

article:

the feasibility of global democracy: understanding ICANN's at-large election

Hans Klein

Processes of globalization raise thorny issues of legitimacy as global governance institutions find themselves making policy decisions that have little grounding in popular consent. One solution would be to implement global democracy. Desirable as this might be, however, many scholars argue that global democracy is simply not feasible, for the social preconditions of democracy cannot be realized at the global level. These social preconditions can be conceived as: membership, communication community, interest aggregation, and democratic culture. The global elections held in 2000 by the Internet Corporation for Assigned Names and Numbers (ICANN) provide an opportunity to test the claims of the sceptics of global democracy. Those elections cast doubt on the strong claims of critics: all four preconditions of democracy were present to some extent, despite the global nature of the election. Without claiming that global democracy is easily achieved, the evidence from the ICANN case suggests that it is not impossible. In part, this is because the sectoral focus of today's processes of globalization counteracts globalism's dispersive tendencies.

Hans Klein is Assistant Professor at the School of Public Policy, Georgia Institute of Technology, Atlanta, GA 30332-0345, USA (Tel: +1 404 894 2258, fax: +1 404 894 0535; email: hans.klein@pubpolicy.gatech.edu) and Chair, Computer Professionals for Social Responsibility (CPSR)

Originally presented at the International Communications Association Conference, Washington, DC, 26–29 May 2001.

I wish to express my thanks to Ximena Leroux and Marc Holitscher for assistance in the review and revisions to this paper.

The elections held by the Internet Corporation for Assigned Names and Numbers (ICANN) in year 2000 were important for the internet, but their significance extended much further than cyberspace. The elections were a rare instance of direct democracy in the governance of any global organization, and as such they may shed light on questions that have arisen around other institutions like the World Trade Organization, the North American Free Trade Agreement (NAFTA), and even the European Union. In recent years, popular movements have advocated that all these organizations become more transparent and accountable – in a word, that they become more democratic. ICANN's early experiment in global democracy may help us evaluate the feasibility of such demands.

In what follows I begin with a review of some of the relevant scholarly debates, most of which focus on the issue of feasibility. Democratic governance of global institutions is desirable, scholars agree, but they disagree whether it can be realized in practice.¹ Its feasibility depends on social preconditions: democracy presupposes the existence of a political community, or *demos*, and sceptics argue that such a political community cannot be realized at the global level. Such political community can be defined in terms of four elements: a membership, a communication capability, a system of interest aggregation, and a democratic culture. In claiming that global democracy is not feasible, the sceptics of democracy argue that these four preconditions cannot be met at a level beyond the nation state.

The ICANN elections do not support the strongest scepticism about the feasibility of global democracy. Those elections provided evidence of all four preconditions of democracy. They cast doubt on the sceptics' strong claim that realizing the preconditions of democracy is *absolutely* impossible at the global level. However, one cannot conclude that democracy is readily put into practice, for the ICANN elections reveal numerous challenges that will have to be addressed in the future. Nonetheless, on the important question of feasibility, the evidence gives some grounds for optimism.

The ICANN case sheds light on issues of both theory and policy. In the realm of theory, scholars have underestimated two factors that counteract globalism's tendency to attenuate political community. First, much global governance is sectoral in nature (communications, trade, finance, etc), and this sectoral focus counteracts globalism's dispersive tendency. Second, the problems inherent in global governance are partially counteracted by new communication technology, most notably the internet. The internet makes global person-to-person communication possible, and this, too, helps surmount barriers to political community. A *demos* that is sectoral and that employs the internet can overcome numerous barriers to global democracy.

At the level of policy, this analysis suggests that democracy in ICANN works well enough to merit an investment of resources to make it better. Specific steps that could be taken to strengthen the democratic process include providing more language translation of important documents and facilitating the formation of bottom-up self-organizing processes by internet user organizations.

