with a harsh realist conclusion about hegemonic influence. ICANN is an important institutional and organizational innovation, despite its operational flaws. Generally speaking, its capacity to act concerning the management of the DNS is autonomous, except for specific issues where U.S. economic interests can exert a veto through the GAC body. Nonetheless, ICANN is likely to pursue its own agenda and policies for the DNS but will also face difficult and controversial challenges. How well or poorly ICANN handles such challenges will determine the fate of both itself and the new generation of IOs.

The world system, as this case study of ICANN demonstrates, will need to continue establishing new forms, as states continue to prefer other multilateral bodies of various types, including private sector entities open to the concerns of private business or voluntary associations to take actions rather than hoping an IGO can achieve quixotic consensus needed for the transition to global governance. Transitional governance shows the diversity of organizations (public, private, and hybrid forms) and their ongoing dynamics that have not yet created a stable system of global governance.

REFERENCES

Antonova, Slavka (2008). *Powerscape of Internet Governance: How was Global Multistakeholderism Invented in ICANN?* Saarbrücken: VDM Verlag Dr. Müller Aktiengesellschaft & Co. KG.

Beigbeder, Yves (2011). "The Ongoing Organizational Reform of the United Nations," *The Ashgate Research Companion to Non-State Actors*, Bob Reinalda, pp. 303–18.

Cerf, Vinton G. (1997). "Computer Networking: Global Infrastructure for the 21st Century," available online at www.cs.washington.edu/homes/lazowska/cra/networks.html, accessed 26 September 2005.

Cerf, Vinton G. (1995). "IETF and ISOC," *Histories of the Internet*, July 18, www.isoc.org/internet/history/ietfhis.shmtl.

US Department of Commerce and Internet Corporation for Assigned Names and Numbers, Memorandum of Understanding (DoC/ICANN MoU), 25 November 1998, www.icann.org/resources/unthemed-pages/icann-mou-1998-11-25-en.

Cukier, Kenneth Neil (2005). "Who Will Control the Internet?" *Foreign Affairs* (November–December) 84(6): 7–13.

Cupitt, Richard, Rodney Whitlock, and Lynn Williams Whitlock (ed) (1997). "The (Im)mortality of International Governmental Organizations," *The Politics of Global Governance: International Organizations in an Interdependent World*, Paul Diehl, pp. 7–23.

Dijkzeul, D. (1997). *The Management of Multilateral Organizations*, The Hague, London and Boston: Kluwer Law International.

Drezner, Daniel W. (2004). "The Global Governance of the Internet: Bringing the State Back In," *Political Science Quarterly* (Spring) 119(3): 477–98.

Forman, Shepard and Derk Segaar (2006). "New Coalitions for Global Governance: The Changing Dynamics of Multilateralism," *Global Governance*, 12(2): 205–25.

Forman, Shepard and Abby Stoddard (ed) (2002). "International Assistance," *The State of Nonprofit America*, Lester M. Salamon, pp. 240–74.

Franda, Marcus (2001). *Governing the Internet: The Emergence of an International Regime*, Boulder, CO: Lynne Rienner.

Frey, Bruno S. and Alois Stutzer (2006). "Strengthening the Citizen's Role in International Organizations," *The Review of International Organizations* (March) 1(1): 27–43.

Gordenker, L. and T.G. Weiss (1995). "Pluralising Global Governance: Analytical Approaches and Dimensions," *Third World Quarterly* 16(3): 357–87.

Hüfner, Klaus (eds) (2003). "Financing the United Nations, The Role of the United States," *Rethinking International Organizations: Pathology and Promise*, Dennis Dijkzeul and Yves Beigbeder, pp. 29–53.

Hyden, Goran and Julius Court (2002). "Governance and Development: Trying to Sort out the Basics," *World Governance Survey Discussion Paper 1* (Tokyo: United Nations University), www.unu.edu/p&g/wga/WGS-discussionPaper1.pdf.

