

United to be Effective

The European Union in negotiating global internet
governance principles



LUND
UNIVERSITY

Erika Rutonen

Master of Science in European Affairs

Faculty of Social Sciences

Spring 2024

Abstract

The internet's growing importance and the threats it faces make the global governance system crucial. The EU's influence on these global governance principles is understudied, making the level of *unity* and *effectiveness* indefinite. This thesis aims to uncover this gap in the research, leading to the research question: *How can the EU unite and be effective when negotiating global internet governance principles?* The factors explaining the unity and the connection to effectiveness are traced, relating to the core assumptions of rational choice institutionalism, liberal intergovernmentalism and social constructivism theories. NETmundial negotiation in 2014 is analysed as a representative case which influenced the internet governance principles present today. The year 2024 is pivotal in terms of upgrading these principles resulting from the new threats of emerging technologies such as artificial intelligence (AI) as well as the challenges identified during the COVID-19 pandemic. Understanding the EU's *effectiveness* and *unity* in the upcoming debates requires going back to one of the most influential moments affecting the internet today. A multi-method approach combining qualitative content analysis and discourse analysis provides a complementing approach to the analysis of the EU's official resources and the negotiations. This thesis argues that the EU acted as united and effective in negotiating many of the internet governance principles we can identify today, affirming the liberal intergovernmental assumptions of the member state preferences as a significant factor.

Key words: The European Union, NETmundial, effectiveness, unity, internet governance

Words: 19618

Table of contents

1	Introduction: From Snowden to NETmundial leading to current debates.....	1
2	Internet governance: Positioning the EU in multi-stakeholder system with a soft law tendency	5
2.1	The EU in governing the internet.....	7
2.1.1	Post-Snowden internet governance: The EU moving towards a more united front.....	9
2.1.2	The effectiveness turn in studying international multilateral negotiations.....	11
3	Research Design: Process tracing in a single case study	14
3.1	Framework of analysis: Unity and effectiveness	15
3.1.1	Rational choice institutionalism: The EU's competence	18
3.1.2	Liberal intergovernmentalism: The member states' preferences	19
3.1.3	Social constructivism: The process of socialisation.....	20
3.2	Multi-method approach	22
3.2.1	Qualitative content analysis	23
3.2.2	Discourse analysis	24
3.3	Material and delimitations.....	27
3.4	Ontological and epistemological considerations.....	32
4	Analysis: Elaborating the level of unity and effectiveness	34
4.1	The relevance of competence in non-binding negotiations.....	34
4.1.1	The Lisbon Treaty: Shared competence.....	36
4.2	Preference homogeneity: voluntarily united	38
4.3	Socialisation process	41
4.3.1	HLMC meeting: Showcasing the common position	41
4.3.2	The first phase of the negotiations: United with dispute?	43
4.3.3	The final phase of the negotiations: 'The spirit of Sao Paulo'	46
4.4	Effective(ness).....	51
4.5	Discussion: Unity and effectiveness - Intergovernmental reasoning	55
5	Conclusion: The EU's ability to act united and effective	59
5.1	Presuming the EU's influence in the upcoming debates?	61
6	References.....	62
6.1	Primary sources	62
6.2	Secondary sources	64

Table of Abbreviations

AI	Artificial Intelligence
CJEU	Court of Justice of the European Union
COREPER	Committee of Permanent Representatives
DA	Discourse Analysis
EU	European Union
HLIG	High-Level Group on Internet Governance
HLMC	High-Level Multi-Stakeholder Committee
IANA	The Internet Assigned Numbers Authority
ICANN	The Internet Corporation for Assigned Names and Numbers
ICT	Information and Communications Technology
IGF	Internet Governance Forum
IP	Internet Protocol
QCA	Qualitative Content Analysis
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TTE	Transport, Telecommunications and Energy Council
UN	United Nations
WGIG	Working Group on Internet Governance
WP	Working Party
WSIS	World Summit on the Information Society

1 Introduction: From Snowden to NETmundial leading to current debates

Internet governance is a key policy issue globally and the increasing dependence on it makes the governance processes crucial (Almeida 2014). All the positive sides come with threats which are the issues of internet governance such as cybercrime, online human rights violations and privacy invasions. There is not a single actor controlling the internet and it has an inherently borderless nature, making it beyond direct government control (Sahel 2016, p. 158). Thus, international cooperation involving many actors is a necessity when it comes to the governance system.

Radu (2019, p. 11-12) makes the distinction between different governance periods leading to the current one. *The first* period 1969-1994 was the initial period of the internet characterised by technical standards in informal governance and *the second* period 1995-2004 was the emergence of commercial internet. *The third* period 2005-2015, was ‘the WSIS decade’, the governance system characterised by regulatory arrangements and hybrid configurations. The United Nations (UN)-sponsored World Summit on the Information Society (WSIS) in 2003 and 2005 is seen as one of the first significant steps in the discussion of global internet governance (Sahel 2016). Whether the internet should be governed with a multi-stakeholder model or more traditional UN structures was an important topic of discussion. The Snowden revelations in 2013 caused the international community to consider better ways of governing the Internet and question the current governance system, resulting in mistrust. The current and *the fourth* period starting after the Snowden revelations, most often referred to as post-Snowden internet governance, is characterised by an inclusive multi-stakeholder model outside of the US oversight. The Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial) as an aftermath of the revelations in 2014 contributed to redrawing the internet governance principles which are still present in today’s

governance system. It was first proposed at the 68th UN General Assembly in a speech by Dilma Rousseff, the President of Brazil at the time as an aftermath of Edward Snowden exposing the US National Security Agency's (NSA) and Britain's Government Communication Headquarters (GCHQ) numerous mass-surveillance programs in 2013 (Almeida 2014, p. 65). The events in the 2010s have been argued to have affected the evolution of internet governance and Snowden revelations in particular have shown to be a critical point, especially towards a more multilateral governance model that is present today (Pigatto 2024). The goal from the beginning was to achieve international consensus on the future principles and framework for the international internet governance system and produce concrete outcomes. The NETmundial (2014c) non-binding outcome was adopted by a rough consensus excluding Cuba, Russia, Saudi Arabia and India.

The COVID-19 pandemic and the new emerging technologies such as artificial intelligence (AI) have contributed to the need for upgrading the principles of governing the internet and further to the ongoing debates (European Commission 2022a). The year 2024 is pivotal in terms of the ongoing internet governance debates and negotiations. To understand the EU's influence in these crucial debates, we need to go back to the pivotal negotiations which contributed to redrawing the current system; NETmundial. The NETmundial+10 review meeting in 2024 confirmed the relevance of the agreed principles in 2014 to address current and emerging challenges (NETmundial 2024, p. 3-5):

Even with the rapid technical, social, and economic transformations that have taken place since then, these Process Principles remain relevant and valid in addressing today's Internet governance and digital policy challenges and represent a distinct and important reference for all stakeholders in how the Internet governance and digital policy processes should be shaped. (NETmundial 2024, p. 6)

This thesis will contribute to the understanding of the EU's influence on these crucial global internet governance debates, shaping the use of the internet worldwide. This thesis will also contribute to addressing the research gap on this understudied EU's external field and the EU's participation in NETmundial negotiations, which haven't been addressed *per se*. Following van Shaik's (2013) framework of analysis, the particular focus will be on the EU's *effectiveness* and

unity. Process tracing will be used to track the unknown factors behind the level of unity in an explorative way: rational choice institutionalism, liberal intergovernmentalism and social constructivism. The different theoretical positions have different explanations for the level of unity that guides the analysis: the EU's legal competence, member states' preferences and member state representatives' socialisation processes during the negotiations. The choice of theories reflects some of the applicable rationales in the study of European integration and the EU's external field.

The operational hunch is that the EU can act as united because internet governance is a normative-driven field often characterised by a higher level of unity (van Shaik 2013, p. 71). The findings of the previous literature also suggest that the EU might be able to act united. If the EU can act effectively, the causal mechanism between these concepts might be present. There will be no assumptions on which theoretical approach can explain the level of unity best. Therefore, this thesis aims to answer the following research question: *How can the EU unite and be effective when negotiating global Internet governance principles?* To answer the question, the EU's competence level, the EU's and member states' preferences, the member state representatives' socialisation processes during the negotiations as well as the unity's connection to effectiveness will be investigated. The following operational questions will direct the analysis and process tracing:

1. *How does the EU's competence relate to the level of unity?*
2. *How does the member states' preference homogeneity relate to the level of unity?*
3. *How does the member state representatives' socialisation during the negotiations relate to the level of unity?*
4. *How does the level of unity relate to the level of effectiveness?*

This thesis will unfold as follows. The next section goes through the background to the issue of governing the internet and previous research concerning the EU's external role leading to the third part explaining the choice of process tracing in a case study design. The concepts of unity and effectiveness are further elaborated in this section within the chosen framework of analysis. In addition, the possible

theoretical factors of rational choice institutionalism, liberal intergovernmentalism and social constructivism and the related concepts of competence, preference homogeneity and socialisation are explained. Furthermore, the multimethod approach combining qualitative content analysis and discourse analysis is justified with the choice of material. In addition, the ontological and epistemological considerations are also discussed, and the possible differing stances are recognised. The analysis is conducted in the fourth section which is divided into different parts based on the concepts of competence, preference homogeneity, socialisation and effectiveness. Lastly, the level of unity is discussed by contrasting it to effectiveness as well as to the theoretical explanations. The fifth and final section reflects on the findings and the choices made as well as future research possibilities in the EU's external dimension of internet governance.

2 Internet governance: Positioning the EU in multi-stakeholder system with a soft law tendency

Since global governance of the internet is a complex issue, it is important to understand how it works before going into the EU's influence on it any further (Maciel et al. 2015). *First*, it is important to understand the system of governance of the internet. Global governance doesn't refer to the creation of a global government but rather efforts of cooperation with states, non-state actors as well as international organisations to address common challenges. Because of the complexity, the question of how to govern the internet rather than who is more relevant (Sahel 2016). Multi-stakeholder governance system is seen as the most effective and appropriate approach to the Internet, and it has become synonymous with it (Liaropoulos 2016; Carr 2015). Multi-stakeholderism is a relatively new development in global governance combining the inclusion of stakeholders. Especially in the internet domain, the different networks are owned by private and public organisations using the common Internet Protocol (IP) and because of the multitude of actors, the traditional top-down decision-making is problematic (Sahel 2016, p. 158-159). Therefore, the multi-stakeholder model for internet governance is a natural choice, considering the many processes and actors involved, and the pace of online innovations.

The second crucial point to understand is internet governance as a policy area. The definition of internet governance was adopted at the WSIS in 2005 which was drafted by the Secretary-General of the UN's Working Group on Internet Governance (WGIG):

Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet. (WGIG 2005, p. 43)

It is problematic to think of the internet as a single unit because of the complexity of the network, creating many sub-fields, spanning from socio-economic issues to technical specifications (Radu 2019, p. 26). The focus of this research is not any of the sub-fields, but the guarding principles and norms. These sub-fields are developing at a fast pace, creating a need for more constant discussion in smaller entities. The broader principles aren't negotiated often, which can apply to the sub-fields for longer periods. There are many forums addressing these topics more regularly, usually not even producing concrete outcomes or addressing more specific issues for example Internet Engineering Task Force (IETF), World Wide Web Consortium (W3C), Internet Governance Forum (IGF) and Internet Society (ISOC). The focus of this research will be on the main governing principles of the internet and the year 2014 was the last significant step for redrawing the system.

Recognising this division is important because of the differing legislation across these policy areas. The overall competencies are designated by the Lisbon Treaty, but the EU can be granted authority through other mechanisms (Marcut 2020, p. 81-82). This means that the competence divisions are defined by the Treaty on the Functioning of the European Union (TFEU), and it can be further clarified by the Court of Justice of the European Union (CJEU). The EU legislation in the internet domain is wide, making some parts of it more exclusive competence and others not. For example, data protection as a result of legislation, can be interpreted as the exclusive competence of the EU (as an example: Directive 95/46/EC & Regulation (EU) 2016/679). To make more sense of what it means to govern the internet, we can ask the question of whether the internet space needs to be governed at all (Savin 2020, p. 8). This comes from the fact that the internet can't be governed by governments traditionally because of its borderless nature. The internet as a domain is extremely complicated due to its fragmented and borderless nature, which also affects its legal nature, referred to as pluralism and global legal hybridity (Kuner 2017, p. 2): "The Internet is not an enterprise, public authority, product,

technology, or other entity or institution of the type that is normally the subject of influence by EU law” (ibid.). This nature of the internet is posing a challenge to EU law because of its fragmented nature regarding governance and regulation. The internet is shadowed by a web of national, regional and international legislation often conflicting with the others. The conflicts of law, for instance, stem from the territoriality principle. Locating something in a particular country might be challenging leading to conflicts of law (ibid., p. 7).

Because of this messy legal system, governments often don't want to add any new legislative instruments resulting from international cooperation, making soft law principles more common in the global internet governance: “The dominant EU paradigm is, therefore, that the Internet ought to be governed rather than purely regulated” (Savin 2020, p. 10). Therefore, the internet is not mainly shaped by regulations and laws but by soft law principles and norms (ibid.). This is confirmed by the fact that many important global internet governance negotiations are producing non-binding outcomes. This can be better illustrated by recognising that involved actors in the internet span from governments, non-governmental and regional organisations, and corporations to individual users. Therefore, it's not characterised by traditional government-directed activity, which makes governance a better reference than regulation (ibid., p. 1-2).

2.1 The EU in governing the internet

The existing literature related to internet governance as the EU's external dimension has mainly focused on the internal actorness characteristics, comparison with other actors and the EU's role in cyberspace more generally. Since internet governance is under-researched EU's foreign policy field, the literature in related fields or sub-fields such as telecommunications and cybersecurity will complement the internet governance research which will be discussed in this section.

The research by Christou and Simpson has been particularly addressing the EU's actorness in global internet governance (Christou & Simpson 2007; 2011;

2014). The previous research has neglected the EU's role in the field and even though the internet domain has evolved significantly since the early 2000s, the EU's influence and role have remained understudied (Christou & Simpson 2011). Considering the amount of scholarly literature on the topic, it seems that it continues to be an under-researched area currently. Some of the earlier research (Christou & Simpson 2007, p. 147-150) highlights the importance of studying the EU's influence on internet governance institutions and it is particularly interested in the EU's influence on the Internet Corporation for Assigned Names and Numbers (ICANN) in its early development. ICANN is a non-profit organisation and multi-stakeholder group working globally with a secure and stable internet, coordinating the internet's addresses worldwide. At the time, the EU had to adapt to ICANN's norms and couldn't act as a strong actor (Christou & Simpson 2007). It was also argued that the EU's self-defined leader role was clear but there were constraints when it came to becoming an effective actor in global internet governance. Volker (2002) researched the European Commission's role in particular, in the emergence of the ICANN. The study concluded with similar results that the Commission has been influencing its formation but on the other hand, the Commission remained under the US Government's leadership. However, both studies argue that the EU was still a major internet governance player and had developed as an important political actor in the field from its inception (Christou & Simpson 2007; Volker 2002). Similar results were confirmed in a later study, the EU seemed to be developed as an important political actor in global internet governance with a clear self-defined leadership role. However, there were constraints when it came to becoming an effective actor. The EU had a normative self-importance in internet governance discussion, but it hasn't been quite effective when it comes to achieving its objectives (Christou & Simpson 2011).

