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Global Governance

A Short History of Debates Born with the Telegraph and Popularized by the Internet

Abstract: Scholars have successfully attempted to historicize global governance, comparing the Internet to telephone and broadcasting, from a primarily legal standpoint. Among these scholars, historians have also studied particular issues that are relevant to Internet governance, e.g. openness and net neutrality. History is relevant for the concept of global governance for at least two reasons: to historicize the concept in itself through the Internet/digital age (the evolution and enrichment of the notion in the past 30 years, with key turning points such as the creation of ICANN and WSIS) and to flesh out continuities through time with other "global media" or "global issues," such as international standardization, multi-stakeholderism, and communication rights. This chapter addresses these issues at three levels: periodization of the key concept of "global governance" since the 90s; evolution of the state of the art/research on global (Internet) governance; analysis of global governance in the broader field of media and communication.

Keywords: governance, globalization, regulation, media policy, multi-stakeholderism

The World Summit on the Information Society (WSIS), which took place between 2003 and 2005, stabilized a definition of Internet governance for the first time. Widely circulated and re-elaborated in later times, this notion is far from static. It has evolved over the course of 15 years, be it in practical uses or from a more theoretical standpoint. It has become more complex as the Internet also became more complex. It should keep on evolving, prompted by its stakeholders and by different digital arenas in which States, civil society, and the private sector are led to meet around issues such as Internet policy, media regulation, net neutrality, and data privacy.

This chapter focuses on approaches to the past and suggests that the roots of the governance concept as applied to communication technologies are not limited to the start of the WSIS Internet debates. They can be retraced earlier on by mobilizing media history, even if the word "governance" is not explicitly used there. We think especially of the internationalization and globalization issues,

and of the multi-stakeholder discussions that have, for a long time, paralleled the development of information and communication technologies (ICTs) – from the telegraph and submarine cables to radio waves.

Scholars have previously – and successfully – attempted to historicize global governance, like Tim Wu in the *Master Switch: The Rise and Fall of Information Empires* (Wu 2010) or, earlier on, Gary Hamilton in his article "Trademarks on the Internet" (Hamilton 1995), comparing the Internet to telephone and broadcasting, from a primarily legal standpoint. Some historians have also studied particular issues that are relevant to Internet governance, e.g., Andrew Russell (2014) who has examined how openness has become a foundational value for the networks of the twenty-first century, in particular during standardization processes, or Paul Edwards who has analyzed the encounter between digital age and climate change (Edwards 2010). Pioneer work by the journalist Tom Standage in *The Victorian Internet: The Remarkable Story of the Telegraph and the Nineteenth Century's On-Line Pioneers* (Standage 1998) should also be mentioned.

These historical perspectives allow us to avoid an Internet-centric vision of the debates that permeate the world of communication technologies and enable us to fully position these exchanges within a heritage that is legal, economic, institutional at once, as well as practice-based and embedded in society. History also allows to nuance the predominant vision of "digital globalization" as a radical break or a revolution. Thus, this chapter invites the reader to a two-step course, aiming to historicize the "global governance" concept in itself through the Internet/digital age, and to flesh out continuities and turning points with other "global media" (e.g., telegraph, telephone, radio) or "global issues" within media before the Internet.

1 Global Governance: An Evolving Concept, Revealed and Transformed by the Internet and Co-shaped by Research

The first part of this chapter seeks to historicize and better understand the concept of global governance as it has been applied to Internet governance, so as to demonstrate its diversification and various trajectories, theoretical and practical at once.

It should first be underlined that the notion of governance finds its origins outside media studies, as Manuel Puppis reminds us: "Governance, like regulation theory, is not an invention of communication science. The origins of governance

can be traced to different disciplines" (Puppis 2010, 135). In the field of economics, Puppis points out, governance was used in new institutional economics to describe institutional rules that help to reduce transaction costs. As he also underlines, roots of governance can be found in political science, especially in the field of international relations. Finally, he emphasizes that governance was heavily used in politics as well, as since the 1980s, the World Bank disseminated the notion of "good governance" in the developing countries (Puppis 2010, 136). To these preliminary comments, we add that the notion of globalization also preceded the Internet, and that scholars traced its origin at the end of the nineteenth century, and sometimes even before.[1] However, Internet governance made global governance a buzzword in the early 2000s, thanks to its definition at the WSIS and the ability of stakeholders as well as researchers to enrich this notion.