1. David Held, 'The transformation of political community: rethinking democracy in the context of globalization', in Ian Shapiro and Casiano Hacker-Cordon (eds), *Democracy's Edges*, Cambridge University Press, New York, 1999, p 84; Robert Keohane and Joseph Nye, 'Introduction', in Robert Keohane and Joseph Nye (eds), *Governance in a Globalizing World*, Brookings, Washington, DC, 2000, p1; Michael Zuern, 'Democratic governance beyond the nation-state: the EU and other international institutions', *European Journal of International Relations*, Vol 6, No 2, 2000, pp 183–221; Robert Dahl, 'Can international organizations be democratic? a skeptic's view', in Ian Shapiro and Casiano Hacker-Cordon (eds), *Democracy's Edges*, Cambridge University Press, New York, 1999, p 19.

Is global democracy feasible?

Issues of global democracy have been brought to our attention by the increasing globalization in areas like trade, manufacturing, environment, and communications. Pollution originating in one part of the world affects others. Currency trading and financial markets connect all countries in larger systems of trade and exchange. Global communications, especially the internet, bring people from around the world into immediate contact. Increases in the number and intensity of such constellations of global interaction – what I will call ‘sectoral systems’ – are the starting point for today’s debates over global democracy.

Sectoral systems require organizations for governance. Governance organizations coordinate the participants and set collective parameters for action, defining a framework for administration and rule-making. Often their actions extend to areas normally considered public policy, such as the definition of property rights or the setting of trade regulations. Before today’s era of accelerated globalization, when fewer systems extended beyond national borders, such policymaking largely aligned with systems of national governance. However, as sectoral systems have extended globally, their governance organizations have found themselves making public policy at a supra-national level above existing governments. Their decisions may overrule domestic policies or create global regulations where there were none before. Without claiming that today’s situation is without historical precedent, the salience of global governance issue has become apparent to policymakers and citizens around the globe.²

Global governance brings with it thorny questions of legitimacy. At the national level legitimacy derives from consent: most governing bodies of advanced western nations employ some form of democratic process in making decisions.³ Yet many global institutions make policy through bargaining processes involving private stakeholders and public administrators with only attenuated ties to voters.⁴ With little basis in popular consent, global governance suffers from a democracy deficit.

We can conceptualize the challenge of global governance in terms of boundaries.⁵ Boundaries define who is enfranchised in a democracy and who is not, as well as the jurisdiction over which governance decisions extend. Good boundaries ensure ‘input congruence’: those who are affected by decisions have a voice in making them. Good boundaries also ensure ‘output congruence’: the space in which decisions apply corresponds to the extension of the system being governed.⁶ In today’s nation state, territorial boundaries define who participates in the democracy and how far the collective decision-making extends. However, in the case of governance of global systems, boundaries become problematic. By the logic of boundaries, since all people are affected by global systems, all people should have a voice in a corresponding system of democratic governance.

Any call for democratic governance at the global level raises questions of feasibility. Scholars of global governance agree that democracy is desirable, but they disagree about whether it is possible. Sceptics of global democracy have had their views summarized in Dahl and in Keohane and Nye.⁷ The sceptics argue that systems of finance, communication, etc. may scale up globally but that

2. Mathias Albert and Lothar Brock, ‘Debordering the world of states: new spaces in international relations’, in Mathias Albert, Lotar Brock and Klaus Dieter Wolf (eds), *Civilizing World Politics*, Rowman and Littlefield, Oxford, 2000.

3. Robert Dahl, *Democracy and Its Critics*, Yale University Press, New Haven, 1989.

4. Dahl, *op cit*, Ref 1; Keohane and Nye, *op cit*, Ref 1.

5. Ian Shapiro and Casiano Hacker-Cordon, ‘Outer edges and inner edges’, in Shapiro and Hacker-Cordon, *op cit*, Ref 1, p1.

6. Zuern, *op cit*, Ref 1.

7. Dahl, *op cit*, Ref 1; Keohane and Nye, *op cit*, Ref 1.

democracy cannot. Democracy simply cannot work in large-scale political units, and so we must resign ourselves to global governance that falls short of acceptable standards of legitimacy. Others see the barriers as less forbidding.⁸ True, the loss of boundaries creates novel challenges to democracy, but some scholars argue that new institutions and practices can overcome these challenges. Democracy has scaled up before, in the transition from direct democracy in the city-state to representative democracy in the nation state, and it can do so again.