2.1.1 Post-Snowden internet governance: The EU moving towards a more united front

We can observe a shift moving from the ‘WSIS decade’ to the post-Snowden governance period. The EU didn’t seem to have a united position on internet governance issues and its role was still evolving until it became a more topical and crucial global issue in the 2010s affected by many events but the most notable one was the Snowden revelations. The EU had a strong presence but, in the past, it struggled with presenting a clear global agenda towards internet governance (Christou & Simpson 2014).

The existing literature has been also debating on this issue. Marcut (2020) argues that the EU has shown a high actor capacity in the global digital space and Carrapico and Barrinha (2017) highlighted that the EU was moving towards a more coherent approach to cybersecurity, but the coherence was limited by several factors. Similar results were present in Pâris’s (2021) study that the EU has evolved into a globally oriented cyber actor from inward-looking policies. The EU’s actorness was limited to a regional scope, and it wasn’t yet ‘Guardian of the Galaxy’ but has potential if it overcomes the tension between supranational and national levels. Odermatt (2018, p. 4) made a distinction between cybersecurity and internet governance and argues that the EU hasn’t been seen as a coherent cybersecurity actor as it is a relative newcomer to the policy compared to much longer involvement in internet governance (ibid.). Moreover, Jaskiernia (2017) analyses the EU’s voice in the global internet governance debate, focusing more on the EU’s policy on internet regulation. The EU’s internal governance processes were not seen as strong for achieving its goals of playing a stronger role in the good governance of the Internet. On the other hand, the EU has been able to act as an actor in the field of telecommunications, able to fulfil its goals in international policymaking. Two underlying factors seemed to be particularly important: the role of the European Commission and the trust in EU-level decision-making (Christou & Simpson 2014, p. 55). The Internet on the other hand was a relatively new aspect of global electronic network communications at the time and compared with telecommunications, it didn’t develop in member states. This is also an important

aspect of understanding the unity between the EU and member states. The member states might have different attitudes towards the EU's role if it was something integral to their internal policies. The development of the internet was a challenge for the member states which therefore was an opportunity for the EU to act collectively. Compared to telecommunications, the EU hasn't been as successful due to the more challenging nature of internet governance, the lack of a legal base and the incoherence with member states. Still, it seems that when it comes to key issues, the EU can unite and the institutional mechanism behind is consensual. The development of the internal mechanism provided a more consensual and coherent common EU position and the issue remained to be the lack of EU representation formally in internet governance globally (Christou & Simpson 2014, p. 70-73).

This research aims to fill the research gap in two ways. *First*, the EU's role in the NETmundial negotiations. The current research has been studying the negotiations, but the EU's role remains neglected (for example Musiana & Pohle 2014; Almeida 2014; West 2018; Fraundorfer 2017; Maciel et al. 2015; Haristya 2019). In addition, the EU's role has been connected to the Internet governance system in other ways such as the EU's response to the Snowden revelations in the Internet governance system (Cogburn 2017). The EU's governance approach as well has been compared to other countries such as Russia (Claessen 2020), the US and China (Pigatto et al. 2021). More related to the current debate on internet governance, the European Commission's role in AI, relating to internet governance has been also studied with more focus on the constructivist epistemic communities (Palladino 2021). *The second* contribution concerns the research on the EU's external effectiveness since the current research has been mainly focused on the EU's actorness. Even though actorness research can give some insight into the possible unity, its effectiveness has been neglected. Therefore, we can't make any assumptions on whether the EU can act effectively in the governance of the Internet, which leads to the next section.

2.1.2 The effectiveness turn in studying international multilateral negotiations

Somewhere around the Lisbon Treaty, we can identify the ‘effectiveness turn’, when the EU external affairs literature started to investigate more of what the EU does in the international arena rather than what it is as an actor (Niemann & Bretherton 2013). Da Conceição-Heldt and Meunier (2014) separate the actorness-related first wave of research starting with the assumption that there is a positive correlation between internal cohesion and external effectiveness. The second wave, namely the effectiveness turn, is on the other hand questioning this assumption that actorness, cohesiveness and effectiveness are directly positively connected. Keuleer et al. (2016, p. 360) argue that much of the recent research related to EU foreign policy has been focused on the external actions' intentions and institutional factors and only a small part was researching the impact of the EU's external action. Rhinard and Sjöstedt's (2019) approach to actorness research differs in the sense that it aims to combine it with effectiveness and introduces a model of analysis with ‘general conditions’ and ‘specific conditions’ for the EU to act with the element of performance and impact in addition to how these factors affect the general and specific conditions as feedback loops. However, this kind of approach has been criticised. Effectiveness research sometimes focuses on the performance or impact of the EU in a specific international setting. The risk of this is that the EU's unity might be already contrasted with effectiveness which is not always the case (Niemann & Bretherton 2013). Thomas (2012, p. 457) stresses that it is not a sufficient assumption in a multi-centric world order where the EU's position might not be shared with many other countries.

The effectiveness research also varies a lot, focusing on different aspects to study the EU's external effectiveness. The focus on multilateral negotiation settings in particular is popular as an empirical example. Wu (2010, p. 467) highlights the coherence between member states and the competence of the EU to be effective in multilateral health negotiations. However, she argues that the EU's multilevel governance can cause issues when it blurs the lines of decision-making (Wu 2010, p. 491). Jupille (1999) analyses the EU's role in shaping international outcomes and

the coherence with the member states seems to be crucial in that. Gstöhl (2009) argues that the EU's international representation in institutions varies a lot, and it is not speaking with a unified voice all the time. He argues that institutional factors help to understand this and it's not likely for the EU to speak in a common voice if the competencies and coordination mechanisms are low and if the participation rules are less equal and strict in international institutions.

The importance of context has been also argued to be a crucial factor in the EU's influence. Jørgensen et al. (2011) argue that the EU seems to perform because of the factors of domestic issues, legal framework, EU policies, legislation and the context. Elsig (2013) on the other hand differentiates between the EU's representation effectiveness and impact effectiveness and argues that the context of the international environment affects the EU's influence. The overall representation effectiveness through the increase in European Commission delegation has increased this form of effectiveness. The representation effectiveness is dependent on institutional factors and impacts effectiveness on the other hand by the context (Elsig 2013, p. 336-337).

Recognising this debate of existing literature is important to find out the relevant aspects of the effectiveness literature, such as coherence, context and competence. Van Shaik's (2013) approach to the study of the EU's external dimension in multilateral negotiations is not uncommon but rather with a unique focus which allows to research more under-researched and non-traditional external fields more comprehensively. It also includes the latter mentioned elements often used in effectiveness studies. Van Schaik (2013) particularly studied three sets of negotiations concerning food standards, climate and health. Other researchers have also taken a similar approach, moving away from the traditional trade and security fields, which represent two extremes, to more complex and unclear cases characterised by 'mixed competence' (Rhinard & Kaeding 2006). Van Shaik's (2013) approach traces the factors affecting the EU's unity and effectiveness in multilateral negotiations, including the investigation of legal competence, the member states' preferences as well as the member state representatives' socialisation processes during the negotiations itself. Concerning the analytical framework, other research has used a similar approach such as Smith's (2006) study

on the EU's cohesion and effectiveness with similar theoretical starting points at the UN General Assembly Third Committee and the Commission on Human Rights. There are many ways to study the EU's effectiveness and the choice of the most fitting framework for analysis is important. In global internet governance, van Shaik's (2013) framework of analysis is a good fit, also because we can get an in-depth understanding of the under-researched issue but also investigate the explanations behind the level of unity providing a more comprehensive analysis. The analytical framework and the theoretical considerations are explained more in detail in the next sections.

3 Research Design: Process tracing in a single case study

Case study allows more thorough and detailed investigation on a case making the use of qualitative methods appropriate (Bryman 2012, p. 66). In particular, a single case study research design with an explorative purpose allows for gaining an in-depth understanding of the complex issue of internet governance in the real-life context of NETmundial, leading to the governance principles present today (Yin 2003, p. 43). The case study is representative because it is typical in the field considering the inclusive multi-stakeholder nature and non-binding negotiations (ibid.). The type of case is appropriate to determine to increase external validity (Bryman 2012, p. 69-70). Bryman (ibid.) stresses that even in a representative or typical single case we can't generalise that it can be applied to every similar case and prefers to refer to it as an exemplifying case because of the confusion with the generalisation.

The research approach is abductive since the theory and empirical evidence are influencing the research simultaneously. This reflects the general analytical strategy, that the theoretical positions have affected the way of conducting the research as well as the material. These theoretical positions are also used in the way of testing rival theoretical explanations leading to the results after the empirical analysis (Yin 2003, p. 111-113). Because of the abductive approach and the analytical framework, the way the case study is conducted follows the structure of a linear-analysis structure, including also the elements of a theory-building structure (ibid., p.151-154). Because the sections of the research, especially the analysis, are divided based on theoretical concepts which reveal theoretical arguments, theory-building is an integral part of the analysis. Otherwise, the research will follow the linear-analytic structure in exploratory cases starting with the overall structure

which starts from the issue at stake, background, literature and methods leading to findings, conclusion and further research.

We can reflect on the conditions for the quality of the research according to Yin (2003). The operational measures for the concepts studied (competence, preference homogeneity, socialisation as well as unity and effectiveness) are justified based on the framework of analysis constructing validity. The use of multiple sources in addition is constructing validity and increasing triangulation. The external validity can be increased by using a theory in a single case study for generalisation purposes and to show the type of case study. When looking at the results in light of the chosen theoretical framework, it provides some level of generalisation on the factors behind the EU's unity in the upcoming internet governance debates. The reliability of the case study will be assured by describing the process and its steps properly for instance by defining the structure of the thesis. The analysis will be also conducted transparently, presenting evidence from the material to support the arguments. The replicability will be also assured by describing the process of collecting material and with the use of the analytical framework for instance. All of this is also a way of reducing the introduction of bias to the research (ibid., p. 20).

3.1 Framework of analysis: Unity and effectiveness

Van Shaik's (2013) framework of analysis will be used to investigate the level of the EU's unity and effectiveness as well as the possible causal mechanism. Previous research has suggested that unity doesn't always lead to effectiveness, which is why it's not assumed. In addition, the factors affecting the level of unity are also investigated based on the theoretical assumptions of rational choice institutionalism (competence), liberal intergovernmentalism (preference homogeneity) and social constructivism (socialisation). The theories and concepts are discussed more in the upcoming sections.

The EU's effectiveness can be measured in different ways. The definition adopted in this research is: "Effectiveness is the extent to which the EU reaches the main goals of its position in the results of international negotiations" (van Schaik 2013, p. 35). It is good to recognise that the results might vary if choosing another definition such as problem-solving (Young 1994) or the EU's ability to influence other actors (Laatikainen & Smith 2006). It is also relevant to specify the concept of unity. It refers to the EU's ability to act as a united actor externally, in this case, the Commission and member states. In the existing literature, unity is often referred to as the EU's actorness or coherence, but this thesis will use the term unity to underline the level of unity between the Commission and the member states. In addition, it has been seen as a reference point in European integration theories concerning the EU's external affairs (van Shaik 2013, p. 7).

The process tracing method will be used to address the research question properly as a method for gathering data (Checkel 2005). It is a tool for researching causal mechanisms in case study research (Beach & Pedersen 2013). It will be used to analyse and identify the intervening causal process of dependent variables and independent variables. In this case (illustrated by Figure 1), the unity is an independent variable, effectiveness is a dependent variable and alternate 'paths' are considered. The EU's effectiveness is influenced by competence, preference homogeneity and socialisation leading to EU's unity also relating to each other, but which one of these explains the level of unity the best, is investigated. Figure 1 illustrates the possible relationships between the concepts without explicitly setting a possible direction for them or assuming the order constituting variables of unity and effectiveness (van Shaik 2013, p. 10).

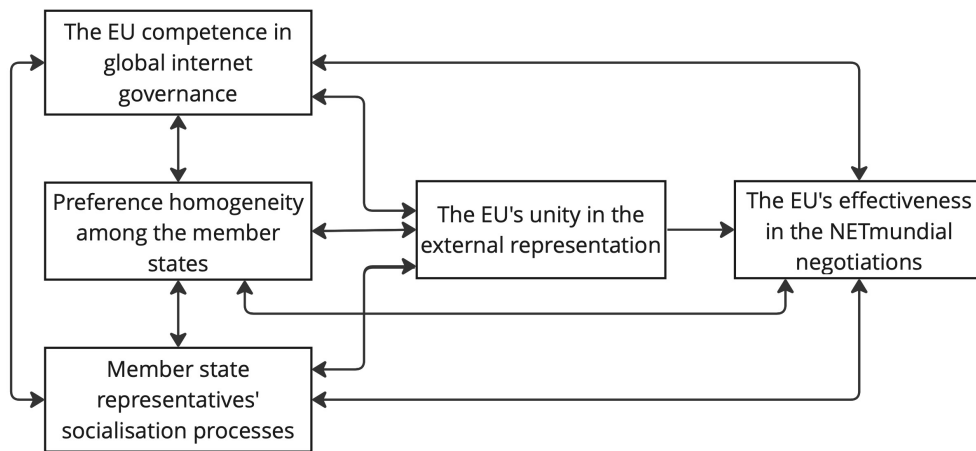


Figure 1. The possible relationship between the concepts
 (Adapted from: van Schaik 2013, p. 10)

Beach and Pedersen (2013) identify three types of process tracing: theory testing, theory-building and explaining outcomes. The process tracing here would be somewhere between theory-testing and theory-building considering the abductive approach. Theoretical assumptions come from the existing theory and the framework of analysis, but at the same time, the point is to ‘test’ which theory is the most fitting based on empirical analysis (ibid., p. 3). One step is to analyse the negotiations and find out whether there is a causal mechanism between unity and effectiveness. The used entities are competence, preference homogeneity and socialisation which work as evidence to test the validity of the theories. The last step is to investigate, was the causal mechanism present and whether it was because of the EU’s competencies, the member states’ preferences or because of the representatives’ socialisation. In practice, the causal mechanism looks at how the level of unity contributes to the level of effectiveness (ibid., p. 33). Conditions for the establishment of a causal relationship between two variables include the change unity creates in effectiveness. Unity needs to happen prior to the effectiveness for there to be a cause and these concepts also need to correlate. A linking variable is also needed in connecting the unity and effectiveness which can be competence, preference homogeneity or socialisation (Halperin & Heath 2020, p. 142).

However, there are some challenges regarding process tracing for consideration. The in-depth nature can increase the workload exhaustively affecting

time and resources resulting in unfinished research. In addition, the subjective nature of the interpretation can start to move away from the focus. This is tried to be avoided by being transparent in every step of the thesis, directing the course of where it is going. Lastly, process tracing doesn't necessarily create additional external validity. However, this is complemented by internal validity when it comes to causal inferences (Schimmelfennig 2014, p. 101-104).

In the study of European politics and the field of European integration in particular, process tracing has a prominent position (ibid., p. 98). One crucial reason for that is because of the controversies in the theories of European integration. As an example, intergovernmentalism and neo-functionalism share a broad agreement on the government's role in the integration and coping with international interdependence as a reason to negotiate. At the same time, these theories don't agree on the motives of interdependence, reasons for government preferences or relevant actors in negotiations for instance (ibid, p. 99-100). Schimmelfennig (ibid.) argues that some prominent European integration scholars have directly or indirectly followed the process tracing logic in their influential work such as Moravcsik (1998), Pierson (1996) and Parsons (2003).

