

Power-Lest it Should Be Forgotten

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Yik Chan Chin and Changfeng Chen, [Internet Governance: Exploration of Power Relationship](#), 1 **Chinese Law eJournal** 34 (2018).

There is a relatively new SSRN source I have found to be very useful: the [Chinese Law e-Journal](#) sponsored by the University of Hong Kong Faculty of Law (edited by Fu Hualing and Shitong Qiao, and thus referred to as Fu and Qiao, which appropriately might be translated as a “happy or blessed bridging”). This source is very broad with regard to the subjects it covers—many among them relating to Technology Law—and provides a valuable insight into how mainly but not exclusively Chinese researchers view developments in China and in the world.

Internet Governance: Exploration of Power Relationship, by [Yik Chan Chin](#) and [Changfeng Chen](#), is included in this e-Journal, and was presented at the [2017 Giganet Symposium in Geneva](#) in December last year. That symposium was held back to back (“Day Zero”) with the annual meeting of the Internet Governance Forum (IGF), a United Nations forum that sees itself as perhaps the example of a multistakeholder platform for governance. The paper looks at the reality of Internet governance in China, in search for a mechanism that comes close to the IGF’s multistakeholder model. It provides both a valuable account of the realities of Internet governance in China, and a method for thinking about what constitutes power in blends of multistakeholder and directive governance.

The authors describe in detail the [Beijing Internet Association](#) (BIA), a body with more than 100 entities, public and private, that acts as an intermediary between government agencies and those entities. The researchers analyzed this association by using social network analysis, questioning the actors in this setting about their interrelations. Their aim is to identify what they call “the significant force in shaping of Internet governance” power in China.

The authors identify power through three methods: (1) by identifying communications structures between the actors (For example: Which actors can communicate directly? Are there nodes that monopolize interactions?); (2) by assessing the capability of actors to act as a broker, i.e. the ability to bring other actors together to act and share information; and finally (3) by “capacity,” defined by the authors as a set of abilities to understand issues and influence interests. Using this methodology, the authors have—not surprisingly in the Chinese context—identified the [secretariat](#) of the BIA as the decisive seat of power in that Internet Governance regime.

Nevertheless, they still regard the BIA as a structure that does incorporate multistakeholder interests, even if strongly directed by government and the Party via its secretariat. The BIA, according to their research, builds strongly on social rather than formal or legal binding forces, using coordination rather than directives, indicating a multistakeholder approach. The BIA is perceived as a pragmatic response to the complexities of the Internet, and a result of learning from failures of more directive interventions. The BIA oscillates between being a dissemination and feedback mechanism for government information and directives, and a self-regulatory body with the described elements of multistakeholderism. The authors also point out differences from other multistakeholder concepts, and refer to internal problems of the BIA model, in particular because it seeks to integrate commercially competing interests. They finally discuss the chances of the BIA’s developing a more self-coordinating rather than directive-

oriented governance structure.

The description of the BIA in the paper provides useful information for those not too familiar with the more detailed workings of Internet governance mechanisms in China. Some of the problems the BIA is dealing with sound familiar, even if they may have different political connotations, such as the establishment of an “anti-rumor network,” not unlike attempts in other Internet governance structures to address “Fake News” and political manipulation.

Beyond such detailed insights into the realities of Internet regulation in China, the article achieves three things:

- (1) It shows that even in China, inclusive governance mechanics are used to address the limitations of direct centralized government regulation of complex technical, economic, and social issues, even if these mechanics leave no doubt where the final decision making power is situated.
- (2) While those mechanics might be observed by some as an indicator of a possible global convergence of Internet governance models, this article invites us to refocus on the role of power in current multistakeholder settings.
- (3) The article provides us with a tool set that can help us in assessing what constitutes “power” in the context of mixed governance.

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