Four preconditions of democracy

The debate over the feasibility of democracy centres not on democracy itself but on its precondition: the existence of a political community. Members of a democracy are more than simply spatially proximate individuals: any democratic system of governance presupposes a definition of a corresponding *demos*, the political community that engages in self-governance.⁹

Underlying a working democracy must be a political community. Historically, the nation state system grew not only out of a territory but also out of a social collectivity. Even today, political movements to create new nations are often founded on claims of ethnicity and culture, and many countries have explicit policies that promote standardization of language and the promotion of culture.¹⁰ For a democracy to function there must be an underlying political community.

Political community can be defined in terms of four dimensions: membership, communication, interest aggregation, and culture. By examining each dimension in turn we can better understand what conditions need to be fulfilled in order to achieve democracy.

The first dimension of political community, membership, defines who is allowed to vote. Rules about membership are the most fundamental in a democracy, for they are questions about who will be the sovereign. A membership of one is a dictatorship; that of a few is an oligarchy; a membership of many begins to be a democracy. Rules of membership in turn can affect the issues that a government confronts, for the diversity of members' interests influences the public agenda. Rules of membership also affect outcomes, because the composition of the electorate may predetermine voting majorities. Well-known questions of membership arise in the drawing of electoral districts and in the practice of gerrymandering, where boundaries, membership, and outcomes are all linked.

History offers us examples of membership rules employing a variety of criteria. Membership may be based on wealth (property ownership, poll tax), gender (exclusion of women), age (a minimum voting age of 18 or 21 years, for example), or race (immigrant exclusion). One criterion, however, has remained largely unchanged: geography. In most democracies voting rights are awarded to people who are born or who reside within a particular territory. By definition, this geographic criterion does not apply in a global democracy.

Sceptics of global democracy claim that the loss of the geographic criterion is fatal. Although the historical process of democratization in most countries has steadily eased criteria of membership, thereby giving more groups a voice in governance, globalism goes too far. Two problems in

8. Held, *op cit*, Ref 1; Zuern, *op cit*, Ref 1.

9. Zuern, *op cit*, Ref 1.

10. Shapiro and Hacker-Cordon, *op cit*, Ref 5.

particular are alleged.¹¹ First, global membership allows too many interests into the process. An explosion of interests results in conflicts that undermine governance, leading to the chaos of ungovernability. Second, the relevance of issues in one part of the world to members in other parts of the world is too low. Voters do not have an incentive to educate themselves about public affairs that only remotely matter to them and so will make poor choices. To some degree conflict of interest and apathy may cancel each other out; however, they can also yield high-conflict, low-comprehension politics.

The second dimension of political community can be called *communication community*. Democracy is a communication-intensive form of governance because it involves collective decision-making by many individuals. Members must be able to receive information (e.g. news about public affairs), to transmit information (to express their views), and to collectively process information (to engage in discussion and deliberation.) Such communication, in turn, requires a common language, widespread media, and accessible forums. Democratic deliberation requires a common language so voters can communicate with each other, a news media to disseminate information and views, and, especially for more involved citizen participation, public forums where voters can interact directly. Thus a second dimension of a political community is that it embody such functions of a communication community.

Like the first dimension of political community, membership, the feasibility of a global communication community is an object of dispute.¹² The debate centres around the dimensions defined above, notably the lack of a global language, the inadequacy of the global media, and the impossibility of a global public forum.