Process tracing in case studies in general is well suited for under-researched policy areas where data collection and standardisation can be more difficult (Votoloni & Eising 2017, p. 355-356). The combination with case studies works well because of the in-depth nature which provides a better understanding of the factors investigated as well as the context (ibid., p. 357). In the study of EU politics as well, the process-tracing model can lead to better theorisation and causal claims (Reykers & Beach 2017).

3.1.1 Rational choice institutionalism: The EU's competence

In the rational choice institutionalism view, institutions matter and impact political thinking. Institutions are created by rational actors to further shape decision-making because it is seen as beneficial, lowering transactional costs for instance (Pollack 2019, p. 113; Rosamond 2000). Institutions are formal legalistic entities and sets of decision rules guiding political actors (Rosamond 2000). These rules are integrated

into the structures legitimising action and identities. Institutionalisation is about the emergence of these institutions and the behaviour associated with the institutions. This includes the creation of rules and practices. Institutionalism in general stresses the role of these institutions and the concept of institutionalisation can be used to make sense of the behaviour in an organisation (March & Olson 1998, p. 948). The competence in European integration has developed when states enhance competencies which in turn have moved to institutions (March & Olson 1998, p. 966).

Rational choice institutionalism would explain the EU's unity in an external setting because of exclusive competence. The institutionalist thinking would prefer the expansion of the EU's external action competence to strengthen the EU to be able to speak in one voice and therefore strengthen the unity between member states and the EU (van Schaik 2013). This thesis will explore the type of competence the EU has in internet governance and whether it is exclusive, shared, or complementary to act in the global internet governance negotiations. Competence is the focus because it reflects the dynamics of the EU and member states and how they are required to act externally. In the case of exclusive competence, the member states are united by a legal obligation and other forms of competencies on the other hand would explain the dis-unity between the member states and the Commission according to this theoretical perspective.

3.1.2 Liberal intergovernmentalism: The member states' preferences

In contrast to rational choice institutionalism, liberal intergovernmental explains the EU legislation representing the interests of the states contributing to the creation, making the member states behind the EU's foreign policy which is driven by their national interests (Keukeleire & Delreux 2014, p. 323). Moravcsik in particular is an influential liberal intergovernmental thinker known for his research on the European Community's transformation towards more political and economic union (Moravcsik 1998). According to him, actors are rational and self-interested, and governments are there to represent domestic society. State interest equals state behaviour, and they perceive that they benefit from the EU and its institutional

environment. Governments give power to institutions if they perceive the gains as profitable. Intergovernmental institutions provide an environment enabling states to work with their preferences in coalitions through intergovernmental bargaining (Rosamond 2000). In the EU, states have the power to act as unitary and rational actors in negotiations and give power to institutions (Moravcsik & Schimmelfennig 2019, p. 65). Concerning international multilateral negotiations, member states are deciding whether to agree on united EU positions or choose their national interests which are their main concern (Smith 2006, p. 116).

The concept of preference homogeneity means that the member states have similar references and have agreed upon a common position to speak with one voice in the negotiations also when it is not obligated by law. Therefore, the unity would be explained by these similar preferences (Frieden 2004). The liberal intergovernmentalism perspective sees the member states' choices driving the European integration therefore explaining the unity in negotiations based on member state preferences. The integration process doesn't go forward if these preferences don't align (Moravcsik 1998). Different factors can affect the member state's preferences. For example, smaller member states might follow the bigger ones and adjust their preferences accordingly. The member states might decide that it is beneficial to let the EU be united in important matters and therefore benefit them. Liberal intergovernmentalism also argues that state preferences are also influenced by contextual factors, in this case, the Snowden revelations and the decreased trust on the internet (Moravcsik & Schimmelfennig 2019).

3.1.3 Social constructivism: The process of socialisation

The starting point of social constructivism is that the world is socially constructed, and structures of world politics are social rather than material (institutions as an example of material structures). Therefore, norms, ideas, identities and values are the focus when looking at the EU's foreign policy (Keukeleire & Delreux 2014, p. 326). The member states' interests and identities are socially constructed during the

negotiations resulting from social interaction which are not determined prior (Rosamond 2000).

Socialisation processes can be understood as identity construction, which is shaping the interests, values as well as the identity of policymakers, moving from the sole national identity towards more European (Keukeleire & Delreux 2014, p. 133). The socialisation process with the EU member state representatives is investigated at the negotiations to see if it can explain the possible unity of the EU. Socialisation is the member state representatives' choice to act with the common EU identity in the international arena (Smith 2006). The national identity isn't present and the representatives for example don't make their own statements as a result, or the representatives are participating with the common EU position. The unity would be then explained based on the social constructivism assumption that Europeanisation (another way to refer to socialisation) is the determining factor in explaining European integration (Checkel 2005; 2003). Checkel (2005, p. 804) explains this process in the way that the representatives change the course of the logic of consequences to the logic of appropriateness meaning that the representative is in a conscious role-playing, knowing the socially accepted norms in the specific setting. It can also be because they feel like it is the right thing to do, changing interests and identities more towards the community they are in. Checkel (ibid.) calls this 'taken-for-grantedness'.

Social constructivism in this research focuses on the communicative practices and the discursive construction of the EU and the common position during the negotiations (Risse 2019, p. 137). It allows the focus to shift from the member states' preferences and the competencies of the EU institutions (van Schaik, 2013). In general, the socialisation process could emerge because third-country representatives could refer to the member states as the whole EU, which could therefore strengthen this perceived identity as representing the whole EU rather than their own country. In addition, socialisation might emerge because of trying to make the negotiation process easier for finding consensus (van Shaik 2013).

3.2 Multi-method approach

This thesis combines two qualitative research methods: qualitative content analysis (QCA) and discourse analysis (DA) within one research strategy, which is more often referred to as a multi-method approach, but the use of mixed-method reference is also appropriate. Since the mixed method is more often referred to as the combination of qualitative and quantitative methods, this research refers to it as a multi-method approach. The benefits of multi-method research are quite similar to quantitative/qualitative mixed-methods research. They can be combined in the way that they compensate for each other's weaknesses in a complementary way to get a better picture of the issue. Bryman (2012, p. 637) calls this completeness, which is motivated by the need to address the research question more comprehensively. QCA offers the research breadth and DA on the other hand depth and complement each other and are also often combined in different case studies and disciplines (Alejandro & Zhao 2023, p. 10). The case study design also supports the use of multiple methods because different cases of analysis sometimes require different methods (Yin 2003, p. 150). Halperin and Heath (2020, p. 174-175) argue that the content analysis method is often used with another method to produce stronger causal links.

Generally speaking, QCA differs from DA in the way that it focuses only on the text and not the context itself. The analysis will uncover the purposes, motives and meanings of the text (Halperin & Heath 2020). The two methods are used in parallel to get a more comprehensive picture of the issue in one analysis section: socialisation. This is because understanding the social constructivism-based socialisation processes requires more than just analysing the content of the arguments. Even though these approaches can look quite similar especially when the QCA is more towards interpretivism, there are still key differences which make the analysis incomplete.

To elaborate on the use of these methods during the analysis, Cresswell (2009) introduces concurred mixed methods which merge two methods to conduct a comprehensive analysis. This is done by collecting data simultaneously which is

integrated into the discussion of results. A concurrent embedded strategy is being implemented because of the simultaneous collection of data. The QCA is the primary method which is complemented by DA in one part of the analysis. The DA here provides complementing or supportive information on the issue to comprehensively answer the research question. This approach has advantages because it can be used in a single data collection phase for collecting two different types of data. In this research, this means that the negotiation texts and transcripts are both used to collect content information and in addition, analyse the discourses. Because the multi-method approach is implemented to make the analysis more comprehensive, it increases the level of triangulation making the analysis more reliable.

3.2.1 Qualitative content analysis

QCA is one variation within different ways of conducting content analysis (Drisko & Maschi 2015). It is subjective and gives insight into the actors' objectives and we can analyse these insights systematically (Halperin & Heath 2020, p. 174-175). It is good to recognise that choosing relevant coding categories in the text is up to the interpretation of the researcher because of this subjective nature. To increase the reliability and validity, the following steps are going to be followed systematically. In addition, the analysis will show evidence in keywords as well as quotations to support every argument.

The four main steps by Halperin and Heath (2020, p. 377-380) are used which are applicable both in quantitative and qualitative content analysis. *The first step* requires the identification of relevant documents which are relevant and appropriate for the research question. The documents will be analysed systematically as a whole and further identify relevant parts during the coding. The material selected will contain data from different semantic domains and different types of texts to get a comprehensive picture, all accessible online. In QCA, it is important to familiarise the material used to become aware of the context and the material as a whole (Drisko & Maschi 2015, p. 88). *The second step* requires defining the analysis categories, which might include topics. In this thesis,

categories aren't identified beforehand instead, they emerge from the text. This is because the field is under-researched, and we can't make assumptions based on the existing literature. *The third step* includes identifying the recording unit. The research will focus on different themes, which are an expression of an idea, helping to unpack the meanings in the texts (Drisko & Maschi 2015, p. 88). Depending on the document and purpose, slightly different themes will be looked for. Looking at the EU's competence, any indications of what kind of competence the EU has related to the field of the internet will be looked for. When analysing preference homogeneity, the EU's and the member states' preferences on internet governance and NETmundial negotiations will be investigated. QCA will be also used to look at the themes that emerged from the negotiations regarding the Commission and member states' arguments which will be further analysed with DA. These arguments will be also contrasted to investigate the level of unity. The same goes for the analysis of effectiveness and the outcome document, the EU's objectives will be contrasted to the outcome document. In addition, the Commission's and member states' reactions to the outcome are looked to complement the effectiveness analysis. *The fourth step* investigates the coding protocol to identify the information that we are looking for to ensure reliability and consistency. There is no introduction of any predetermined categories, and the research introduces grounded codes during coding. The coding will happen without any presumptions and the process will be a constant comparison with the previously identified themes. The coding will be conducted manually, highlighting the different themes directly from the text and drafting bigger headlines as they emerge. The open coding approach will provide flexibility since we do not know what kinds of codes we are looking for.

3.2.2 Discourse analysis

DA in this research will analyse member states and the Commission's language and discourse during the negotiations as well as during the High-Level Multi-Stakeholder Committee (HLMC) where the Commission, France and Germany

were members from the EU, negotiating the final changes to the outcome document with the other members. The choice of DA presented in this section represents the best fit to research the socialisation processes during the negotiations as well as analysing the sense of unity. Detailed information about the focus points provided in this section transparently increases the validity and reliability of the analysis. In addition, evidence will be presented in quotations during the analysis with the same purpose.

The main assumptions of DA are the discourse of ideas, and concepts and the analysis of language and its meaning. It is important to connect it to the broader context and to see how it is connected to the discourse (Halperin & Heath 2020). The context here refers to the 'local' context of the NETmundial including many aspects such as the audience and situation, which is different between the negotiations and the HLMC meeting. The 'broad' context on the other hand includes overshadowing norms and values, which were altered by the Snowden revelations (ibid., p. 372). As an interpretive approach, DA will investigate people's values and beliefs which gives reason for their actions. The constructivist assumption includes the concept of social construction (ibid., p. 365-366). One of the key assumptions of DA is that language doesn't equal reality, instead, it is part of constructing reality (Schreier 2024, p. 44-45). Discursive practices and communication are basic characteristics and features of the social constructivism approaches. This means that to understand social behaviour, it is important to look at discourse. The discourses give meaning to the actors' activities (Risse 2019, p. 134).

Different DA approaches generally share the view of language's constructive effect which is its core assumption meaning that DA is more than a set of techniques for research. It is interested in the relationship between the context, discourse and text (Phillips & Hardy 2002, p. 6). DA is also one of the widely used approaches in social constructivism theory (Jørgensen & Phillips 2002, p. 5-6). Discourse is social action and shapes the social world when it comes to social relations, identities as well as knowledge (ibid.). We can understand it in the way that social processes are practised as well as created by social processes, seen as the link between knowledge and social processes. The differing social understandings

create different social actions (ibid.). Fairclough (2002) highlights the many ways of conducting DA and what approach to choose comes down to what extent the text is examined. Generally, two main lines of academic research can be observed. Alejandro and Zhao (2023) recognise a distinction between Foucauldian discourse analysis (FDA) which is a more critical form of discourse analysis as well as a more constructivist approach to discourse analysis. FDA focuses on discourses and power relations, how these have co-constituted historically and how it has produced social and political orders (ibid., p. 3). Gee (2010) also identifies two main forms of discourse analysis reflecting the previous division: Descriptive and critical. The first one focuses more on the structure of the language or grammar and how this functions to create meaning in the context. The second option focuses more on the content or themes in the text or speeches. Discourse is more than language including context and identity-related indicators (ibid., p. 44). The approach concerns the integration of meanings of doing (informing), being (identity) and grammar or structure (action) working towards this meaning (ibid., p. 8-9). Gee (ibid.) argues that all discourse analysis should be critical since language is political. Phillips and Hardy (2002) also argue that constructivism is sensitive to the concept of power, so the division is not definite. The more critical approaches also often include the concept of social construction underlying interest (ibid., p. 20). They further identify four different discourse analyses based on their differing focus points in the different parts of the critical-constructivism axis which is good to recognise to further illustrate the discourse analysis used in this research: Social linguistic analysis, interpretive structuralism, critical discourse analysis and critical linguistic analysis. It is good to keep in mind that the different approaches are not strict categories but a spectrum (Phillips & Hardy 2002, p. 21).

If the focus is more on the construction of discourse including discourse's constructive effect and the construction of decisions, interpretive structuralism's focus might be too much on the context and to analyse this factor properly, interviews would have provided more insight. The social linguistic analysis also has a minor focus on the context, making that direction more fitting to this research. Of course, a more critical approach such as critical discourse analysis and critical linguistic analysis would also shed different kinds of light on the member states and

the Commission's statements, it doesn't focus as much on the social constructions of the member states and the Commission's representatives. The social linguistic analysis's focus is on the text but has a minor focus on the context and power dynamics. The approach sheds light on the individuals' and their decisions' discursive micro-dynamics as well as social reality's discursive foundations (Phillips & Hardy 2002, p. 22).

Gee (2010, p. 17-20) introduces guidelines for more linguistic discourse analysis which fits well in unpacking the socialisation processes. These points act as a guide when analysing the discourse in this research and are adapted to this research. The focus is on how the member states and Commission's language aims to make certain things significant and relevant and others less significant and what it aims to achieve. This reflects on the identity the language represents and we will further look at how the language is used to enact these identities (national identity or common EU identity). The relationships the language represents are also considered to see the dynamic between the Commission and the member states, reflecting on the socially constructed relationships between the Commission and member states' representatives. This can be present for instance, highlighting the shared position in the speech or that the position is moving towards the common EU position. It is also important to identify the member states and the Commission's values such as political opinions and beliefs and how the language is used to connect things. This will further shed more light on whether national priorities or the common EU ones are present.

3.3 Material and delimitations

The starting point for searching the material is to include any relevant documents for answering the research questions within the scope of the thesis. The choice of material and the search process will be presented next in a systematic way, explaining all the choices to increase the validity and reliability.