The birth of "Internet governance" took place in a context broader than the Internet itself. Innovation and technology governance became an increasingly important and articulate issue during the last decades of the twentieth century. Problems such as environmental management, the availability of energy sources, nanotechnologies, arms control, and food security emerged as full-fledged objects of interest for transnational politics. They are now governed by different conflict resolution instruments within the framework of international law, such as treaties, protocols and conventions. Examples of these arrangements are the Kyoto Protocol (signed 1997) and then the Paris Agreement (signed 2016) on climate change, the Comprehensive Nuclear-Test-Ban Treaty (signed 1996), and the International Treaty on Plant Genetic Resources for Food and Agriculture (signed 2001). Nation states have played a central role in the negotiation, writing, and implementation of these legal systems. However, the challenges of scientific and technical governance most often move beyond national borders to cross multiple spheres of sovereign action and different jurisdictions, making it necessary to elaborate new "hybrid forums" able to reunite experts and civil society to discuss and co-construct decisions regarding controversial issues that are both social and technical, in a new form of "technical democracy" (Callon, Lascoumes, and Barthe 2001). Analysts from a variety of social science disciplines have looked at how scientific and technical governance regimes take effect in light of the internationalization of the issues, the complexity of the arrangements, the changing boundaries of governmentality, the globalization of actors. This heterogeneous body of work on "global governance" addresses

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1 For a short overview of globalization, see Ghorra-Gobin (2017, n.p.): "Anglophone economists rather situate the 'first' modern globalization between 1880 and 1914, due to numerous political leaders adhering to Adam Smith's free-exchange thesis" (our translation).

how these regimes redraw the borders of nation states, and, more generally, how they reconfigure the meaning and the implementation of democracy (Jasanoff 2004; Hagendjik and Irwin 2006) thanks to the intervention of new players, whose scope is defined around their involvement in the governance of complex technical issues. It is mostly in this broader context – which expands beyond the frame of media and communication and ties it to larger notions, such as technical regimes and technical democracy – that debates around Internet governance have taken shape in more recent years.

1.1 Attempting an Internet Governance Periodization since the 1990s

As Milton Mueller and Farzaneh Badiei argue, Internet governance has emerged simultaneously "as a label, a field of research and academic study, and a real-world arena where stakeholders and interest groups clash and cooperate" (Mueller and Badiei 2020). While it has been argued that embryos of at least one of these three aspects were already present in the discussions over early internet-working principles, or in the convergence of computing and ICTs, it is arguably only in the early-to-mid nineties that it became apparent that the Internet posed unique governance problems, both because of its specific underlying protocols and its own standardizing organizations and institutions, which grew beyond and outside those of global telecommunications governance.

Interestingly, in parallel to the chronology of major Internet governance steps and debates, the state of the art in the academic field demonstrates how seminal research work has contributed to co-shape the concept of global governance of the Internet. From Milton Mueller, Lawrence Lessig and Tim Wu's pioneering approaches to Laura DeNardis' *The Internet in Everything* (DeNardis 2020), the notion of Internet governance has evolved in practice also due to the explicit and analytical questions scholars have been asking through the years about its perimeter, nature, and actors. There are of course differences in the ways in which periodizations and evolutions of Internet governance as a concept have been established (see e.g. Bradshaw et al. 2015; Mueller and Badiei 2020); however, a few key periods and moments appear to be consensual.

1.1.1 Early Debates on "Internet Exceptionalism" (1996 to Late 1990s)

The first of these revolves around the debates on the understanding of the Internet as being a space of its own, notably from the standpoint of law and jurisdictions.

While the first document that comes to mind as a symbol of this phase is perhaps the 1996 "Declaration of Independence of Cyberspace" by John Perry Barlow, from a political and academic standpoint, this phase was marked by discussions about whether the Internet should develop its specific regulation system, more decentralized and multi-centered, and not primarily based on state-centered control (Johnson and Post 1997), as well as by debates on "cyberspace sovereignty" (Wu 1997). These debates informed the analysis – which was conducted, overwhelmingly, by legal scholars at the time – of the nascent commercial Internet, with issues such as trademark law, intellectual property law, and online dispute resolution becoming central.