Kapur, Devesh (ed) (2002). "Processes of Change in International Organizations," *Governing Globalization— Issues and Institutions*, Deepak Nayyar, pp. 334–55.

Kennedy, David M. (2010). "What Would Wilson Do?" *The Atlantic* (January–February) 305(1): 90–94.

Klein, Hans (2002). "ICANN and Internet Governance: Leveraging Technical Coordination to Realize Global Public Policy," *The Information Society*, (18): 193–207.

Kooiman, Jan (ed) (2000). "Societal Governance: Levels, Modes and Orders of Social-Political Interaction," *Debating Governance*, J. Pierre, pp. 138–66.

Koh, Harold (1996). "Transnational Legal Process" (The 1994 Roscoe Pound Lecture) *Nebraska Law Review*, vol. 75, pp.181 et seq., www.digitalcommons.law.yale.edu/cgi/viewcontent.cgi?referer=www.google.com/&httpsredir=1&article=2902&context=fss_papers.

Kruck, Andreas and Volker Rittberger (eds) (2010). "Multilateralism Today and Its Contribution to Global Governance," *The New Dynamics of Multilateralism: Diplomacy, International Organizations and Global Governance*, James P. Muldoon, Jr., JoAnn Fagot Aviel, Richard Reitano, and Earl Sullivan, pp. 43–65.

Lake, David A. (2010). "Rightful Rules: Authority, Order, and the Foundations of Global Governance," *International Studies Quarterly*, 54(3): 587–613.

Leiner, Barry M., Vinton G. Cerf, David D. Clark, Robert E. Kahn, Leonard Kleinrock, Daniel C. Lynch, Jon Postel, Larry G. Roberts, and Stephen Wolff (2003). "A Brief History of the Internet," version 3.32, www.isoc.org/history/brief.shtml, accessed 19 July 2005.

Mathiason, John (2009). *Internet Governance: The New Frontier of Global Institutions*, London and New York: Routledge.

Mingst, Karen A. and James P. Muldoon Jr. (eds) (2015). "Global Governance and NGOs: Reconceptualizing International Relations for the 21st Century," *The NGO Challenge for International Theory*, William E. DeMars and Dennis Dijkzeul, pp. 65–81.

Mueller, Milton (2002). *Ruling the Root: Internet Governance and the Taming of Cyberspace*, Cambridge, MA: MIT Press.

Mueller, Milton, John Mathiason, and Hans Klein (2007). "The Internet and Global Governance: Principles and Norms for a New Regime," *Global Governance* (April–June) 13(2): 237–54.

Muldoon, James P., JoAnn Aviel, Richard Reitano, and Earl Sullivan (eds) (1999). *Multilateral Diplomacy and the United Nations Today*, Boulder: Westview Press.

Muldoon, James P., JoAnn Aviel, Richard Reitano, and Earl Sullivan (eds) (2011). *The New Dynamics of Multilateralism: Diplomacy, International Organizations and Global Governance*, Boulder: Westview Press.

Peters, B. Guy and John Pierre (1998). "Governance without Government? Rethinking Public Administration," *Journal of Public Administration Research and Theory*, 8(2): 223–43.

Schäferhoff, Marco, Sabine Campe, and Christopher Kaan (2009). "Transnational Public-Private Partnerships in International Relations: Making Sense of Concepts, Research Frameworks, and Results," *International Studies Review*, 11(3): 451–74.

Van Tulder, Rob (2008). "Position Paper: Partnerships for Development," *Partnerships for Development, Second Max Havelaar Lecture*, Rotterdam School of Management, Erasmus University, 5 November, pp. 17–32.

Weinberg, Jonathan (2000). "ICANN and the Problem of Legitimacy," *Duke Law Journal*, vol. 50, pp. 187–260.

Weiss, Thomas and Rorden Wilkson (eds) (2014). *International Organizations and Global Governance* (Oxford: Routledge).