Concerning the analysis of competence, the Lisbon Treaty documents (TEU 2012; TFEU 2012) as well as the EUR-Lex database were searched to get any reference or indication of the level of competence in internet governance through the Treaties and legislation. The search for legislation included all the years, without determining the type of act or the author (CJEU or the Commission for instance). Only the search words internet governance, as well as digital governance (the word digital is included since the word has been used increasingly to refer to the internet), were specified in the search. The years weren't specified because the aim is also to look for legislation after the summit as a reflection to indicate the competencies in the upcoming and current debates. However, the search didn't identify any new legislation complementing the Treaty competencies, which is why the Lisbon Treaty is the basis of the competence analysis.

The Official EU documents were searched from the Commission and the EU Council database and looked for any indications on the internet governance and NETmundial. The timeframe for this was the years 2013 and 2014 with the purpose of not excluding anything important. In addition, the newer documents after 2015 were also searched for context, indicating the current objectives and debates regarding internet governance to reflect on those. In addition, the Commission and the EU Council web pages were searched to include any relevant material such as official statements or blog posts. The chosen material from these EU sources is presented next.

The European Commission's communication on internet governance was the first relevant document for analysis (European Commission 2014e). This document was drafted in the aftermath of Snowden revelations to update the Commission's priorities on how the internet should be governed, also giving directions to the Commission's position during the upcoming internet governance debates. The communication is still relevant and connected to the current Commission priorities in internet and telecommunications (European Commission 2022b). The document invites the Economic and Social Committee and the Committee of the Regions for consultation and the Parliament and Council to approve the communication.

The next document is the Council of Ministers' lines to take concerning the previous Commission's communication (Council of the European Union 2014b). The Council decided to agree on common lines for NETmundial after the Commission invite which was agreed by the Working Party (WP) of Telecommunications. The WP includes experts in the field from each member state and it is chaired by the Council presidency representative. COREPER approved these lines during the meeting on 16 April 2014 (Council of the European Union 2014d). The approved document highlights more specifically the EU's objectives regarding NETmundial.

The next document, the Council conclusion on internet governance highlights the level of unity with the European Commission, complementing the previous document. After the Council's WP on Telecommunications and Information Society goes through the Commission's proposals to the Council of Ministers concerning this specific field, it will be sent to the Transport, Telecommunications and Energy Council (TTE). It was approved after NETmundial because the drafting process of the Council presidency and the delegation of Telecommunication Ministers generally takes time. This Council Conclusion on Internet Governance (Council of the European Union 2014a) was adopted by the Transport, Telecommunications and Energy Council together with the Parliament on 27 November 2014.

The next documents are the High-Level Group on Internet Governance's (HLIG) (European Commission 2014b) activity reports which highlight the views of different member states in more detail. Two documents were used during the meeting on 18 February 2014. The documents include some of the member states' comments on the Commission's internet governance objectives and NETmundial in general. HLIG's task is to assist the European Commission in preparing delegated acts and exchanging and coordinating the member states' views on Internet governance (European Commission, 2024). It is a key group for facilitating high-level discussions between the member states concerning important issues. The EU member states are members of the group including Norway, Iceland and Switzerland as observers. All the countries present at the meeting were able to share their opinions and all of them didn't either participate or decided not to state their

opinions. The observer states' opinions are not considered, and the focus is only on the member states and the Commission. These documents were chosen because the member states' preferences before agreeing on a common position provide a more comprehensive picture of the level of unity.

Concerning the negotiations itself, the material was searched from the NETmundial official online resources. Two important groupings at NETmundial negotiations were the HLMC and the Executive Multi-Stakeholder Committee (EMC). It was EMC's responsibility to prepare and work with structuring the document which didn't reflect any country's opinions. The negotiations started two months before the final physical summit where stakeholders and government representatives contributed their views and comments. EMC and HLMC both participated in this drafting process (Almeida 2014, p. 66). During the actual summit, HLMC got the 'final say' to negotiate with the document that EMC had put together. HLMC meeting report (NETmundial 2014b) during the beginning of the negotiations will be included in the analysis reflecting the European Commission's, France's and Germany's stances in this group. Since this group were able to make edits to the documents, it is important to highlight the dynamics of position in this grouping as well. There is no documentation on the actual negotiations within that grouping, which is why this meeting is used to reflect on the dynamics and objectives.

The pre-negotiation phase included the analysis of pre-negotiation arguments by the member states from NETmundial official sources (NETmundial 2014d). However, the Commission's stance was derived from Neelie Kroes' blog (European Commission 2014f; 2014g) because it included more reflection on the objectives for context. It is good to consider that all the countries were able to send their contributions but only Portugal, the UK, France, Germany, Sweden, Poland, Spain and Bulgaria chose to do so as EU member states. Negotiation videos from the actual negotiations are used and transcribed (NETmundial 2014a), focusing on the member states and European Commission's speeches during the two days. It is important to recognise that NETmundial translated some of the speeches from another language to English, which might affect the content of the speeches, and we need caution for the interpretation. In addition, the UK is not part of the EU

anymore, but it participated in the negotiations when it still was a member. All member states had an opportunity to get their position heard but some member states chose not to do so. There are also a few member states that did not join the physical event (Hungary, Romania, Bulgaria, Luxembourg, Cyprus, Malta). During the two days of negotiations, the European Commission representatives contributed with two speeches of arguments. The member state representatives from Sweden, France, Poland, Germany, Spain, Austria, the UK, Netherlands, Denmark, and Italy all shared their perspectives once or multiple times.

The effectiveness part of the analysis will be analysed using the NETmundial outcome document (NETmundial 2014c) which will be contrasted with the Commission's and member states' positions. Since the level of effectiveness might not be perfect and straightforward to interpret, it is a good idea to look at how the conclusion was perceived by the Commission and the Council, requiring going back to the EU's official sources. The effectiveness analysis will be complemented by the member states and the Commission's comments on the outcome during the HLIIG meeting in June 2014 (European Commission 2014a) as well as the General Secretariat of the Council discussions around the same time (Council of the European Union 2014c). The opinion of the Commission is derived from Neelie Kroes' blog (European Commission 2014f; 2014g) as well as the European Commission's official announcement reflecting the opinions regarding the results of the negotiations (European Commission 2014d). In addition, the Council's conclusion on Internet governance reflects on the outcome which will be also used for this purpose (The EU Council 2014a). It is good to be critical regarding the EU's statements, the EU might communicate positively in the case of lack of effectiveness as well, making it seem like the EU was more effective. This will be taken into account during the analysis.

3.4 Ontological and epistemological considerations

It is a good idea to reflect on the ontological and epistemological standpoints reflexively for the awareness of any implications from methods, values, bias or other decisions on generating knowledge about the social world (Bryman 2012, p. 394). The qualitative basis of this research can argue that this research is based on inherently constructivist ontology and interpretivism epistemology. The social entities according to constructionism ontology are based on the social construction of social actors, leading to interpretative methods (ibid., p. 32). Further, according to interpretivism epistemology, subject matters and research on the social world need different research logic than natural sciences (ibid., p. 28).

However, when it comes to the combination of QCA and DA, this division is not so clear which needs to be elaborated. QCA and DA are in many aspects fundamentally different. QCA doesn't make assumptions concerning language and its nature more specifically. The case is also similar to social reality and how it is related to the latter. QCA's assumptions are in most cases aligning more with more realism epistemology which has a more open epistemological position and recognises both the reality of natural order and the social world's discourses (ibid., p. 29). Thus, DA assumptions are the opposite, focusing on language and how it constructs reality instead of the QCA focus on describing reality (Schreier 2024, p. 47). However, when the content analysis is qualitative, it makes it more compatible with the DA's ontological and epistemological assumptions (Alejandro & Zhao 2023, p. 5). In addition, both methods are also subjective according to interpretivism epistemology meaning that subject matters and studying the social world require a different approach compared to natural sciences (Bryman 2012). QCA can have different epistemologies and interpretivism has been recognised by many researchers such as Mayring (2000), Morgan (1993), and Schreier (2012) (Drisko & Maschi 2015, p. 88).

However, the use of process tracing and its assumptions on causality is making this issue more complicated which needs to be elaborated. When it comes to ontology and epistemology, the role of the process tracing method has been

debated because of this assumption of causality. There are different issues to consider for example whether we can observe causal mechanisms. There are differing views on that issue and some scholars argue that it can be observable but also some argue that it is unobservable (Bennett & Checkel 2014, p. 10-11). Bennet and Checkel (ibid.) contribute to this debate and argue that we can't observe causality, but we can make inferences about it. Scientific realism, in particular, can provide a meta-theoretical basis for causal processes and mechanisms at the centre of causal explanation. It can both explain the observable and unobservable aspects because the unobservable elements become observable with their consequences (Halperin & Heath 2020). The issue is however that there are different forms of scientific realism as well as causal mechanism definitions (ibid.). They further argue that causal mechanisms can be seen as ontological entities in the world but the theories and hypotheses of it are in our heads and we can further theorise about these unobservable mechanisms. The mechanism can become observable after this hypothesis (Bennett & Checkel 2014, p. 12). Technically, scientific realism provides a meta-theoretical basis for it, but it might be too much related to positivism than interpretivism. However, Bennett and Checkel (ibid., p. 20-21) argue that process tracing can be actually contrasted with constructivism ontology and interpretivism epistemology sufficiently but there is a need for a better understanding of process tracing based on interpretivism (ibid., p. 14-16). The challenge is because of the differing interpretivism and constructivism positions. For example, more conventional constructivism aspires to causal explanations and thinks that some standards assessing interpretations of social life are superior. In addition, process tracing is used in the work of conventional constructivists such as Risse et al. (1999; 2013) as an example (ibid.).

It is important to recognise this debate and these differing ontological and epistemological stances. The purpose here was to explain how the analytical decisions in this research can be argued to fit both interpretivism and scientific realism assumptions.

4 Analysis: Elaborating the level of unity and effectiveness

The analysis is going to be divided into several parts, following process tracing: competence, preference homogeneity, socialisation processes and effectiveness. After this, the level of unity is contrasted with the effectiveness and discussed with the theoretical approaches. As a reminder, the EU's competence in global internet governance reflects the rational choice institutionalism assumption that the EU's unity in the external setting is driven by the legal authority. The preference homogeneity is based on the intergovernmental assumption that the member states' preferences explain the EU's unity. The socialisation based on a social constructivist assumption explains the EU's unity because of the member states representatives' socialisation processes during the negotiations.

4.1 The relevance of competence in non-binding negotiations

There is one point to clarify and justify before moving to the competence analysis of the Lisbon Treaty; how can we determine the EU's competence in the domain, which is characterised by soft law principles, when it is unclear whether the member states and EU institutions are subject to EU law? To approach the competence issue accordingly, the focus now is to look at whether it is possible to determine the competence distribution between the member states and the EU institutions in this case.

The EU has been increasingly using soft law instead of hard law international agreements with third countries, moving away from the legal framework characterised as a normative change (Wessel 2021). This poses a question of the legal background which allows the EU to act. There are many reasons for this trend but when it comes to global internet governance, it is rather a rule than an exception, which in contrast is part of a global trend rather than the EU's acts itself (ibid., p. 72). The Lisbon Treaty is not clear concerning this issue. Article 288 TFEU states that opinions and recommendations shall not have a binding force in contrast to the 'binding' regulations, directives and decisions (TFEU 2012). The Treaties don't provide any guidance concerning these soft law agreements with third countries. If these Treaty Articles are 'made' for hard law agreements, does this mean that soft law is completely ruled out by the EU legislation?

Wessel (2021, p. 77) argues that despite this, soft law agreements can't be ignored by the EU's legal order. Soft law is often described as political commitment, even though both hard and soft law are politically relevant. The EU often also highlights these soft law agreements as political only when referring to not legally binding agreements (ibid.). We can continue by looking at the CJEU's ruling on these issues. Not only for clarity but these unclear procedures can cause friction between the EU and member states. Wessel (ibid., p. 79) brings up the EU-Turkey statement in 2016 and the issue here is that it should have followed Article 218 TFEU. The Court's opinion was that it was seen as an agreement concluded by the member states and not the EU, it was not subject to follow that Article (ibid.). The ruling changed when the Commission was the one concluding the agreement. In *France v Commission* the issues of the Commission adopting non-legally binding 'Guidelines on Regulatory Cooperation and Transparency' soft law agreement. The Court was clear in its ruling that the non-binding nature of the agreement doesn't mean that the Commission can adopt it. Therefore, the principles of conferral and institutional balance still apply. These EU principles can't be ignored in soft law either (Wessel 2021). The Court later confirmed in a similar case that principles of conferral and institutional balance in external soft law agreements need to be respected. These cases confirm that even though we are looking at negotiations

leading to a non-binding outcome, it is still relevant to look at the legal competence (ibid.). This issue has been addressed by previous literature when looking at the EU's actorness capabilities in multilateral non-binding negotiations. As an example, Huigens and Niemann (2011) studied the EU's actorness in the former G8 negotiations. They approached this issue by recognising that because of the informal nature of the negotiations, the level of competence might have less importance, but the competencies stated in the Lisbon Treaty were still seen as relevant (ibid.).

4.1.1 The Lisbon Treaty: Shared competence

Since the previous section highlighted the legal competence as relevant in soft law cases, this section will analyse the Lisbon Treaty. The Treaty of the European Union (TEU 2012) and the Treaty of the Functioning European Union (TFEU 2012) determine in what areas and at what levels the EU can act, unless there is no complementing legislation further specifying the level of competencies. The content of the documents is analysed to find any indications regarding the internet as a policy area connected to the EU's competencies. Since there was no complementing legislation concerning the EU's competence in internet governance, the Treaty will be the only relevant source to look at.

The EU can only act within the limits of what has been conferred to it in the Treaties and the competencies which haven't been transferred remain with the member states (TEU 2012). The principle of subsidiarity determines that if the EU doesn't have exclusive competence, it can only act whether the action can't be sufficiently achieved by the member states, and it is simply better to achieve at the EU level. The principle of proportionality states that the EU shall not exceed the necessary action determined in the Treaties (TEU 2012).

The internet is not explicitly mentioned in the Treaties, but Article 170 TFEU (2012) mentions telecommunications in the context of trans-European networks. The EU shall contribute to the development and establishment of these telecommunication networks.

To help achieve the objectives referred to in Articles 26 and 174 and to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting-up of an area without internal frontiers, the Union shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures. (TFEU 2012)

This doesn't give any answers to the level of competence in internet governance, but it gives indications because trans-European networks belong to the shared competence according to Article 4 TFEU (2012). It also mentions that the EU can act in the way that member states' acts are not prevented by this act in the areas of technological developments among other areas.

TFEU (2012) specifies the EU's competencies in addition to the exclusive, supporting and complementing competence. Internet or related areas are not listed in the TFEU's list of exclusive, supporting competence. However, Article 216 TFEU (2012) mentions that the EU can conclude international agreements according to the competencies stated in the Treaties, when the agreement in question is necessary to achieve at the EU level or when the agreement is going to affect the common EU rules.