1.1.2 ICANN, a Controversial Newcomer (1998 to mid-2000s)

In the late 1990s, in what was likely a new, second phase in the periodization of Internet governance, discussions on Internet exceptionalism became "incarnated" in a more concrete debate on actually constructing a new Internet governance institution, or an ensemble of them. Indeed, if there was a general consensus that existing governments and/or intergovernmental organizations were inadequate to take on the Internet as their policy subject, the question became how to build a novel framework or structure for Internet governance, and who should control or coordinate it. These issues became particularly salient with the creation of the Internet Corporation for Assigned Names and Numbers in 1998 (ICANN; Mueller 2002). From a political standpoint, ICANN, while novel for its ability to globally coordinate actors around problems posed by critical Internet resources, was controversial due to the United States' role in its birth and prerogatives. As a private, yet global, non-profit corporation, ICANN was empowered by the US to issue private contracts as a way to solve public policy issues, and to have sole authority over the domain name root and Internet address spaces, while at the same time attempting novel "democratic experiments" such as global elections for its Board. Scholars have in turn highlighted ICANN as the epitome of new networked governance for the digital age (Levinson 2002), examined how nation states and their governments have played a role in the formation and development of ICANN, especially its ambiguous Governmental Advisory Committee (GAC; Weinberg 2011) and critiqued the legality – and most strongly, the legitimacy – of the governance model proposed by ICANN (Froomkin 2000). This phase was also marked by landmark judicial decisions, such as the Yahoo! vs France case, where a French court ordered Internet giant Yahoo! to block French web users from a number of its auction sites selling Nazi memorabilia (Goldsmith and Wu 2003).

1.1.3 The WSIS, a Global Discussion Space on Internet Governance (2003 to Early 2010s)

The WSIS, a United Nations summit, held in two phases in 2003 (Geneva) and 2005 (Tunis), is most probably the process epitomizing the third phase in the periodization of Internet governance – a process around which Internet governance in practice, and the structuration of Internet governance as a field of study, converged. Heavy debates on the definition of Internet governance took place during the entire WSIS process, with a variety of positions, ranging from the extremes of critical Internet resources management by ICANN on one hand to the regulation of the whole ICT spectrum on the other. A central contribution in the definitional efforts was provided by the WSIS-mandated Working Group on Internet Governance (WGIG) in 2004, which spoke of "shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the Internet,"[2] and noted that IG was a so-called "multi-stakeholder" issue, with relevant actors being not only nation states, but also businesses and civil society in its different facets (technical community, civil liberties associations and citizens in their individual capacity). Multi-stakeholderism as a novel governance arrangement soon became a prime subject of research on Internet governance for scholars in a variety of fields (a good review is to be found in Raymond and DeNardis 2015), with particular attention paid to the ability of civil society to meaningfully participate in IG processes (Hintz 2005). Among disappointments (voiced in particular by those actors who wished WSIS to overcome the United States' unilateral and predominant role in ICANN, something it failed to achieve), WSIS originated a global discussion space on Internet governance which carries on to this day, not without criticism of its own: the Internet Governance Forum (IGF; see Malcolm 2008 for an analysis of its early days). Interestingly, the main scholarly association on Internet governance issues, the Global Internet Governance Academic Network (GigaNet), was born out of the Internet Governance Forum and still holds its annual conference on the day preceding the official start of the IGF.

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2 Report of the Working Group on Internet Governance, Château de Bossey, June 2005. Available at http://www.wgig.org/docs/WGIGREPORT.pdf.

1.1.4 A "Post-Snowden Internet Policy." Rethinking Perimeters and Emerging Issues (Mid-2010s to Present Day)

Discussions about the definition of Internet governance keep on being a core issue in itself. Indeed, the last and ongoing phase of a hypothetical periodization of Internet governance is marked by a discussion about its perimeter, and the inclusion of a number of issues as they emerged and took center stage in the global political arena. For several scholars including Laura DeNardis (2014), Internet governance per se should be distinguished and treated separately from user practices, uses and content creation and distribution on the Internet, while other scholars, in particular coming from a STS (Science and Technology Studies) tradition, argue that Internet governance could meaningfully include the agency of technology designers, policymakers, and users as those interact, in a distributed fashion, with technologies, rules, and regulations, leading to unintended consequences with systemic and pragmatic effects vis-à-vis the (re)distribution of power on the Internet (Epstein 2015; Musiani 2015). Placing emphasis on the distributed and diffused nature of power on the network of networks, scholars have also argued that this configuration may lead to a lack of clarity on where actual authority to govern resides, in short, "where is the governance in Internet governance" (van Eeten and Mueller 2013; see also Hofmann, Katzenbach and Gollatz 2016).