A third dimension of political community is organizational infrastructure for interest aggregation. This refers primarily to political parties. In a democracy political parties educate voters, formulate collective views, and aggregate the interests of many individuals.¹³ This function may also be realized by a social stratum of civil society that intermediates individuals and the government.¹⁴ Community infrastructure for interest aggregation helps fulfil the conditions of voter education, agenda setting, and mobilization all of which then feed into the formal institutions of democratic governance. Again, the possibility of global political parties or other institutions for interest aggregation is questioned by scholars.¹⁵

Finally, political community has a cultural dimension. Collective identity plays an important role in democracy. If members of a political community are to abide by majority decision-making, even when they find themselves in the losing minority, something more than the threat of coercive law-enforcement is required. Some degree of mutual trust,

solidarity, and respect for the rights of others is necessary for majoritarian decision-making to function effectively.¹⁶ Likewise, a functioning democracy requires shared commitment to the values of democratic process, such as mutual respect, civility, and compromise.¹⁷ Such a community of values is a social precondition for democracy.

At the global level this need for solidarity and common values is problematic. Technology and administration extend globally more easily than human contact. People around the world remain abstract to each other, and so it is unlikely that a global democracy could withstand the strains imposed by decisions that hurt the interests of part of the community.

11. Dahl, *op cit*, Ref 1.

12. Zuern, *op cit*, Ref 1.

13. Zuern, *op cit*, Ref 1; Robert Dahl, 'A democratic dilemma: system effectiveness versus citizen participation', *Political Science Quarterly*, Vol 109, No 1, 1994, pp 23-34.

14. Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community*, Simon and Schuster, New York, 2000.

15. Dahl, *op cit*, Ref 1.

16. Zuern, *op cit*, Ref 1.

17. John Rawls, *Political Liberalism*, Columbia University Press, New York, 1993.

This qualitative dimension of a political community seems absent at the global level.

Thus the very feasibility of global democracy remains disputed. The preconditions of democracy are absent. Whether this reflects some absolute condition or merely a lack of historical development, however, is not known. With the theoretical debate inconclusive, empirical inquiry may offer better means for illuminating the debate. The scholarly literature has usefully identified the salient phenomena; it remains to make them the object of investigation. Questions of membership, communication community, interest aggregation, and culture must be the focus of an inquiry into global democratic governance. ICANN's experiment in global democracy offers the opportunity to explore these questions.

To summarize the discussion so far: the proliferation of global systems has created the need for global governance, which in turn needs a basis in democratic legitimacy. The feasibility of such a project depends on the possibility of realizing the four dimensions of political community. To explore these questions, I now turn to the Internet Corporation for Assigned Names and Numbers (ICANN).

Global democracy in ICANN

The internet is a world-spanning socio-technical system that requires global coordination. Internet users all around the world share the same protocols and the same addressing infrastructure, and these globally shared resources require common administration. Until 1998 such administration was performed by a semi-formal collection of research organizations, but in 1998 it was lodged in a new international organization, the Internet Corporation for Assigned Names and Numbers (ICANN).¹⁸

Although ICANN's mandate is technical and administrative in nature, its decisions are inextricably linked to global public policy. ICANN's oversight of domain name allocation (eg *mycomputer.org*) and of root server computers touches on such policy matters as property rights, speech rights, and industry structure. For example, ICANN's 1999 Uniform Dispute Resolution Policy (UDRP) defined a novel, if limited, system of global trademark protections.¹⁹ The UDRP also effectively set some global limits on speech in domain names.²⁰ ICANN's delegations of authority to private entities to operate domain name servers affects industry structure and competitiveness in the global domain name registration business.²¹ Perhaps more important than any specific policy is ICANN's potential for future regulatory activity. With its centralized control of essential internet resources, ICANN is well positioned to evolve into a general-purpose regulatory institution. Concern about such 'mission creep' has been a major source of policy controversy.²²

Insofar as it makes global public policy, ICANN is similar to other global governance institutions in sectors like trade and finance (eg the World Trade Organization).²³ In one important respect, however, ICANN is different: its institutional design embodies mechanisms for democratic governance. ICANN's top authority is its board of

18. Milton Mueller, 'ICANN and internet governance: sorting through the debris of "self-regulation" info, Vol 1, No 6, December 1999.

19. *Ibid*; Hans Klein, 'ICANN and internet governance: leveraging technical coordination to realize global public policy', *The Information Society*, forthcoming, December 2001.