Since the internet (and related fields such as cyberspace and telecommunications) is not mentioned in Article 3 TFEU (2012) (exclusive competence), it falls in the shared competence category. Also, since Article 4 TFEU (2012) (shared competence) lists areas which overlap with the internet (consumer protection, internal market as an example), it makes sense that it belongs to the shared competence. This is also supported by the fact that when it comes to the EU's external competence and its role in negotiating and concluding agreements, the EU can have either exclusive or shared competence (EUR-Lex 2020). When it comes to competence, the way the EU and member states coordinate the issue tells a lot. We can also observe this by looking at the 'official' documents related to internet governance which are internal soft law instruments, namely the Commission Communication and the Council conclusion on internet governance (Wessel 2021, p. 77). These reflect the voluntary nature of this issue and the competence division which is present in the Commission communication when the Commission 'invites' the Council, Parliament, member states, the Economic and

Social Committee and the Committee of the Regions to agree on a common position, highlighting the voluntary commitment to follow the formal procedures.

Thus, competence in this case can't be the reason why the EU is possibly united. It can still, however, explain the possible dis-unity and lack of effectiveness of the EU. If the EU can act as united, it means that rational choice institutionalism can't explain the results. The level of unity connected to the competence will be elaborated in the discussion part after determining the level of unity in the upcoming sections.

4.2 Preference homogeneity: voluntarily united

This part of the analysis includes contrasting the Commission, the Council and some of the individual member states objectives regarding NETmundial and internet governance in general. The member states' objectives concern the reactions to the Commission's communication on internet governance at the HLIG meeting before agreeing on the common Council position. This is included to reflect more on the unity and the opinions leading to the Council position. The aim is to look at the content of selected documents to look for similarities and differences between the Commission and Council objectives.

We can observe that many of the member states indicated support for the Commission's objectives including Sweden, Spain, Portugal, the UK, France, Germany, Denmark, Greece, Netherlands, Slovenia and Finland indicating an initial level of unity.

The large majority of members (NO, SE, ES, PO, UK, FR, DE, DK, EL, CH, NL, PT, SI, FI) who took the floor congratulated the Commission for the Communication, which would be a good basis for discussions towards the Sao Paolo meeting. (European Commission 2014b)

However, there were some initial doubts regarding the content. Some of the member states at the time didn't appreciate the reference to EU objectives instead of the Commission's objectives, with Finland and Sweden as examples. This might

indicate some worry that the EU might have creeping competence in shared competence which is not appreciated by the member states.

It was unfortunate that the communication was seen as the message of the European Union and not of the European Commission. (European Commission 2014b)

Like SE, FI did not like that the Communication was seen as a European Union position. (European Commission 2014b)

Germany was doubting whether a common European position was needed but recognised the importance of a common basis only if the member states could act on their national positions referring to the nature of shared competence.

DE asked to what extent this paper will be used in further discussions and whether a formal European position for all these issues was needed. According to DE it is important to have a common basis, but it's also important that Member States are able to bring their own position from their national perspective. (European Commission 2014b)

The member states agreed on a common position later regarding the upcoming NETmundial summit, which more or less represents the Commission's communication. It is good to note that the member states weren't required to agree on a common position because of the lack of legal obligations but decided to do so regardless. Both the Commission and the Council, first, stressed the importance of having coherent global internet governance principles and a common European position.

The Commission invites the Council and the European Parliament to contribute to a common European position in all appropriate venues. (The European Commission 2014e)

Reaffirming the determination of the EU and member states to act as coherent and positive partners in the Internet governance evolution process [...] (Council of the European Union 2014a)

The core proposal which represented being at the heart of internet governance was that a multi-stakeholder governance model should govern the internet. This came up multiple times in the Commission objectives which the Council highlighted:

Stakeholders should be called upon to further strengthen the sustainability of the multistakeholder model [...] (Council of the European Union 2014b)

Globalisation of core internet functions (ICANN and IANA functions) was another major objective and topical after the Snowden revelations which were present in the Commission and Council objectives. In addition, *international dialogue* was also mentioned in both documents when it came to strengthening the IGF and HLIIG, to engage with issue-based dialogue and decision-making. Furthermore, it was agreed that *clear roles for actors* in internet governance should be determined relating to the proposed multi-stakeholder model. *Capacity building* and *confidence building* in the context of development assistance were also mentioned as one objective (European Commission 2014e; Council of the European Union 2014a; 2014b). The basic principles of how the internet should be based were mentioned in different contexts representing the following themes: *secure, sound, resilient, inclusive, transparent, open, distributed, accessible, single and unfragmented networks*. These themes were more or less present in both the Commission and the Council documents. The *fundamental values and norms* including technical ones as well as *democratic principles* were other common objectives highlighting that offline laws and norms should also apply online (European Commission 2014e; Council of the European Union 2014a; 2014b).

The Council's objectives in addition highlighted only minor aspects which weren't directly present in the Commission's communication such as the need for *stronger internet governance mechanisms* and the importance of *domain systems* when it comes to the security of the internet. In addition, international cooperation was mentioned more in terms of *cooperation with other stakeholders and international partners* in addition to the multilateral forums which was highlighted in the Commission communication (Council of the European Union 2014a; 2014b). The European Commission, in addition, stressed the importance of the *protection of linguistic and cultural diversity* which wasn't mentioned in the Council document (European Commission 2014e). These are minor differences between the objectives and both the Commission, and the Council may support these factors. Because of the number of issues at stake, it could be that these aspects weren't just

considered, or they were meant to be under bigger themes. This is supported by the fact that there seem to be no bigger disagreements between the Commission and Council regarding the objectives.

Moreover, we can observe that the member states have voluntarily agreed on the common position reflecting the Commission's objectives, indicating a high level of preference homogeneity. So far, we can see unity between the member states and the Commission, but the connection between preference homogeneity will be discussed more after finding out more about the level of unity present during the negotiations.

4.3 Socialisation process

This part of the analysis includes the pre-negotiation phase with written comments and arguments when creating the draft document. After this, the analysis continues with the two-day negotiations in Sao Paulo. The content and discourses will be analysed simultaneously starting from the HLMC meeting and moving to the negotiations. The aim is to find out the EU's and member states objectives content-wise and discourses shedding more light on the socialisation processes as well as the perceived unity. Since the focus is observing the member state representatives' socialisation processes, the Commission's arguments are there to contrast the unity between the member states, observing similarities and differences in the arguments.

4.3.1 HLMC meeting: Showcasing the common position

During the HLMC meeting, the European Commission stressed the criticality of *redrawing the global map of internet governance*. The connection was made that governments need to be *ambitious* and move from talking to *actual outcomes*. This reflects on the internet governance system where discussion forums without actual outcomes are typical, indicating the Commission's quest for concrete outcomes.

Moreover, the Commission stressed that *a credible evolutionary path for the sustainable evolution of the internet* should be put forward (NETmundial 2014b). We can identify a discourse referring to the common European stance.

[...] Europe would not make connections between surveillance practices and the debate on internet governance. (NETmundial 2014b)

The European Commission with this statement made an indication of the shared European position, showing unity. In addition, Germany highlighted that they will especially put forward the principles of *privacy issues* and made the effort to underline the alignment between the European Commission, French and US contributions highlighting that consensus is critical (NETmundial 2014b). Germany here doesn't directly refer to the common position with the EU but rather to a wider Western position or to create a sense of power in the specific context where the US was present to influence the other members.

[...] alignment among the EC, French and USA contributions. (NETmundial 2014b)

France also underlines the alignment with the European Commission and Germany when it comes to strengthening the multi-stakeholder model.

[...] informed his alignment following the talks from European Commission and Germany to strengthen the multistakeholder model in Sao Paulo. (NETmundial 2014b)

France's contribution moreover stresses that the data *privacy issue* is their focus, relating to Germany's priorities and that the ICANN issue shouldn't be the main concern (NETmundial 2014b). The Commission's priorities were different, focusing on the bigger context compared to France's and Germany's more specific priorities which are still aligning.

Overall, there were differing priorities present but we can still observe unity and a relationship reflecting the common EU positions but also being separate national actors in their discourses. This reflects also that national identities are present, but communication indicates the shared EU identity. The aim of the discourse seemed to highlight the shared position whether it was meant to indicate

the shared European, Western or EU position, and we can observe EU identities and unity. Even though France and Germany seemed to value different aspects than the Commission, the overall unity remained.

4.3.2 The first phase of the negotiations: United with dispute?

The Commission's arguments during the first phase of the negotiations reflect the key points of its communication and Neelie Kroes highlights communication as the objective to follow. The most obvious objective was the importance of *consensus* and *concrete outcomes* (European Commission 2014f; 2014g). The Commission didn't refer to the EU position, only to the position of the Commission.

On behalf of the European Commission [...] (European Commission 2014g)

This part was criticised regarding the Commission's communication before at least by Finland and Sweden. The fact that the Commission didn't refer to the common EU position, could tell something about the level of unity or simply that it was premeditated to respect the shared competence and the member states' own national choices and opinions to purposely create that sense of dis-unity. The discourse also differs from the one during the HLMC meeting which reflected more European identity compared to the Commission identity present in this statement.

Bulgaria, Spain and France in their contributions which reflect the shared common position on the other hand expressed support for the Commission's position. The purpose of this seemed to create unity and it indicated the EU identity rather than a national one. The values seemed to align in these contributions, not only because they happened to relate to the Commission's values, but because the common position wanted to be expressed.

Bulgaria supports the efforts of the European Commission to formulate a common position and concept encompassing the main principles for the development, management and governance of the Internet as a major resource for innovation and prosperity [...] (NETmundial 2014d)

Therefore, Spain agrees with the proposal of the European Commission to identify ways to globalise the control over the IANA functions while safeguarding our shared interests in DNS stability and security. (NETmundial 2014d)

France welcomes and wants to join in all recent efforts by other EU Member States, the Commission and EEAS, aimed at reaching a European consensus on the two objectives of the Sao Paulo Forum [...] (NETmundial 2014d)

Concerning the other member states' contributions, we can observe from all the arguments that they represent the bigger common and agreed-upon EU position. However, the arguments vary a lot concerning national priorities, presenting differing views and values on what is significant. For example, Portugal's contribution varied from the *issue of legitimacy* to the *clarity* of the document and France's focus was on *intellectual property issues* and *human rights*. Germany instead only focused on *human rights* issues. Sweden expressed that they *don't support the establishment of new forums* and the UK on the other hand was *open to the idea if they don't duplicate the existing ones*. Poland made a broader statement suggesting that the current system is messy and there is *a need for a main organisation* to deal with the internet governance issues because of the numerous forums (NETmundial 2014d). The UK also added to this that they *don't believe a single international organisation is needed* in dealing with internet governance, creating a sense of dis-unity with Poland. The Commission indirectly touched on this issue:

[...] the engagement of the broader public should make full use of all existing meetings and I, including the global Internet Governance Forum and the regional ones, as appropriate; ICANN should also reach out to organisations across the world which are willing and capable to foster dialogue among citizens, besides and beyond those who are able to attend the meetings of ICANN or other Internet technical organisations. (European Commission 2014f)

In this statement, the Commission highlights that existing forums should be used but in the discussions of the broader public, making the Commission's opinion ambiguous. We can also observe differing positions between the member states and the Commission. There was a clear controversy in the statements which concern the

issue of net neutrality (also referred to as network neutrality). The Commission is clear on its opinion:

I am not convinced, for example, that the outcome document should or indeed needs to touch upon issues such as ‘network neutrality’ and the liability of Internet intermediaries. Both are certainly very important issues in the overall debate on an open Internet but are the subject of detailed discussions elsewhere. (European Commission 2014g)

This opinion doesn’t reflect the absolute rejection of net neutrality but rather a stronger reason why it shouldn’t be included. The Commission justified this opinion by the fact that this issue was debated in the EU at the moment, and it shouldn’t cross the democratic processes to make conclusions about it now because it is a sensitive topic. Portugal on the other hand argued that there should be a clear reference to net neutrality:

Is this net neutrality? What is this? If this is net neutrality, why are we not using the wording ‘Net Neutrality’, currently used by OECD, European Union, United Nations, and so on and so forth? (NETmundial 2014d)

However, this might just reflect the fact of unawareness of the Commission proposal and lack of coordination in that sense. It doesn’t necessarily relate to any objective regarding the issue but rather makes sure that the outcome document is clear in its references. Poland also suggested the inclusion of net neutrality as an option for controversial issues such as security and internet surveillance.

[...] One may ask why these points were chosen, since there are numerous other topics without a doubt worth considering, only to name few: net neutrality, privacy, infrastructure development, business online and many other. (NETmundial 2014d)

The overall arguments touch upon different issues, reflecting what the Commission and the member states value and think as significant issues. In addition, the Commission’s contribution in this setting also reflects the bigger picture of the context. This aspect is important to recognise because it is itself already creating a sense of unity. As we can observe, these contributions still reflect the shared common position, which was highlighted by Bulgaria, Spain and France. The other

member states indicated their national identities, without making any references to the common EU one, looking like some of the member states' national objectives were driving the discourse which happened to be under the shared common position. It is also good to recall that many member states didn't send their contributions, which could indicate that they supported the common EU position or didn't perceive the negotiations as important. Overall, we can observe similar contributions by the US, Switzerland, Norway and Canada which can also indicate shared Western values. However, these contributions varied a lot in terms of the focus points which were sometimes differing from the Commission and Council objectives. In contrast, China expressed a coalition between Russia, Tajikistan and Uzbekistan and rejected the multistakeholder model of governance, stressing the sovereign rights of the states (NETmundial 2014d).

4.3.3 The final phase of the negotiations: 'The spirit of Sao Paulo'

The European Commission's position during the final negotiations firmly sticks to the communication principles, stressing the importance of the matter and concrete outcomes also reflecting on the context, reminding others of the core reasons this gathering was happening, as a way of trying to get the position heard. It highly addresses the bigger picture and context indicating the reasons to act, consistent with the earlier contributions.

This could be a historic gathering so just ask yourself are we here to make a change and live up to the call made by President Rouseff in New York or are we here to waste time. (NETmundial 2014a)

The Netherlands supported the Commission's statement on concrete outcomes highlighting that the global conference on cyberspace in 2015 in the Netherlands can also be used as a platform for working with concrete outcomes which was also their main objective, creating a sense of unity. However, the second European Commission speech already reflects some kind of compromise when it comes to

concrete outcomes after finding out the level of support from other stakeholders and offers an alternative option differing significantly from the previous contributions.

We also understand that not everyone is ready at this point in time to get to the level of detail we suggested in our proposals. Accordingly, we would like to suggest that immediately following NETmundial a multi-stakeholder intercessional group is convened in order to identify the concrete mechanisms, milestones, timelines and deliverables that are needed to turn the statements which are currently already included in the roadmap into concrete outputs and that such work should fit into the discussions and activities of both the internet governance forum and the WSIS+10 process. (NETmundial 2014a)

Sweden referenced to the wider context of mass surveillance and the current insufficient governance model. The Swedish contributions reflect also the Swedish perspective on the whole context of the Snowden revelations also referring to the UN resolution as an aftermath of the revelations, highlighting the importance of the overall context in Sweden's objectives.

Therefore, we believe more action-oriented language reflecting the Brazilian German resolution on the right to privacy in the digital age adopted by a consensus by the UN General Assembly. (NETmundial 2014a)

Sweden also seems to reassure the other governments about the multi-stakeholder process, reflecting the gradual change happening to post-Snowden internet governance. Promoting the multi-stakeholder process is also in line with the EU objectives.