Regardless of where scholars may stand in these debates, they reflect a crucial evolution in Internet governance as a field of practice: while a number of political arenas and institutions such as WSIS or Internet Governance Forum were closely scrutinized by academics, several issues that de facto pertain to Internet governance increasingly developed "in the largely non-institutionalized space formed by transnational Internet services and commerce" (Mueller and Badiei 2020). Such issues include network neutrality; Internet content regulation (filtering, blocking, deep packet inspection techniques); censorship and circumvention techniques; private sector-led intermediation and regulation of both content and infrastructure; cybersecurity, information security and the related markets; online-intermediary liability in situations such as defamation, copyright violations and disputes over e-commerce practices.

The pre-eminent Internet governance-related issue of the last decade is perhaps – catalyzed by the Edward Snowden revelations, but having its roots in long-standing debates about personal data, identity on the Internet and cryptology – that of online surveillance and privacy. By exposing internal documents of the U.S. National Security Agency that revealed the extent of its pervasive global surveillance on the network of networks, the former NSA contractor opened the era of a "post-Snowden Internet policy" (Pohle and Van Audenhove 2017),

where the world took full measure of the extent of the United States' de facto global authority "by infrastructure" on the Internet and became aware of the depth of the US government's "dangerous liaisons" with private intermediaries (Musiani 2013). This opened up a wide crisis of legitimacy for the US to keep on acting as the foremost actor in IG. Arguably – even if the process was, slowly but surely, already underway before Snowden – it contributed to the so-called "IANA transition", the process during which the US relinquished their control of the DNS root, and which originated substantial reforms in the accountability mechanisms of ICANN. In parallel, the 2010s have also witnessed the rise and/or the stabilization of new "superpowers" in Internet governance, most notably Russia and China (see Litvinenko 2021; Negro 2017), with a predominant strategy of "digital sovereignty" – the idea that states should reassert their authority over the Internet and protect their nation's self-determination in the digital sphere, not by means of supranational alliances or international instruments, but by increasing their independence and autonomy at the technical, economic, and political levels. Eventually, legal instruments such as the European Union's General Data Protection Regulation (GDPR, entered into force in May 2018) posed new conditions to both data protection and platform governance, incarnating a major regulatory challenge for business models based on the harvesting of data and offering "free" services as a counterpart.

1.2 Broadening the Perimeter (Even More): From One to Many Governances

The last part of the periodization presented above, with the introduction of GDPR, as well as data protection and platform governance, leads us to discuss how governance issues have pervaded several fields and institutions related to ICTs and digital technologies, such as the Web, research infrastructures, Wikipedia and Web archives as "born-digital heritage."

As we explore in Musiani and Schafer (2018), the World Wide Web, which emerged in the late 1980s and especially in the early 1990s, dealt with governance issues from the start. After its genesis at the European Organization for Nuclear Research (CERN), the Web moved to the US, when Tim Berners-Lee joined the Massachusetts Institute of Technology (MIT) and created the World Wide Web Consortium (W3C) in 1994. As he considered the Internet Engineering Task Force (IETF)'s proceedings too slow for the fast evolution of the Web he envisioned, he established a dedicated consortium. Andrew Russell notes that "The W3C model occupies a middle ground between the IETF and ICANN: it counters the slow speed of grassroots code development by developing code

within the W3C; by including industry Members, its Recommendations are more likely to be implemented quickly and effectively; it also considers seriously and responds to input from Members and the broader public before it issues the code as a Recommendation" (Russell 2003, 28). The W3C shares some of the long-standing issues of Internet governance, including standardization, openness, and multi-stakeholderism.