20. Kathryn Kleiman, 'Brief of amicus curiae association for the creation and propagation of internet policies', *Worldsport Networks Limited v Artinternet SA and Cedric Loison*, United States District Court for the Eastern District of Pennsylvania, No 99-Cv-616, 1999, <http://www.domain-name.org/worldsport.html>.

21. A. Michael Froomkin, 'Wrong turn in cyberspace: using ICANN to route around the APA and the Constitution', *Duke Law Journal*, Vol 50, No 17, 2000.

22. David Post, 'Cyberspace's constitutional moment', *The American Lawyer*, November 1998; Klein, *op cit*, Ref 19.

23. Keohane and Nye, *op cit*, Ref 1.

directors, and nine of its nineteen board seats are reserved for representatives of internet users from around the world. In the fall of 2000 ICANN held elections to fill five of its board seats, and in so doing it implemented a precedent-setting experiment in the practice of global democracy. Whereas organizations like the World Trade Organization are berated for their lack of democratic mechanisms, ICANN has such mechanisms in place.

ICANN can serve as a theoretical laboratory for the study of global democracy. Between 1998 and 2000 a global institution was created with democratic elements, rules were announced, candidates qualified, campaigns conducted, voters qualified and registered, primary elections held, final elections held, and winners declared. This presents researchers with an unprecedented opportunity for investigating the theoretical questions summarized above. How did the problem of membership manifest itself, and did it create insurmountable problems? Did an absence of community infrastructure for communications prevent democratic deliberation? How did individuals scattered around the world aggregate their interests into a policy agenda? Can we find any evidence of a collective identity encompassing the voting public?

The question that interests us here is whether the sceptics are right. The strong sceptical claim is that democracy's preconditions cannot be met at the global level. Evidence that the preconditions were in fact met casts doubts on this assertion. Evidence of a working membership, communication community, interest aggregation, and culture would suggest that global democracy is not impossible. Although this is a far cry from 'proving' that democracy is feasible, even this more modest claim can contribute to today's understanding of global governance. With this in mind, I examine the ICANN elections for evidence of the four preconditions of democracy.

Membership and the ICANN election

Membership in ICANN's voter community was open to people from around the world. Not only was there no geographic boundary for membership, other thresholds were also low. Any person over sixteen years of age with an Email address and a working 'snail mail' address qualified for participation. Potential members had to first apply for membership at the ICANN web site and then await a letter with their voter identity number that would allow them to register online. Following this they could vote at the ICANN web site. The first step in this three-step process opened in the winter of 2000 and ran to mid-summer of that year. Elections for the five directors were conducted in October 2000.

As voter registration unfolded during the first half of 2000, applications were much higher than predicted. ICANN's election budget was based on an estimate of approximately ten thousand registered voters. When the registration period closed at the end of July, however, nearly 160 000 applications for membership had been received. Of these applicants, some 76 000 ultimately activated their membership. Of these, in turn, 34 000 actually voted.²⁴ Evaluated against ICANN's original estimates of participation, the membership of the ICANN's community was high.

Membership was also broadly distributed across the globe. The globe was divided into five electoral regions (Asia-Pacific, Latin America, North America, Europe, and

24. ICANN, 'Voting data', <http://www.atlargestudy.org>.

Africa), each of which selected one director. Following the application process and the snail mail confirmation of membership, the number of registered members showed considerable regional distribution. The greatest number of members was to be found in the Asia-Pacific region, which had some 38 000 registered voters, while the fewest members were in Africa, which had just 315 members. Approximate figures for other regions were 23 000 in Europe, 10 000 in North America, and 3500 in Latin America. Although clearly uneven, the distribution approximately paralleled the distribution of internet users, with no one region being the dominant source of members.

The prediction that such a global membership would bring an unmanageable range of issues to the election was not born out. Indeed, the election campaign may have been notable for the small number of issues raised and the similarity of candidates' positions. Two broad sets of issues prevailed that coalesced into rival agendas. One, which might be termed the e-commerce platform, focused on the need to safeguard the stability of the internet, to ensure that ICANN's board would be composed of technical experts, and to protect intellectual property rights. A second set of issues centred on a program of institutional reform. This emphasized ICANN's perceived lack of transparency and accountability, as well as its perceived democratic deficit.²⁵ In the final election, outspoken advocates of reform were elected in North America and Europe, and less outspoken reformers won in Africa and Latin America. In Asia, in contrast to the other four regions, the winning candidate solidly embodied the values and perspectives of the e-commerce platform.