Multi-stakeholder is a difficult concept and is a word that is not easily translated into Swedish. Why do I think most other languages either, it often scares diplomats and governments more used to the familiar settings of round tables and raised nameplates [...] (NETmundial 2014a)

We can observe a differing language on whether the national position or the common EU position is highlighted. Sweden, for example, only made references to the national position reflecting also the national identity.

Sweden believes that surveillance within or outside national borders should be subject to basic principles. (NETmundial 2014a)

Italy and France on the other hand reflect the reference to the EU's position in the purpose of highlighting the common EU position in addition to the national one. Spain who was present at the negotiation doesn't refer to the common EU position anymore after highlighting it during the previous round of negotiations.

Italy believes that the outcome of NETmundial will provide all the stakeholders with a common ground and a shared vision to reshape the internet governance in light of the European Union's position [...] (NETmundial 2014a)

The French view which is also that of the European Union which the commissioner here shared with us lies on the principles of openness of public interest transparency representativity inclusion and participation of all stakeholders. (NETmundial 2014a)

Controversial statements were also present concerning net neutrality with the member states. However, the Commission and Poland didn't touch upon that issue anymore after the previous phase of the negotiations. However, France's statement is the opposite of the one of the Commission during the pre-negotiation phase.

On the neutrality of the net, I think regardless of the final text and of the final proposals that we make, we hold it dear in our hearts that at least in this text it should be said that network access should be fair and non-discriminatory. (NETmundial 2014a)

However, Spain's position regarding net neutrality reflects a similar justification to the European Commission's but reflects a more open attitude towards its inclusion.

First of all human rights are described in international treaties but internet neutrality is something that is not settled down so it's difficult to reach a broad consensus on this principle because this principle is being developed is still being outlined in several regions around the world and in several countries so if we are going to make a reference to this principle we should find some language that is kind of abstract general so as not to set any prejudice on the ideas that are being set a different for finally we draft a language and instead of being equal, I say equitable. (NETmundial 2014a)

Austria's stance is the opposite but is open to focusing on the most important and relevant issues stated in the German proposal. The smaller member states' compromise towards a bigger member states' opinion is not uncommon in the EU's

negotiations indicating the recognition of power the bigger country has (van Shaik 2013, p. 71). This indicates a certain alignment within the member states but also a dis-alignment in the sense that it communicated different opinions before this compromise, not reflecting a common EU stance on all issues.

We would be in favour of having an explicit reference to net neutrality, but we could also support the German proposal from yesterday. (NETmundial 2014a)

France also expressed a willingness to compromise.

We would also compromise by proposing that the following sentence be added at the end of the list of fundamental rights to be ensured through full and genuine cooperation between all stakeholders having said this we could not support the mention of stakeholders who are particular cases this has to be a general addition and we find it hard and unfair to have a single category of stakeholders on this matter. (NETmundial 2014a)

During the pre-negotiation phase, Poland had a lot of opinions concerning different issues, but the physical negotiations reflected a position to protect more generally good norms and principles also moving towards the Commission's direction. Poland also highlighted the national stance and Polish experience but also referred to the Swedish position, also creating a sense of alignment with another member state. However, any reference to the EU position was not made (NETmundial 2014a)

This message was repeated by Carl Bildt and others, but we have internalised that in Poland [...] (NETmundial 2014a)

Overall, we can see a different dynamic during the negotiations compared to the HLMC meeting where the Commission, Germany and France were referring to the shared position in different ways. There might have been different agendas on why it was highlighted in that setting, but it shows a high level of unity especially when Germany wasn't even sure of needing a common European position in the beginning. However, after the meeting, Germany didn't make any references to the EU position anymore. This highlights the importance of the smaller context and purpose, affecting the communication and the apparent relations with the member

states and the Commission. Only France after that continued to make the reference to the common EU position. During the previous round of negotiations, Bulgaria and Spain also highlighted this position which Spain didn't continue to do. Bulgaria didn't participate in the conference after all, which could indicate its support for the Commission, or it could relate to something else for example the lack of resources. Even the Commission outside of the HLMC meeting was only referring to the Commission's position and not to the common EU one which reflects on the competence level.

'The Spirit of Sao Paulo' was present in many contributions, reflecting the optimistic and collective action in NETmundial which was seen as highly connected to the overall context and the state of the internet concerning the decreased trust. The reference to the context was present in many speeches indicating its influence on the member states objectives. Overall, the Commission's position was referred by other stakeholders such as the technical community and civil society. In addition, South Korea referred to France's and Germany's positions, the US referred to Germany's position and Australia referred to Sweden's position. Third countries didn't make an active reference to the EU position and instead referred to the national positions, not contrasting the member states with the Commission. This is because the member states' contributions reflected different aspects they perceived as more significant, reflecting their national identities. It is good to note that the member states didn't refer to any third countries' position, only to the other member states and the Commission. An exception to this is Germany's reference to the US during the HLMC meeting.

Moreover, the negotiations showed that net neutrality remained a key debate with other stakeholders as well as and many countries supported the inclusion of it such as Brazil, Bangladesh and Kuwait. Some countries' opinions also indicated scepticism towards the multistakeholder system, and they highlighted the role of the governments instead, such as Iran, Saudi Arabia, Russia, Cuba, China and India (NETmundial 2014a).

However, the member states position again reflects the common position and the different national values and identities at the same time. There were only minor differences between the Commission and the member states, maybe relating

to the lack of coordination and not the lack of unity itself. The net-neutrality debate and the minor differences with the creation of new forums were indeed a dividing factor but it is not perceived to be a big factor affecting unity since the arguments weren't communicated as definite in most of the cases. We can't observe a socialisation towards a common EU position because, from the start, these positions already reflected the common position. This indicates that the strong alignment of the member states and the Commission's objectives created a strong foundation for the representatives to continue with that path which is why we couldn't observe the socialisation processes.

4.4 Effective(ness)

The effectiveness discussion contrasts the EU objectives with the outcome document to see how much the EU achieved (including objectives and negotiation arguments). This will include both the Commission and member state objectives but since these objectives didn't differ much, the reference here is the EU's objectives. In addition, some of the relevant meeting summaries and conclusion documents give more insight into how the outcome was perceived by the member states, Council and the Commission. The outcome reflects on many objectives which are not repeated here. This section includes a reflection on the level of effectiveness and evidence on the more uncertain aspects as well as shortcomings. In addition, the focus will not be on the issues in the outcome document the EU has not mentioned in its objectives or during negotiations and it is assumed to be in the EU's favour as well. Giving an example, the outcome document mentions:

[...] all people have a right to development and the Internet has a vital role to play in helping to achieve the full realization of internationally agreed sustainable development goals. It is

a vital tool for giving people living in poverty the means to participate in development processes. (NETmundial 2014c)

This aspect was not mentioned in the Council or Commission objectives, and it wasn't brought up in the negotiations so we can assume that it also reflects their values. In addition, the Commission and the Council highlighted the development cooperation and assistance programmes in their objectives which could reflect the same thing.

Moving to the analysis of the EU's achievements and shortcomings in the negotiations, one of the main objectives of both the Council and the Commission was the globalisation of core internet functions. It is worth mentioning that this objective changed during the pre-negotiation phase when the US government announced the plan to give up the US government control of ICANN and IANA functions. After this, the Commission communicated that the NETmundial outcome should reflect a concrete and detailed plan for this transformation. The outcome document reflects a rough plan and the Commission, or the Council haven't communicated that it wasn't sufficient.

This transition should be conducted thoughtfully with a focus on maintaining the security and stability of the Internet, empowering the principle of equal participation among all stakeholder groups and striving towards a completed transition by September 2015. (NETmundial 2014c)

It is good to recognise that the transition announcement alone has been described as a diplomatic victory for the EU since it particularly pushed to get this position heard (The European Parliament 2015; European Commission 2014c). There were also shortcomings for the EU in achieving its objectives. Several EU objectives were on the list for what future discussion should include which weren't included in the outcome, making the level of effectiveness lower. First, the EU objectives included the definition of clear roles for actors involved in internet governance which was listed in the future discussion part.

Different roles and responsibilities of stakeholders in Internet governance, including the meaning and application of equal footing. (NETmundial 2014c)

Second, the EU objective regarding the conflicting laws was in the list of further discussions framed as the jurisdiction issues in internet governance.

Jurisdiction issues and how they relate to Internet governance. (NETmundial 2014c)

The third shortcoming was the EU objective of concrete actions, which was also left to the future discussion section. However, the EU compromised on this part during the negotiations and proposed an immediate follow-up after NETmundial.

Benchmarking systems and related indicators regarding the application of Internet governance principles. (NETmundial 2014c)

However, the outcome suggested that the discussion should continue with existing forums but nothing concrete was proposed.

It is expected that the NETmundial findings and outcomes will feed into other processes and forums, such as the post 2015 development agenda process, WSIS+10, IGF, and all Internet governance discussions held in different organizations and bodies at all levels. (NETmundial 2014c)

The document had some concrete proposals in addition to the ICANN and IANA transition concerning IGF as an example, making the objective partially achieved:

Extending the IGF mandate beyond five-year terms [...] Ensuring guaranteed stable and predictable funding for the IGF, including through a broadened donor base, is essential [...] The IGF should adopt mechanisms to promote worldwide discussions between meetings through intersessional dialogues. (NETmundial 2014c)

Maybe the most debated issue in the stake: net neutrality was only referred to in the future discussion part. This reflected the EU's stance, but the debate contributed to making the common EU position incoherent.

There were very productive and important discussions about the issue of net neutrality at NETmundial, with diverging views as to whether or not to include the specific term as a principle in the outcomes. The principles do include concepts of an Open Internet and individual rights to freedom of expression and information. It is important that we continue the discussion of the Open Internet including how to enable freedom of expression,

competition, consumer choice, meaningful transparency and appropriate network management and recommend that this be addressed at forums such as the next IGF. (NETmundial 2014c)

Poland, Portugal, France, Spain and Austria all suggested during the negotiations that net neutrality should or could be included. However, the member states didn't seem to be undisputed in this issue so we can also look at this dispute as irrelevant. Austria's proposal seemed to be the only definite one but also, they stated that they could support the German stance. However, it made some cracks in the common EU position during the negotiations. This was overall a dividing issue, and some miscommunications could have been present, dividing the member states as well as the Commission. The establishment of new forums was also ambiguous between the member states and the Commission, and it was stated in the outcome that new forums should be created if they don't duplicate the existing ones. This was against the proposal of a few member states that new forums shouldn't be created or that there should be one main organisation established or assigned.

Neelie Kroes stated that NETmundial contributed to the reform of internet governance and issues had been identified for concrete actions highlighting *the Commission's positive reaction* to the outcome (European Commission 2014d). The Commission also underlines that it marked the first rough consensus adopted with a multi-stakeholder model close to the COREPER lines to take and the Commission communication (Council of the European Union 2014c). The Council also highlighted that the outcome was seen as *satisfactory, representing a good basis for further work and the commitment to endorsing and promoting the NETmundial principles* (ibid.). The HLIIG added that the overall feeling is that *NETmundial was successful*, but it also had its *shortcomings*. Net neutrality was an especially dividing factor and opposition was expressed by some third countries and European NGOs. Moreover, there was a critical discussion on the *EU's external representation* after the negotiations. The Commission stressed the importance of improved EU-level coordinated voice so the EU can be a key player in the field (European Commission 2014a). The Commission added that because the Treaties don't specify the field in its competencies, the issue of external representation needs to be solved without any legal fights with the member states (ibid.). This reflects on

the findings in the competence section and the shared competence the EU has in internet governance. We can identify the positive reactions from the Council and the Commission regarding the outcome, which complements the findings. The EU achieved many of its objectives in the negotiations making the EU effective in these negotiations.

4.5 Discussion: Unity and effectiveness - Intergovernmental reasoning

The analysis showed that the Commission and the member states were able to act externally as united. The Council agreed on a common position before the negotiations, reflecting the same main themes as the Commission's objectives. The negotiation contributions from the member states further reflected on the shared EU identity but at the same time, we could see separateness, when some member states' discourses reflected more on the national position, which was apparent in the arguments reflecting on the differing values. In addition, some member states communicated their support for the Commission or highlighted the common EU position, reflecting on the shared identity. However, all the contributions were under the shared Council position regardless. The previous research argued that the EU was able to act more united during the time of the negotiations when internet governance became a more crucial issue, which this study confirms (Christou & Simpson 2014).

When it comes to effectiveness, the EU was also able to achieve most of its goals in the negotiations, except for a few objectives. However, the communications from the Commission and Council regarding the outcome reflected positive opinions and could be seen as complementing argument for the level of effectiveness. Going back to the process tracing (Figure 2), we can observe

a causal mechanism between these concepts. However, we need to be critical about it because of all the conceptual factors involved. The tracing process was open to the emergence of new mechanisms. We could observe one aspect that we should consider. Many Western countries shared similar views with the EU and the outcome could just reflect on these values more. The broad context of the Snowden revelations and similar cultural values were therefore affecting the objectives. Since these overall similarities in the objectives with other third countries were also differing in what they found more significant, it wasn't seen as a strong affecting mechanism. In addition, because the EU's more specific objectives were almost all included in the outcome document, we can see that the level of unity made good conditions for the effectiveness and therefore we can argue for the causal mechanism.

In addition, the analysis showed that the member states' preferences were the determining factor for the level of unity which further contributed to the level of effectiveness. We could also observe the interrelation between these concepts. The shared competence could have contributed to its flexible nature to make the member states more cooperative, and the member state representatives' socialisation could have further helped to achieve unity because the EU continued negotiating under the same objectives (See Figure 2.).

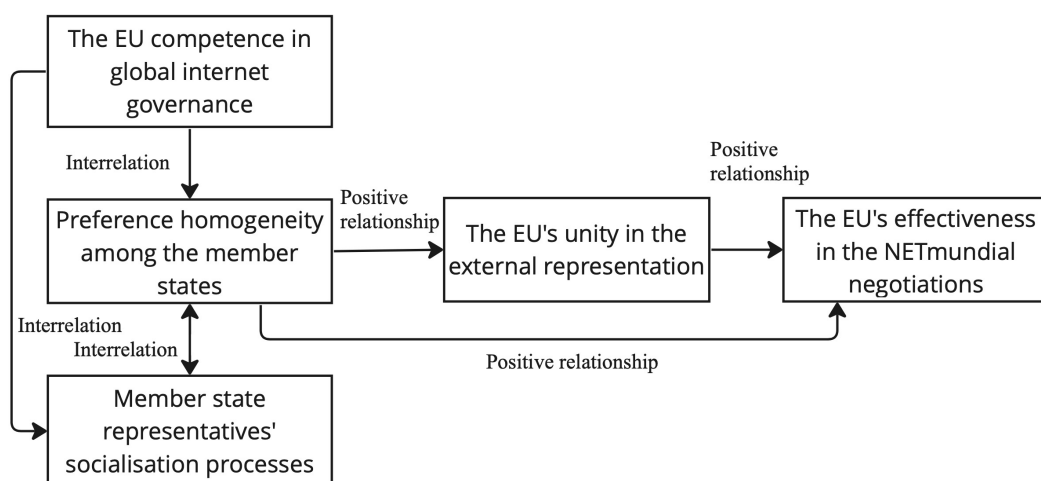


Figure 2. The relationship between the concepts (Adapted from: van Schaik 2013, p. 10)

Moreover, liberal intergovernmentalism provides a fitting explanation in this case since the shared preferences of the member states were the reason for the high level of unity. The contextual factors overall seemed to have a big role in constructing the member states' preferences, according to the liberal intergovernmentalism assumption (Moravcsik & Schimmelfennig 2019). The voluntary basis as a starting point to the negotiations already provided a good basis, because the Council agreed on common lines to take voluntarily. Member states intentionally agreed on the common positions in multilateral negotiations even though they had the option to focus on national interests. Differing results were in Sliwinski's (2014, p. 468) study, the intergovernmental character and lack of coherence were limiting factors, considering liberal intergovernmentalism when examining the EU as a cyber security actor.