 Less obviously linked to the problem of governance, but nonetheless strongly related to issues such as standards, commons, author rights, and multi-stakeholderism, Web archiving initiatives are a good case study to analyze the way many stakeholders participate in, and negotiate, the governance of born-digital heritage. Indeed, actors involved in Web archives governance include
- foundations (e.g., Internet Archive),
- transnational organisations (e.g., the International Internet Preservation Consortium), professionals (librarians, archivists),
- representatives of civil society (in particular, activists, and researchers) and
- private businesses (e.g., Facebook and Twitter have their own archives).

All these stakeholders bring to the table their own diverging approaches to born-digital heritage, from proprietary forms of ownership to an open vision of web archives as commons (Musiani et al. 2019). The Internet governance typology authored by Bygrave and Bing (2009), describing several types of organizations and power balances at work in Internet governance, is useful here to account for the technical governance at stake in particular arenas (e.g., crawlers and metadata). It also helps to account for the different civil society claims for more inclusiveness (e.g. the Documenting the Now initiative born in 2016 in relation to the Black Lives matter movement[3]), or to understand the variety of private and commercial interests involved in Web archiving (e.g. the presence of Facebook, Amazon, and Twitter among the main "web archiving" players), as well as to grasp national attempts to keep web archives within the national heritage (e.g. legal deposits for Web archives in France, United Kingdom, etc.).

 Digital research infrastructures and knowledge infrastructures also try to test and develop new forms of governance. Wikipedia is the prime example of a setting in which the governance of a knowledge platform tries to include issues such as the commons, self-organization, and shared authority (Cardon 2012).

 Last but not least, the final (for now) frontier of Internet governance is the issue that Michel van Eeten recently described as "the disappearance of the distinction between devices with and without connectivity and computing

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3 See https://news.docnow.io/introducing-documenting-the-now-416874c07e0.

capabilities" (van Eeten 2017, n.p.) and that Laura DeNardis (2020) has summarized, in the title of her last book, as *The Internet in Everything*: the Internet as a network of networks is becoming the meta-infrastructure of most other infrastructures, with crucial implications for economics, security, and governance. While it has long been believed that the influence of digital actors would remain confined to software, dematerialized content and information, it starts to be clear that they are using their mastery in these areas to take positions in nondigital markets, be it transport, infrastructure management, health, or banking. With the connection of infrastructures and objects, the organization of physical flows requires the control of information flows. Massive data is at the heart of this movement, which calls into question the positions of the historical players in these markets. Eventually, this will generate new interplays between Internet governance and the governance of other socio-technical systems, which is currently discussed and acted upon in completely separate settings. It could possibly lead to unprecedented convergences between institutions and fora examining, for example, Internet governance and environment or health governance.

2 Media and Communication Global Governance Before Digitalization

The flexibility of the notion of governance, but also its suitability to think and analyze arrangements of power, global controversies, transnational regulation, and arenas of negotiation, makes it an efficient umbrella to describe evolving realities within the digital area, but also to rethink a number of phenomena in the media and communication field, even before the word governance was used in media studies. Indeed, global Internet governance preceded the academic notion of media governance.

In 2002, Sean O' Siochru and Bruce Girard (2002, viii) noted: "A few years ago, we sought in vain a publication that would succinctly present the main issues confronting media and communication governance at the global level. We were not the only ones searching, and so this book was written." However, the notion of media governance has subsequently been developed and addressed by several scholars, who refined its definition. Freedman (2008, 14) considers media governance as broader than media regulation and "refers to the sum total of mechanisms, both formal and informal, national and supranational, centralized and dispersed, that aim to organize media systems." In line with this approach, Hamelink and Nordenstreng (2007, 232) define media governance as a "framework of practices, rules, and institutions that set limits and give incentives

for the performance of the media." Furthermore, Lange and Schimank (2004, 18) consider governance as patterns of coping with interdependencies between actors, while McQuail (2007, 17–18) describes media governance as both the numerous forms of management and accountability within the media and the institutionalized relations between media and society. All these definitions,[4] from narrower to broader ones, invite the rethinking of global Internet governance from a longer-term perspective within media history. Indeed, global discussions and framework of practices, as well as international rules, have started long before the Internet in the field of communications.