These developments cast doubt on the claim that global membership leads to excessively heterogeneous interests. Across the globe, the issues raised in the election were quite consistent. This reflected in part ICANN's sector-specific mandate in internet communications: although many issues were raised, they all related to the internet. The elections brought to the fore conflicts over property rights in domain names, speech rights in domain names, privacy protection in domain name registration, the stability of internet addressing, and perceived excessive corporate control over ICANN. Diverse as these issues were, they were not enough to overwhelm ICANN's fledgling democracy. The sectoral specificity of the issues limited their diversity. Stated differently, the internet sector's homogeneity counteracted globalism's heterogeneity.

Not only did democracy not fail; arguably it succeeded. The elections provided the means for a groundswell of reform. Prior to the elections, calls for greater transparency had not received significant attention from the initial directors; such issues were not a priority to an ICANN board with no direct accountability to the internet community. The election provided a mechanism by which such issues achieved salience. The scope of issues expanded enough to encompass reform advocacy but not so much as to cripple the organization. One can imagine a yardstick to measure elections from not-enough-issues to too-many-issues; by such a yardstick it seems that the ICANN elections were somewhere in the middle, increasing the number of issues without paralysing governance.

25. CSIF (Civil Society Internet Forum), 'Civil Society Statement on the ICANN Elections', July 2000, <http://www.civilsocietyinternetforum.org/statement.html>.

Communication community and the ICANN election

Every voter in the ICANN election had, by definition, access to the internet. As a result, the most obvious barriers to the creation of a global communication community did not appear. Nonetheless, communication was not easy.

Language posed the most serious barriers to communication. Most information in the election was in English, such as the web site with information about procedures for voter registration. This posed difficulties for members in most of the world who possessed limited English language ability. To some degree the language barrier was overcome by a self-organizing two-tier system of communication. At the top level was a communication community with participants from around the globe who spoke English. In some regions, most notably North America and Europe, participation was quite numerous, whereas participation from Asia and Latin America was notably lower. In Africa's small internet community many members spoke English as their first language, and this gave the region a presence that was disproportionate to its numbers. Because the internet sector was already very global and very English language-oriented, it had a comparatively large population who could communicate. This top-level communication community engaged in a global discussion of issues.

At the second level there appeared various communication forums that were non-English and often more national in orientation. In Europe a community of French speakers engaged issues, and some of its members served as liaisons with the global communication community. Some Asian countries also diffused information about ICANN and even organized massive voter registration campaigns. Nonetheless, there were frequent complaints that important information was available only in English. In the course of the election year, ICANN increasingly offered important documents in multiple languages.

Another important part of political communication is the availability of public forums for deliberation and debate. Here the internet proved invaluable. In each region ICANN sponsored official candidate forums in which voters could pose questions to the different candidates, who, in turn, could respond to the questions and comment on each others' answers. In addition, mailing lists grew up in different regions that allowed for lively public debates. Indeed the plethora of public forums taxed the abilities of candidates to participate in all of them. Again, the forums functioned primarily in English, so many potential participants were excluded. In the communities that could speak English, however, the global nature of the election posed little barrier to public deliberation. Indeed, with the advent of the internet many concerns about the feasibility of public forums may be anachronistic.

Finally, there also emerged various mass media to educate voters about issues. Here again advances in technology greatly improved communications, as Email newsletters and web publishing proliferated. Various non-governmental organizations (NGOs) produced election newsletters that provided news and analysis. Internet news companies like *Wired* in the U.S. also devoted considerable attention to the issues; these were sector specific media, and their analyses were widely available at no cost. Finally, even the regular mass media took some interest, although this varied between countries. The German media gave the most attention to the elections, with the magazine *Der Spiegel* giving the election prominent treatment. As a result, voter registration in Germany

quickly outstripped other countries in Europe. Occasional articles in the *New York Times* reached the US public, although overall public awareness of the elections beyond the internet community was small.