The liberal governmental assumptions can be supported by the fact that the lack of EU competence didn't negatively affect the level of unity and effectiveness which excluded the rational choice institutionalism perspective. The EU's competence in the internet domain represents a complicated issue and, in this case, and with rational choice institutionalism assumption, it can't provide an adequate explanation for the EU's unity and effectiveness. It explains the unity resulting from the EU's exclusive competence. Since exclusive competence here was not the case and there were no legal obligations to follow the theory couldn't explain the results. The role of competence has been debated in existing literature. Other researchers suggest similar results that the EU was acting successfully in the fields characterised by mixed competence (Rhinard & Keading 2006; Ochs & Schaper 2005). The exclusive competence was sometimes a limiting factor in the EU's effectiveness because of the flexibility mixed competence provides in international negotiations, making the member states sometimes more cooperative (Young 2003, p. 45).

The social constructivism assumption on socialisation processes didn't get much support either in the analysis. The socialisation assumption that member states' national positions are moving towards the common EU one during the negotiations as an identity construction wasn't present. We can see the outcome of socialisation, but we are not able to identify the process, indicating the already

strong member states preferences present. In this case, the starting point of the negotiations was the shared EU position therefore already supported by the liberal intergovernmental perspective. However, we can see minor aspects, concerning minor differences in the positions compromising towards a more common one, such as the net neutrality debate. In addition, since many of the member states didn't contribute to the negotiations, it could indicate that they accepted the common EU position. It could be also that they didn't perceive the negotiations as important or they didn't have the resources to send a representative, which is more often the case with smaller member states. However, much research has proven the socialisation processes of EU member state representatives occurred in international multilateral negotiations (for example, Laatikainen & Smith 2006; Niemann 2006; Groenleer & van Schaik 2007; Adriaenssens 2008; Riddervold 2009). In addition, and as an example, Smith's (2006, p. 113) research on the EU's cohesion and effectiveness at the UN General Assembly Third Committee and the Commission on Human Rights supported the constructivist view that the socialisation process is shifting the views of some member states (*ibid.*, p. 115). The intergovernmental view also was seen to explain the level of unity with differing national interests and their choice to act independently (*ibid.*, p. 134).

Moreover, the conclusion supports van Shaik's (2013) research results on the negotiations on food security, environment and health. Institutionalism didn't explain any of the results and the strongest explanation provided intergovernmentalism theory. However, this was only the case if the member state representatives aligned in the negotiations which was also present in this research.

5 Conclusion: The EU's ability to act united and effective

This thesis argues that the EU was able to unite and act effectively in negotiating global Internet governance principles answering the research question: *How can the EU unite and be effective when negotiating global Internet governance principles?* The EU achieved many of its objectives and communicated positively about the outcome and it seemed to act *united to be effective* by the common choice of member states and the Commission. The first operational research question was looking at the EU's competence: *How does the EU's competence relate to the level of unity and effectiveness?* The analysis was able to determine that shared competence wasn't the main cause of the level of unity. Only if the level of unity and effectiveness had been low, then it could have been confirmed the assumption. The EU acted in a united way even though there were no legal obligations to do so, rejecting the rational choice institutionalism assumption. The other factor which couldn't explain the level of unity was the social constructivism assumption on socialisation processes, relating to the third operational question: *How does the member state representatives' socialisation during the negotiations relate to the level of unity and effectiveness?* The already strong common EU position from the start prevented the observation of socialisation processes. Therefore, the member state representatives' socialisation wasn't the main cause for the EU's unity. This indicates that the already strong member state preferences were the strongest explaining factor, relating to the second operational research question: *How does the member states' preference homogeneity relate to the level of unity and effectiveness?* Therefore, liberal intergovernmentalism's assumption of member state preferences was confirmed to be the main cause for the level of unity. Much research has also shown that the member state preferences have been indeed a key motivator for uniting in the international arena (such as Ginsberg

1999; Meunier 2000; Peterson & Smith, 2003; Frieden 2004; Rhinard & Kaeding 2006; Sapir 2007). These factors are treated as interlinked, affecting each other, but the strongest explanation was provided by liberal intergovernmentalism. The last operational research question concerned the connection between the level of unity and effectiveness: *How does the level of unity relate to the level of effectiveness?* The level of unity, caused by the member state preferences, created good conditions for the EU's effectiveness as well as for the causal mechanism. We could draw many insights from the choice of theoretical explanations, which were the key theoretical explanations for the EU unity externally from the perspective of European integration. In addition, the methods helped uncover different aspects well enough to be able to answer the research questions properly. The discourses revealed many important aspects that the QCA itself couldn't discover, such as the reasons, values and identities behind the discourse.

Overall, this thesis had a few different contributions to the field of the EU's external affairs. *First*, it contributed to the effectiveness and process tracing research, looking at the causal mechanism between the EU's unity and effectiveness. It also adds the EU's external field of internet governance, which is under-researched in the effectiveness studies. *Second*, this thesis contributes to understanding the EU's role in the complex field of global internet governance. It sheds more light on the EU's influence on the global internet governance principles, possibly indicating what kind of role it plays in the upcoming debates. Focusing on the NETmundial negotiations fills the gap in research since the EU's role hasn't been analysed *per se*. NETmundial+10 in 2024 recalled the principles agreed on in 2014 and the progress made since. It provided an opportunity to look back to the pivotal conference that happened 10 years ago which outcome principles are still relevant and guiding the current governance system.

5.1 Presuming the EU's influence in the upcoming debates?

Based on the thesis, we can make some assumptions about the EU's unity possibly leading to effectiveness in the upcoming internet governance debates. This is because the legislation concerning the competencies hasn't changed and the NETmundial principles are still present, especially in the current EU's strategies. If the member states perceive the same kind of importance in the context of the negotiations as in NETmundial, we can make some kind of assumptions. This is why the EU's role in other internet governance negotiations provides a good opportunity to contribute to the existing research to get a better understanding of what kind of influence the EU has in global internet governance. The EU's role in the internet domain in general is a highly under-researched field and there are many possibilities for future research to understand the EU's influence on the internet. The research can focus on specific sub-categories of internet governance, characterised by differing competence levels. Examples of these would be cybersecurity, data protection and AI. There are opportunities also when it comes to the overall internet governance principles debates such as NETmundial. As an example, the UN Global Digital Compact aims to contribute to updating the global principles in the digital space after it is going to be negotiated during the summit in September 2024. It is expected to contribute to the development of the internet, building on the legacy of WSIS and NETmundial (United Nations 2023).

6 References

6.1 Primary sources

- Council of the European Union 2014a. ‘Council conclusions on Internet Governance’. Brussels: Council of the European Union. Available: <https://data.consilium.europa.eu/doc/document/ST-16200-2014-INIT/en/pdf>. Accessed: 17-05-2024.
- Council of the European Union 2014b. ‘Lines to take at the Global Multistakeholder Meeting on the Future Internet Governance’. Brussels: Council of the European Union, April 2014.
- Council of the European Union 2014c. ‘Outcome of Proceedings’. Brussels: Council of the European Union, June 2014. Available: <https://data.consilium.europa.eu/doc/document/ST-10594-2014-INIT/en/pdf>. Accessed: 17-05-2024.
- Council of the European Union 2014d. ‘Summary of records’. Brussels: Council of the European Union, May 2014. Available: <https://data.consilium.europa.eu/doc/document/ST-9105-2014-INIT/en/pdf>. Accessed: 21-03-2024.
- EUR-Lex 2020. ‘International agreements and the EU’s external competences’. Available: <https://eur-lex.europa.eu/EN/legal-content/summary/international-agreements-and-the-eu-s-external-competences.html>. Accessed: 11-04-2024.
- European Commission, 2014a. ‘Agenda, 16 June 2014, Summary 16 June 2014’. European Commission, June 2014. Available: <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=2450>. Accessed: 18-05-2014.
- European Commission 2014b. ‘Agenda, 18 February 2014, Summary 18 February 2014’. Available: <https://ec.europa.eu/transparency/expert-groups-register/screen/expertgroups/consult?lang=en&do=groupDetail.groupDetail&groupID=2450>. Accessed: 18-05-2024.

- European Commission 2014c ‘A step forward in protecting the Open Internet’. European Commission, March 2014. Available: https://ec.europa.eu/archives/commission_2010-2014/kroes/en/content/step-forward-protecting-open-internet.html. Accessed 18-05-2014.
- European Commission 2014d. ‘Global conference delivers momentum for reform of how internet is run’. European Commission, April 2014. Available: https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_14_138. Accessed 18-05-2024.
- European Commission, 2014e. ‘Internet Policy and Governance Europe's role in shaping the future of Internet Governance’. European Commission, February 2014. Available: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0072&from=EN>. Accessed: 18-05-2024.
- European Commission 2014f. ‘My thoughts on NETmundial and the Future of Internet Governance’. European Commission, April 2014. Available: https://ec.europa.eu/archives/commission_2010-2014/kroes/en/content/my-thoughts-netmundial-and-future-internet-governance.html. Accessed: 18-05-2014.
- European Commission 2014g. ‘NETmundial: let's get to work’. European Commission, April 2014. Available: https://ec.europa.eu/archives/commission_20102014/kroes/en/content/netmundial-lets-get-work.html. Accessed: 18-05-2014.
- European Commission 2022a. ‘Establishing a European Declaration on Digital rights and principles for the Digital Decade’. European Commission, January 2022. Available: <https://digital-strategy.ec.europa.eu/en/library/declaration-european-digital-rights-and-principles>. Accessed: 18-05-2024.
- European Commission 2022b. ‘Global Internet and telecommunications’. European Commission, last update June 2022. Available: <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=2450>. Accessed: 21-03-2024.
- European Commission 2024. Register of Commission Expert Groups and Other Similar Entities: High Level Group on Internet Governance (E02450)’. European Commission. Available: <https://ec.europa.eu/transparency/expert-groupsregister/screen/expertgroups/consult?lang=en&do=groupDetail.groupDetail&groupID=2450>. Accessed 21-03-2024.
- European Parliament 2015. ‘EU-Brazil cooperation on internet governance and ICT issues’. European Parliament, November 2015. Available: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/571309/EPRS_BRI\(2015\)571309_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/571309/EPRS_BRI(2015)571309_EN.pdf) Accessed: 17-05-2024.

- NETmundial = Global Multistakeholder Meeting of the Future of Internet Governance, 2014a. ‘NETmundial 2014 Day 1 Morning Sessions (English)’, ‘NETmundial 2014 Day 1 Afternoon Sessions (English)’, ‘NETmundial 2014 Day 2 Morning Sessions (English)’, ‘NETmundial 2014 Day 2 Afternoon Sessions (English)’. Sao Paulo 23-24 April 2014: YouTube. Available at: <https://www.youtube.com/@netmundial417>. Accessed: 21-03-2024.
- NETmundial = Global Multistakeholder Meeting of the Future of Internet Governance, 2014b. ‘High Level Multistakeholder Committee HLMC meeting summary report’. NETmundial, February 2014. Available: https://netmundial.br/2014/pt/wp-content/uploads/sites/2/2014/01/HLMC-meeting-report_2402_final.pdf. Accessed: 18-05-2024.
- NETmundial = Global Multistakeholder Meeting of the Future of Internet Governance, 2014c. ‘NETmundial Multistakeholder Statement’. Available: <https://netmundial.br/2014/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf>. Accessed: 05-03-2024.
- NETmundial = Global Multistakeholder Meeting of the Future of Internet Governance, 2014d. ‘Spreadsheet with all public inputs’. Available: <https://netmundial.br/2014/references/>. Accessed: 18-05-2024.
- NETmundial = Global Multistakeholder Meeting of the Future of Internet Governance, 2024. NETmundial+10 Multistakeholder Statement. Available: <https://netmundial.br/pdf/NETmundial10-MultistakeholderStatement-2024.pdf> Accessed 18-05-2024. Accessed: 18-05-2024.
- TEU = Treaty on the European Union 2012. ‘Consolidated version of the Treaty on European Union’, Official Journal of the European Union C 326/15.
- TFEU = Treaty on the functioning of the European Union 2012. ‘Consolidated version of the treaty on the functioning of the European Union’, Official Journal of the European Union C 326/47.
- WGIG = Working Group on Internet Governance 2005. ‘Report of the Working Group on Internet Governance’. United Nations, June 2005. Available: <http://www.wgig.org/docs/WGIGREPORT.pdf>. Accessed: 18-02-2024.

6.2 Secondary sources

- Adriaenssens, P., 2008. ‘Rapprochement Between the EU and the UN: History and Balance of Intersecting Political Cultures’, *European Foreign Affairs Review*, 13, p. 53–72.

- Alejandro, A., & L., Zhao, 2023. 'Multi-Method Qualitative Text and Discourse Analysis: A Methodological Framework. *Qualitative Inquiry*', 0(0). <https://doi-org.ludwig.lub.lu.se/10.1177/10778004231184421>.
- Almeida, V. A. F., 2014. 'The Evolution of Internet Governance: Lessons Learned from NETmundial', in *IEEE Internet Computing*, vol. 18, no. 5, p. 65-69. doi: 10.1109/MIC.2014.98.
- Beach, D., and Pedersen R.B., 2013. 'Process Tracing Methods—Foundations and Guidelines'. *Ann Arbor: University of Michigan Press*.
- Bennett, A. & J.T. Checkel, J.T., 2014. 'Process tracing: From philosophical roots to best practices', in A. Bennett and J.T. Checkel (eds.) *Process Tracing: From Metaphor to Analytic Tool*. Cambridge: Cambridge University Press (Strategies for Social Inquiry), p. 3–38.
- Bryman, A., 2012. 'Social Research Methods'. *Oxford: Oxford University Press*.
- Carr, M., 2015. 'Power Plays in Global Internet Governance'. *Millennium*, 43(2), p. 640-659. <https://doi.org/10.1177/0305829814562655>.
- Carrapico, H., & A., Barrinha, 2017. 'The EU as a Coherent (Cyber)Security Actor?'. *JCMS: Journal of Common Market Studies*, 55, p. 1254–1272. doi: 10.1111/jcms.12575.
- Checkel, J.T., 2003. 'Going Native in Europe? Theorizing Social Interaction in European Institutions', *Comparative Political Studies*, 36(1/2), p. 209–231.
- Checkel, J.T., 2005. 'International Institutions and Socialization in Europe: Introduction and Framework'. *International Organization*, 59(4), p. 801–826. <http://www.jstor.org/stable/3877829>.
- Christou, G., & S., Simpson, 2007. 'Gaining a Stake in Global Internet Governance: The EU, ICANN and Strategic Norm Manipulation'. *European Journal of Communication*, 22(2), p. 147-164. <https://doi.org/10.1177/0267323107076765>.
- Christou, G., & S., Simpson, 2011. 'The European Union, multilateralism and the global governance of the Internet'. *Journal of European Public Policy*, 18(2), p. 241–257. <https://doi-org.ludwig.lub.lu.se/10.1080/13501763.2011.544505>.
- Christou, G., & S., Simpson, 2014. 'Shaping the global communications milieu: The EU's influence on Internet and telecommunications governance'. *Comp Eur Polit*, 12, p. 54–75. <https://doi-org.ludwig.lub.lu.se/10.1057/cep.2012.33>.
- Claessen, E., 2020. 'Reshaping the internet – the impact of the securitisation of internet infrastructure on approaches to internet governance: the case of Russia and the EU'. *Journal of Cyber Policy*, 5(1), p. 140–157. <https://doi.org/10.1080/23738871.2020.1728356>.
- Cogburn, D.L., 2017. 'Relinquishing the Root: Snowden, NETmundial, and the IANA Transition. In: Transnational Advocacy Networks in the Information Society'. *Information Technology and Global Governance. Palgrave Macmillan, New York*. https://doi.org/10.1057/978-1-137-48361-4_9.