2.1 Institutionalizing Global Discussions on Communication and Media Technology

In his pioneering analysis of media globalization before the Internet, *The Victorian Internet*, Standage (1998) highlights – interestingly, although risking anachronisms – the similarities between the telegraph and the Internet and the qualitative shift the telegraph created by allowing "real-time" and "online" communication. Indeed, global governance was debated in the nineteenth century with electric telecommunications, such as telegraphy and telephony and, in the twentieth century, for technologies like wireless, broadcasting and satellite communications. With the telegraph, as well as with radio waves or satellites, institutionalisation of global debates within several arenas were also already at stake, for example at ITU (International Telecommunication Union), the first and oldest intergovernmental organisation, born in 1865, which was set up to manage telegraphy internationally (Balbi and Fickers 2020).

Definitely, as Pascal Griset shows in his study of the development of intercontinental telecommunications in the twentieth century (1992, 19), since the first telegraph cable was laid across the English Channel in the 1850s, "with the recognition of their strategic importance, these networks became the object of vigorous strife among the world's major powers." Without taking up the complex history which sees leadership on cables, and then on the waves, gradually move from Great Britain to the USA, it suffices here to underline the weight of the international discussions at work in the twentieth century, concerning transnational communications, and nation states' renewed power following the two World Wars, after negotiations primarily conducted by private companies. The attempts to create international agreements, and to think of a more global and less

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4 These definitions are discussed at length in Puppis' article (2010) mentioned earlier.

sector-focused policy (see, in particular, ITU's choice to pool the telegraph and radio branches in 1932, or the INTELSAT international agreement on satellite transmissions, signed in August 1964 in Washington by 19 countries), are already clearly found in waves-related and submarine cables-related policies (Headrick 2013), whose geography is largely mimicked today by the geography of infrastructures and Internet cables.

These international agreements and discussions, implemented in the second half of the nineteenth century and whose institutionalization continued during the twentieth century, are linked to the crossing of borders by means of communication that do not comport with national jurisdictions. This was not the only motivation; Fari, Balbi, and Richeri (2015) emphasize, in their comparison between ITU and the Universal Postal Union, the low cost of the infrastructures or the challenge of coverage (Fari, Balbi, and Richeri 2015, 19–20).

These agreements are of course also linked to international strategies of companies that leverage the possibility of reaching publics in a foreign country by radio waves, and modify the audio-visual landscape, in particular the European one. In *Inventing American Broadcasting, 1899–1922*, Susan J. Douglas (1987) shows it well with her description of Marconi's establishment of subsidiaries in the USA, after the creation of his company in the United Kingdom (1897). Reginald Fessenden adopted the same strategy with his National Electric Signalling Company (NESCO), created in 1902, which joined forces with General Electric in 1906 and obtained contracts abroad (Australia, Japan, Russia, Brazil) as well. The first international meetings were already taking place, like two international conferences on wireless telegraphy held in Germany in 1903 and 1906 (with, it should be noted, predominantly military delegates). After the Titanic tragedy and the role played by wireless telegraphy in rescuing survivors, the Radio Act was voted on August 13, 1912 to regulate it.

Several other events testify to pre-Internet transnational media governance issues, such as the creation of the International Broadcasting Union (IBU 1925), International Broadcasting Organization (IBO 1946; see Michalis 2007), European Broadcasting Union (EBU 1950) and some transnational initiatives (e.g., Radio Luxembourg's role from 1929 or Radio Monte-Carlo's and Télé Monte-Carlo's creation in 1942 and 1955 respectively). As Fickers and Lommers (2010, 225) show, "broadcast communication was the most powerful and influential means for both national and transnational communication in the twentieth century." Their study helps to question "the medial construction of European and international communication spaces," but it also provides very insightful elements on the international governance at stake in broadcasting, which also requires to be nuanced. Henrich-Franke (2010) demonstrates the challenge of "Creating transnational through an international organization" in his examination of the transnationality of television

activities carried out under the umbrella of the European Broadcasting Union (EBU) between the 1950s and the 1970s.