The strong claim against the feasibility of global democracy – that communications barriers at the global level render any political community impossible – was not born out. Language barriers remained significant, but the internet made possible many forms of communication, including private communications, public forums, and mass media. A global communication community emerged that served as the core of the political community for ICANN's global democracy.

Interest aggregation and the ICANN elections

Numerous NGOs participated actively in the ICANN election. NGOs from around the world – most notably from the United States, Korea, Japan, England, Germany, France, and Australia – joined in a loose coalition to promote a common agenda. Together they launched the Civil Society Internet Forum (CSIF) as a collective framework for participation in the elections. The CSIF worked to aggregate interests and define collective positions for voters around the globe.²⁶

The CSIF articulated a collective platform in its 'Civil Society Statement'.²⁷ During the summer of 2000 some of the leading NGO activists and election candidates (especially Karl Auerbach, who later won the North American election) composed this document, which stated principles for governance and derived from them a series of concrete reforms for ICANN.²⁸ For example, under the principle 'ICANN must be representative' came the concrete proposal that 'All nine At-Large Board seats should be filled by election, in accordance with the ICANN bylaws' (as opposed to the five that were filled in the global elections of 2000.) Under the principle 'Intellectual property rights should not be privileged over other rights' came the concrete proposal that 'When technical coordination unavoidably intersects public policy areas, ICANN should be equally mindful of rights, laws, and norms protecting free expression, privacy, the public domain, and non-commercial use'. This document defined a collective platform and helped to educate voters about the issues in the election.

Although it did not nominate candidates, the CSIF did encourage candidates to voluntarily affiliate themselves with its platform, and such signatories were publicized as 'Friends of Civil Society'. The Statement was posted publicly and many candidates from around the world signed on in support. It became a litmus test for identifying reform candidates in all the regions. Ultimately, three of the five winning candidates were official signatories to the Civil Society Statement, while a fourth endorsed it publicly in an on-line forum.

Thus the CSIF sought to perform some of the functions of a political party. By aggregating dispersed interests into collective positions, educating voters, and helping to identify candidates, it helped fulfil important prerequisite conditions for global democracy.

Nor was the CSIF unique. Business interests also joined together to promote their collective interests. They were already joined in the Global Internet Project (GIP) from where they advocated their agenda of deregulation for the internet. GIP was not a mass membership organization and so was not well positioned to reach users. However, in the weeks before the election GIP worked with the leadership of the Internet Society (ISOC)

26. The author was one of the founders of the Civil Society Internet Forum.

27. CSIF, *op cit*, Ref 25.

28. *Ibid.*

to get its message out to ISOC's six thousand members. ISOC's internal journal, *On the Internet*, published a special policy issue that articulated GIP's deregulation-oriented agenda to the potential voters in the ISOC membership.²⁹ Thus the election witnessed the formation of two broad intermediate organizations, a pro-democracy movement and an e-commerce movement.³⁰ GIP-ISOC and the Civil Society Internet Forum offered voters two different visions of policy options for ICANN.

Here again the ICANN case study raises doubts about the sceptics' claims about the unfeasibility of global democracy. Even at the global level, a community equipped with internet technology was able to achieve many of the functions of a national political community. Coalitions arose that sought to perform some functions of political parties, and an active community of NGOs arose.

Community culture and the ICANN elections

Perhaps the most difficult challenge of global democracy is the need for some shared identity among members of a political community. The ICANN election offered what would seem to be powerful evidence in favour of the sceptics' claims. The years preceding the ICANN election featured numerous examples of uncivil discourse. The intensity of animosity in the process was striking to many involved, as 'flaming' and name-calling were frequent. The global community seemed ill-suited to work together in a collective project of democratic governance.