- da Conceição-Heldt, E., & S., Meunier., 2014. 'Speaking with a single voice: Internal cohesiveness and external effectiveness of the EU in global governance', *Journal of European Public Policy*, 14664429, Vol. 21, Issue 7.
- Cresswell J.W., 2009. 'Research Design: Qualitative, quantitative and mixed methods approaches'. *Sage publications, Inc.*
- Drisko, J., and T., Maschi, 2015. 'Content Analysis, Pocket Guides to Social Work Research Methods'. New York, online edn, Oxford Academic. <https://doi.org/10.1093/acprof:oso/9780190215491.001.0001>.
- Elsig, M., 2013. 'The EU as an effective trade power? Strategic choice of judicial candidates in the context of the World Trade Organization', *International Relations*, 27(3), p. 325–40.
- Fairclough, N., 2002. 'Analysing Discourse: Textual Analysis for Social Research'. *London: Routledge.*
- Fraudorfer, M., 2017. 'Brazil's Organization of the NETmundial Meeting: Moving Forward in Global Internet Governance'. *Global Governance*, 23(3), p. 503–521. <http://www.jstor.org/stable/44861139>.
- Frieden, J., 2004. 'One Europe, One Voice? The Political Economy of European Union Representation in International Organizations', *European Union Politics*, 5(2), p. 261–276.
- Gee, J.P., 2010. 'An Introduction to Discourse Analysis: Theory and Method'. *Routledge*. <https://doi.org/10.4324/9780203847886>.
- Ginsberg, R., 1999. 'Conceptualising the European Union as an International Actor', *Journal of Common Market Studies*, 37(3), p. 429–454.
- Groenleer, M.L.P. & L.G., van Schaik, 2007. 'United We Stand?, The European Union's International Actorness in the Case of the International Criminal Court and the Kyoto Protocol', *Journal of Common Market Studies*, 45(5), p. 969–998.
- Gstöhl, S., 2009. 'Patchwork Power" Europe? The EU's Representation in International Institutions', *European Foreign Affairs Review*, 14, p. 385–403.
- Halperin, S. & O., Heath, 2020. 'Political Research: Methods and Practical Skills'. *Oxford: Oxford University Press.*
- Haristya, S., 2019. 'Civil society in a global multistakeholder policy-making process: the case of the internet and netmundial'. *Doctoral thesis, Nanyang Technological University, Singapore.*
- Huigens, J. and A., Niemann, 2011. 'The G8 1/2: the EU's contested and ambiguous actorness in the G8', *Cambridge Review of International Affairs*, 24(4): 629–657. doi: 10.1080/09557571.2011.558488.
- Jaskiernia, A., 2017. 'The European Union's voice in the debate of the global governance of the internet'. *Central European Journal of Communication*, 10(1(18)), p. 114-128. [https://doi.org/10.19195/1899-5101.10.1\(18\).8](https://doi.org/10.19195/1899-5101.10.1(18).8).

- Jørgensen, K.E., S., Oberthür, & J., Shahin, 2011. 'Introduction: Assessing the EU's Performance in International Institutions – Conceptual Framework and Core Findings', *Journal of European Integration*, 33(6), p. 599–620.
- Jørgensen, M. & Phillips, L. J., 2002. 'Discourse Analysis as Theory and Method'. London: *SAGE Publications Ltd*. Available: <https://doi.org/10.4135/9781849208871>. Accessed 18-05-2024.
- Jupille, J., 1999. 'The European Union and International Outcomes', *International Organization*, 53(2) p. 409–425.
- Keukeleire, S. & T., Delreux, 2014. 'The Foreign Policy of the European Union'. *Houndmills: Palgrave Macmillan*.
- Keuleers, F., D., Fonck, & S., Keukeleire, 2016. 'Beyond EU navel-gazing: Taking stock of EU-centrism in the analysis of EU foreign policy'. *Cooperation and Conflict*, 51(3), p. 345–364.
- Kuner C., 2017. 'The Internet and the Global Reach of EU Law', *LSE Law, Society and Economy Working Papers*, 4/2017.
- Laatikainen, K.V. & K.E., Smith, (eds) 2006. 'The European Union at the United Nations – Intersecting Multilateralisms', *Basingstoke and New York: Palgrave Macmillan*.
- Liaropoulos, A., 2016. 'Exploring the Complexity of Cyberspace Governance: State Sovereignty, Multi-stakeholderism, and Power Politics'. *Journal of Information Warfare*, 15(4), p. 14–26.
- Maciel, M., N., Zingales & D., Fink, 2015. 'NoC Internet Governance Case Studies Series: The Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial)'.
<https://www.noconet.org/>
- March, J.G. & J.P. Olson 1998, 'The Institutional Dynamics of International Political Orders', *International Organization*, 52(4), p. 943–970.
- Marcut, M., 2020. 'Evaluating the EU's Role as a Global Actor in the Digital Space'. *Romanian Journal of European Affairs*, Vol 20, No 2.
- Mayring, P., 2000. 'Qualitative Content Analysis', *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 1(2). doi: 10.17169/fqs-1.2.1089.
- Meunier, S., 2000. 'What Single Voice? European Institutions and EU-U.S. Trade Negotiations', *International Organization*, 54(1), p. 103–135.
- Moravcsik, A. (1998) *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*. Cornell University Press, Ithaca.
- Moravcsik, A. & F., Schimmelfennig, 2019. 'Liberal Intergovernmentalism', in: Wiener, A., Börzel T. & Risse T. (eds), *European Integration Theory*, Oxford: Oxford University Press, p. 64–84.
- Morgan, D.L., 1993. 'Qualitative Content Analysis: A Guide to Paths not Taken'. *Qualitative Health Research*. 3(1):112-121.
 doi:10.1177/104973239300300107.

- Musiani, F. & J., Pohle, 2014. 'NETmundial: only a landmark event if 'Digital Cold War' rhetoric abandoned'. *Internet Policy Review*, 3(1). DOI: 10.14763/2014.1.251.
- Niemann, A., 2006. 'Beyond Problem-Solving and Bargaining: Genuine Debate in EU External Trade Negotiations', *International Negotiation*, 11, p. 467–497.
- Niemann, A., & C., Bretherton, 2013. 'EU external policy at the crossroads: The challenge of actorness and effectiveness'. *International Relations*, 27(3), p. 261-275. <https://doi.org/10.1177/0047117813497306>.
- Ochs, A. & M. Schaper, 2005. 'Conflict or Cooperation? Transatlantic Relations in the Environmental Field', Paper Presented at the European Union Studies Association Conference in Austin, Texas, April 2.
- Odermatt, J., 2018. 'The European Union as a Cybersecurity Actor' in Blockmans, S. & Koutrakos, P. (eds.) *Research Handbook on EU Common Foreign and Security Policy*. Cheltenham/Northampton: Edward Elgar Publishing, Forthcoming, University of Copenhagen Faculty of Law Research Paper No. 2018-52.
- Palladino, N., 2021. 'The role of epistemic communities in the “constitutionalization” of internet governance: The example of the European Commission High-Level Expert Group on Artificial Intelligence, Telecommunications Policy', Volume 45, Issue 6, 102149, ISSN 0308-5961.
- Pâris, C., 2021. 'Guardian of the Galaxy? Assessing the European Union's International Actorness in Cyberspace'. *College of Europe EU Diplomacy Paper 1/2021*.
- Parsons, C., 2019. 'A Certain Idea of Europe'. 10.7591/9781501732089. *Cornell University Press*.
- Peterson, J. & M.E, Smith, 2003. 'The EU as a Global Actor', in Bomberg, E. and A. Stubb (eds), *The European Union: How Does It Work?*, Oxford: Oxford University Press, p. 185–215.
- Phillips, N., & C., Hardy, 2002. 'Discourse analysis'. *SAGE Publications, Inc.*, <https://doi.org/10.4135/9781412983921>.
- Pierson, P., 1996. 'The Path to European Integration: A Historical Institutional Analysis'. *Comparative Political Studies*, 29(2), p. 123-163. <https://doi.org/10.1177/0010414096029002001>.
- Pigatto, J.T., 2024. 'GOVERNANÇA GLOBAL DA INTERNET'. Universidade Estadual Paulista. Available: https://agendapos.fclar.unesp.br/agendapos/ciencias_sociais/6536.pdf Accessed: 18-05-2024.
- Pigatto, J. T., M.W., Datysgeld & L.G.P da, Silva, 2021. 'Internet governance is what global stakeholders make of it: a tripolar approach'. *Revista Brasileira De Política Internacional*, 64(2), <https://doi.org/10.1590/0034-7329202100211>.

- Pollack M., 2019. 'Rational Choice and Historical Institutionalism, in: Wiener, A., Börzel T. & Risse T. (eds), *European Integration Theory*, Oxford: Oxford University Press, p. 108–127.
- Radu, R., 2019. 'Negotiating Internet Governance'. *Oxford University Press*, ISBN: 9780198833079.
- Reykers, Y., & D., Beach, 2017. 'Process-Tracing as a Tool to Analyse Discretion', in T. Delreux, & J. Adriaensen (eds.), *The Principal Agent Model and the European Union*, Palgrave Macmillan, p. 255-281.
- Rhinard, M. & M., Kaeding, 2006. 'The International Bargaining Power of the European Union in 'Mixed' Competence Negotiations: The Case of the 2000 Cartagena Protocol on Biosafety', *Journal of Common Market Studies*, 44(5), p. 1023–1050.
- Rhinard, M. & G., Sjöstedt, 2019. 'The EU as a Global Actor: A new conceptualisation four decades after 'actorness''. *UI Paper No. 6*.
- Riddervold, M., 2009. 'Making a Common Foreign Policy – EU Coordination in the ILO', *Recon Online Working Paper 2009/18*.
- Risse, Thomas, Ropp, Stephen, and Sikkink, Kathryn. 2013. *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge University Press.
- Risse, Thomas, Ropp, Stephen, and Sikkink, Kathryn (eds.). 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press.
- Risse, T., 2019. 'Social Constructivism and European Integration', in: Wiener, A., Börzel T. & Risse T. (eds), *European Integration Theory*, Oxford: Oxford University Press, p. 128–147.
- Rosamond, B., 2000. 'Theories of European Integration'. *The European Union series. Palgrave Macmillan*. 10.5040/9781350389199.
- Sahel J-J., 2016. 'Multi-stakeholder governance: a necessity and a challenge for global governance in the twenty-first century', *Journal of Cyber Policy*, 1:2, p. 157-175, DOI: 10.1080/23738871.2016.1241812.
- Sapir, A., 2007. 'Europe and the Global Economy', in Sapir, A. (ed.), *Fragmented Power: Europe and the Global Economy*, Brussels: Bruegel, p. 1–20.
- Savin, A., 2020. 'EU Internet Law'. *Cheltenham, UK: Edward Elgar Publishing*. <https://doi.org/10.4337/9781789908572>.
- Schreier, M., 2021. 'Qualitative Content Analysis in Practice'. London: Sage, p. 280. ISBN: 9781446258750. <http://digital.casalini.it/9781446258750>.
- Schimmelfennig, F., 2014. 'Efficient process tracing: Analyzing the causal mechanisms of European integration', in A. Bennett and J.T. Checkel (eds.) *Process Tracing: From Metaphor to Analytic Tool*. Cambridge: Cambridge University Press (Strategies for Social Inquiry), p. 98–125.

- van Schaik, L., 2013. 'EU effectiveness and unity in multilateral negotiations: more than the sum of its parts?' *Basingstoke: Palgrave macmillan*
<http://www.loc.gov/catdir/enhancements/fy1404/2013443200-t.html>.
- Sliwinski K.F., 2014. 'Moving beyond the European Union's Weakness as a Cyber-Security Agent', *Contemporary Security Policy*, 35:3, p. 468-486, DOI: 10.1080/13523260.2014.959261.
- Smith, K.E., 2006. 'Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations', *Journal of Common Market Studies*, 44(1), p. 113–137.
- Thomas, D.C., 2012, 'Still Punching below Its Weight? Coherence and Effectiveness in European Union Foreign Policy'. *JCMS: Journal of Common Market Studies*, 50, p. 457-474. <https://doi.org/10.1111/j.1468-5965.2011.02244.x>.
- United Nations, 2023. 'A Global Digital Compact — an Open, Free and Secure Digital Future for All'. United Nations, May 2023. Available: <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-gobal-digi-compact-en.pdf>. Accessed 18-05-2024.
- Volker L., 2002. 'ICANN – EU can't: Internet governance and Europe's role in the formation of the Internet Corporation for Assigned Names and Numbers (ICANN)'. *Telematics and Informatics*, Volume 19, Issue 2, p. 159-171, ISSN 0736-5853, [https://doi.org/10.1016/S0736-5853\(01\)00011-9](https://doi.org/10.1016/S0736-5853(01)00011-9).
- Voltolini, B., R., Eising, 2017. 'Framing processes and lobbying in EU foreign policy: case study and process-tracing methods'. *Eur Polit Sci*, 16, p. 354–368. <https://doi.org/10.1057/eps.2016.18>.
- Wessel, R. A., 2021. 'Normative transformations in EU external relations: the phenomenon of 'soft' international agreements'. *West European Politics*, 44(1), p. 72–92. <https://doi.org/10.1080/01402382.2020.1738094>.
- West, S.M., 2018. 'Searching for the Public in Internet Governance: Examining Infrastructures of Participation at NETmundial'. *Policy & Internet*, 10, p. 22-42. <https://doi.org/10.1002/poi3.143>.
- Wu, C-H., 2010. 'Eu's participation in the who and fctc: good case for eu as global actor?'. *Asian Journal of WTO & International Health Law and Policy*, 5(2), p. 467-496.
- Yin, R.K., 2003, 'Case study research: design and methods'. *Applied social research methods series: 5*, Sage Publications.
- Young, O., 1994. 'International Governance: Protecting the Environment in a Stateless Society', *Ithaca, NY: Cornell University Press*.
- Young, A.R., 2003, 'What Game? By Which Rules? Adaptation and Flexibility in the EC's Foreign Economic Policy', in: Knodt, M. and S. Princen (eds), *Understanding the European Union's External Relations*, London and New York: Routledge, p. 53–72.