Satellites like Telstar further reinforced this international trend in the 1970s and 1980s, which also saw the rise of internationalization in production. The privatization movement of the late 1980s in the audio-visual sector opens the way to a reinforced power of "new global media providers, with Rupert Murdoch's News Corp as the champion, [who] aggressively built operations that crossed national borders, rendering previously important aspects of localized regulations at least irrelevant and in many cases obsolete (Chenoweth 2001)" notes Brink Lund (2016, 108). "In this situation, the EU, EFTA, the Council of Europe and other international agencies attempted to fill the regulatory gap (Hartcourt 2005). The EU was especially persistent in pursuing transnational codes of governance to secure the interest in a competitive internal market" (ibid.). These few lines are an obvious reminder of the current debates on the Internet giants' empires of communication, and of the European Union's goal (most notably via the GDPR) to find a key role in the definition of regulatory policies related to communications, in particular digital-supported ones. A strong historicization of media governance is again necessary in order to better understand the current issues at stake, as older and new bodies have to cooperate in fields that entwine for example broadcasting and digital activities. This is for example the case with the debates on Digital Video Broadcasting (DVB), which implies debates between ETSI (European Telecommunications Standards Institute), EBU (European Broadcasting Union), and Internet stakeholders (Kratochvil 2008).

Thus, one should keep in mind that ever since the ages of the telegraph, telephone, radio or television, companies and States, but also international bodies, developed in particular in the telecommunications field, are tackling the question of crossing borders, but also of sharing resources: if today critical Internet resources concern for example domain names, they previously concerned the distribution of bandwidth, waves, and infrastructures. This prompted agreements, but also controversies and criticisms, especially in light of the possibility of domination by a few countries – Great Britain first, on intercontinental routes, with the weight of the Marconi company, then the United States. Also, throughout the long history of the media, one can retrace initiatives aimed at a more balanced distribution of power.

2.2 Claiming for a New Balance of Power in the Communication Age

The claims for new balances of power in the media and communication systems have paved the way to the development of alternative media, and genealogies of several digital players show some interesting continuities between analog, early digital and Internet times. Dutch media theorist and net activist Geert Lovink recalls for example the important role of community radio, his support of anti-war efforts in Zagreb, in Croatia and its contact with Belgrade and the radio station B92 (Schafer 2018). Another example, among many others, is linked to the Minitel case (Schafer and Thierry 2012). It showcases issues that are today important in Internet governance but pre-existed it to be highlighted. In his paper "Building Internet policy on history: lessons of the forgotten 1981 network neutrality debate" (2018), Mailland demonstrates how the issues of liability and responsibility of intermediaries and carriers was actually born with the development of telematics in the 1980s and was the precursor of a multi-stakeholder debate. The first cases of "tele-presence" analyzed by Jérôme Bourdon in this book show the first hints of debates on the secret of private correspondence, or anonymity; the issues of data privacy for courier and telephone remind us that several questions at the heart of network regulation (the *demoiselles du téléphone* listening to discussions, or anonymity within mail) were internationally raised before. Jones and Ackermann (2020) follow suit, with their recent analysis of data privacy issues within several pre-Internet networks including packet-switched networks, Bulletin Board Systems, videotex, online services, and early web browsers, as well as anonymity issues. The involvement of civil society in global governance was already in construction via their national actions and reflections, while its more active participants easily crossed national borders through international debates held e.g., on newsgroups.

Internet regulation concerning trademark law/author rights also had its predecessors, before debates on domain names and trademarks on the Internet became widespread. Hamilton (1995) refers for example to the case of *Dranoff-Perlstein Associates v. Sklar*: Dranoff-Perlstein Associates, which had been using and advertising the telephone number "INJURY-1" since 1984, filed an action alleging unfair competition and trademark infringement against Sklar, when it began using and advertising the telephone number "INJURY-9" in 1990. Although this case is a national one, it prompts reflection on copyright issues through the history of media and the international debates, that arose e.g., within the World Intellectual Property Organization (WIPO), established in 1967. WIPO members agreed to the so-called WIPO Internet treaties in 1996, on copyright and on performers

and producers of phonograms, which indicates that the entanglement be-
tween media and digital issues is strong.

These stories of power balance-building at the national, regional and interna-
tional levels contribute to show how, as concisely put by Laura DeNardis (2014,
17), "(g)lobal Internet stability is [. . .] dependent on local Internet conditions."
They pave the way to Internet governance debates, as they show the need for
multi-stakeholder discussions, the entanglement of infrastructures, content and
economic regulation, and the (geo)political issues at work. They show how dis-
cussions of dominant positions and monopolies, neutrality, public/private prop-
erty and local, sectorial or national debates all contributed to the roots of the
future "Internet governance," in its globality as well as its "glocality" (Goldsmith
and Wu 2003).