Closer examination suggests a different conclusion, however. The uncivil discourse surrounding ICANN was more a *product* of a shared culture than evidence of its absence. The raucous disagreements over ICANN dated back to before its founding, when the Internet Society had worked with a small group of trademark and telecommunications organizations to assume authority over the internet's core addressing mechanisms. Widely perceived as violating shared values of consensual decision-making, this action divided members of the internet community.³¹ This manifested itself in bitter acrimony.

The elections helped replace such fighting with reasoned debate. Conflict declined before the election began, and the elections themselves were largely marked by shared norms of civil discourse. Debates were held and ideas exchanged, allowing issues to receive a public airing. The elections helped to calm the waters and promote civility as both candidates and their supporters sought to avoid alienating others. Elections provided positive incentives for members to promote unity.

Conclusions

I have examined the ICANN elections searching for evidence that would confirm the sceptics' assertion that global democracy is not feasible. I did not find it. The preconditions for democracy were present to some degree, suggesting that global democracy is not impossible – and is even feasible. The creation of a global political community with broad membership did not lead to an explosion of heterogeneous issues. The internet made global communication possible, allowing for debate, education, and discussion. Intermediate organizations arose to perform interest aggregation and citizen participation. Civility and shared values

29. ISOC (Internet Society), *On the Internet*, 'The Global Public Policy Issue', September/October 2000.

30. Hans Klein, 'Online social movements and internet governance', *Peace Review*, September 2001.

31. Mueller, *op cit*, Ref 18.

were in evidence. Without making the claim that global democracy was fully achieved, clearly it did not fail outright. In light of these generally positive observations, I offer some conclusions about global democracy and about ICANN.

There are two reasons why the sceptics' arguments are weaker than they initially appear. First, scholars have underestimated the significance of the sectoral nature of today's globalism. Today's globalism does not raise questions about governance in general but only of governance within specific sectors. Global extension occurs within the constraints of specific sectors (trade, communication, finance, etc) so the resulting political community is not hopelessly overextended. Members' interests are bounded by the limits of their sector. Communication and interest aggregation is easier within a sectoral community. Professional values unite members. Scholars have undervalued the distinction between full world government, which no one foresees in the near future, and global sectoral government, which increasingly exists today. In global sectoral governance, democracy may well be feasible.

Scholars may also underestimate the significance of the internet. This new technology reduces many barriers to global democracy. Clearly it makes global communication possible in a manner that was previously unthinkable, thereby making possible a new degree of citizen involvement in global public affairs. Information is easily available, public forums can easily be created and accessed, and intermediate organizations can function to unite individual voters. The internet also helps with interest aggregation by facilitating the formation of associations.³² The ICANN election may offer a vision of other sectors' future: all ICANN participants were skilled internet users, and this situation will be increasingly true in other sectors. The more that citizens are online, the less democracy will be constrained by spatial limits.

This analysis also provides insights about ICANN's future. ICANN's situation must be understood in terms of an ongoing development process. There has been one round of elections; a second round is likely to be different as the situation continues to evolve. One factor that is likely to change is the definition of the internet sector's political community. The old internet had a very strong community with a collective pioneer culture. This well-defined community, with its shared values, traditions, and history, is giving way to a new online population of casual users for whom the internet holds little more significance than the telephone. This population has much less unity and, as such, is less well suited for democratic governance. As a result, the importance of intermediate organizations is likely to rise. New associative institutions like the Civil Society Internet Forum must create new modes of political community. That process has already begun, but ensuring its continued vitality must be a top policy priority. ICANN's first election benefited from the residual cohesion of the old community, but the continued success of its democratic system may depend on the blossoming of effective intermediate organizations that promote a new community.

32. Hans Klein, 'Tocqueville in cyberspace: using the internet for citizen associations', *The Information Society*, Vol 15, No 4, 1999.

Finally, and perhaps most importantly, ICANN's global elections starkly manifested the value of democratic governance. The election served as a vehicle for a reform movement. Democracy is more than a means to legitimacy: it is a means to better governance. By opening control of ICANN to user representatives, interests could be balanced and the original board's trajectory checked. ICANN's elections showed that not only is democracy feasible, it is vitally important to ensure balanced governance in a globalizing world.