All these debates may also be retraced in the histories of both telegrams
and submarine cables: complex debates on dominant positions and monopolies
arose in the wireless field (e.g., Marconi vs Telefunken) already, while subma-
rine cables led to important debates between the public and private sector. Net
neutrality may also be considered in a longer-term historical perspective by re-
ferring to the "neutrality" over telegrams and the debates surrounding priorities
in the international network, as noted by Balbi et al. (2014).

Deeply entwined with geopolitics from the start, issues surrounding media
and telecommunications governance are clearly retraceable within debates which
took place within the "New World Information and Communication Order" in the
1970s and the 1980s, for example within the WARC conferences (World Adminis-
trative Radio Conferences). They are an international discussion arena which will
outline the first subjects of debate that will subsequently be found within WSIS,
opening the way to the first Internet governance discussions criticized as too
openly US-centric and Western-centric. Following Marc Raboy (2004), we can
even go as far back as the Universal Declaration on Human Rights, approved
in 1948. The post-colonial climate of the Cold War and non-aligned nations
played an important role not only in WSIS and in the IGF, but also in venues
such as the World Forum on Communication Rights, the Community Media
Forum and Media Liberties in the Information Society, while "an entirely par-
allel set of activities was organized under the heading of WSIS? WE SEIZE!, an
alternative event organized outside the summit complex, thus marking not
only a geographic but also an ideological distance from the summit proper.
Put simply, the organizers of WE SEIZE! rejected the social, political, and eco-
nomic premises on which the debates and discussions surrounding the WSIS
were based. They proposed instead to re-imagine the role of communication
in the organization of society" (Raboy 2004, 352).

Conclusion

In "Shifting Governance Structures in Global Commodity Chains, with Special Reference to the Internet," Gereffi (2001) underlines three broad and to some degree overlapping phases of globalisation after the second World War: investment-based globalisation (1950–1970), trade-based globalisation (1970–1995) and finally digital globalization (1995 onward). The path we have threaded in this chapter invites the reader to discuss this periodisation, as we have shown how this globalisation can, in the "long haul" of media and communication history, be thought of since the early days of the telegraph, and elements of it can be found even before World War II.

Of course, reflecting on the historical continuity of issues such as data privacy, openness, transparency and more broadly media regulation should not lead us to neglect ruptures and breaks, that are played out both in the so-far-relatively short time span of Internet governance, as shown in the first part, and in the longer time span of media history. Indeed, while we can learn from past media regulation attempts, the Internet also poses specific challenges, particularly in terms of participation and of horizontal and peer-to-peer exchanges. Our historicization attempted to avoid "the alienation of inherent (as well as) constant continuity (as) two forms of determinism" (Balbi and Magaudda 2018), while exploring the roots of some debates, organisations and issues that remain relevant through media and digital history.

To keep this history in mind is also a way to better understand some chosen paths, and roads not taken (Schafer 2020; Winseck 2020). An important example of this is the International Telecommunications Union (ITU) and its problematic relationship with Internet governance. This United Nations-mandated organisation had to confront a new model of technical decision-making and governance arising within the Internet community, which was openly divergent from the standardisation procedures previously at work, and deeply challenging of it. Although the ITU sought to restore its techno-diplomatic role through multi-stakeholderism, of which the WSIS was a crucial step, its roots and past history created a strong legacy, which remains difficult to overcome and keeps the organisation at the margins of Internet governance.

Today, there seems to be a scholarly tendency to emphasise the risk of the Internet and its digital spaces turning into a new medium of top-down dissemination, controlled by powerful conglomerates and platforms, confiscating alternative and distributed speech. However, the Internet and digital ecosystem also represent, for the so-called traditional media, a chance to reinvent their governance and modes of participation, contributing not only to the evolution of global governance challenges – with TV over IP, for example – but also to the

renewal of the debates on the world of communications today as a "global village". This notion was coined for television, before the Internet – and its current use in relation to the Internet will be this chapter's last testimony of the strong links between "old" and "new" media.

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