WORKING PAPER • VERSION 3.8

WHO IS THE COMMUNITY?

Toward a Constituent Community Doctrine for Multistakeholder Internet Governance

Community boundaries, authority attribution, and the modernisation of bottom-up legitimacy

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CENTRAL PROPOSITION
Control over the definition of “the community” is control over the claimed source of authority. A multistakeholder institution must therefore justify not only whether participation occurred, but who constituted the relevant community, how its authority was bounded, and whether the institution converted narrow internal authority into a broader mandate that the process did not establish.

Publication and Doctrinal Status

This working paper proposes the Constituent Community Doctrine as a non-binding analytical and institutional-design framework. It combines a doctrine for testing claims made in the name of “the community” with a positive institutional architecture for constituent-boundary formation, plural-authority reconciliation, affected-public standing, reciprocal community duties, mandate review, and revalidation.

The doctrine does not displace applicable law, binding judicial or arbitral orders, constitutive instruments, bylaws, contracts, or validly adopted procedures. Its purpose is to identify, test, and discipline institutional claims made in the name of “the community,” while providing a model-neutral procedure through which relevant communities may be constituted, authority may be allocated and reconciled, affected publics may acquire proportionate standing, and mandates may be reviewed or renewed.

The paper distinguishes four categories of proposition. Existing requirements or recognised principles found in authoritative instruments are marked [R]. Legal or institutional analogies applied beyond their original setting are marked [A]. Analytical propositions synthesised from documented structures, practices, and scholarship are marked [S]. Original definitions, presumptions, tests, remedies, and institutional-design proposals advanced by the author are marked [N]. The classification prevents established norms from being presented as original inventions and original proposals from being misstated as settled law.

Primary and official materials receive priority, including constitutive documents, bylaws, RFCs, RIR policy materials, official consultation records, United Nations instruments, institutional procedures, and peer-reviewed scholarship. Interested-party advocacy and sources lacking adequate editorial or evidentiary independence are not relied upon as analytical authorities. Claims involving contested actors or events are supported through primary records, official documentation, or reputable independent sources.

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Abstract

Internet-governance institutions repeatedly invoke “the community” as the source of policy, consensus, mandate, accountability, and public-interest legitimacy. The expression may refer to legal members, all persons formally eligible to participate, recurring contributors, meeting attendees, mailing-list participants, technical operators, recognised stakeholder structures, voting constituencies, or populations materially affected by the resulting decision. These relationships overlap, but they do not create the same standing, authority, competence, or representational mandate. The ambiguity becomes consequential when the conduct of a narrow active or decisional population is enlarged into a claim that a wider community authorised the result.

The paper argues that defining the relevant community is a constitutive allocation of power rather than a neutral description. The boundary determines who may propose, deliberate, object, vote, determine consensus, demand reasons, seek review, and be treated as bound. Multistakeholder institutions also partly form the communities from which they claim authority through notice, language, venue, funding, documentation, moderation, fellowship, leadership selection, and recognition practices. This produces a self-legitimation risk: the institution may construct the operative community, interpret its output, and then present that output to internal and external audiences as independent authorisation of the institution.

The proposed Constituent Community Doctrine addresses that risk without rejecting bottom-up or multistakeholder governance and without proposing universal voting by end users. It establishes a decision-specific, function-sensitive, scale-sensitive, and temporally bounded account of community authority. It distinguishes epistemic authority from political and constitutional authority; prohibits the silent transfer of authority across institutional functions; separates affected, subjected, and dependent communities; treats consensus determination as an accountable exercise of institutional judgment; and requires community outcomes to be translated rather than equated with the public interest. The doctrine further examines participation capital, community reproduction, representative claims, mandate decay, emergency action, and the different audiences to which legitimacy claims are directed.

The doctrinal rule is that an Internet-governance institution may invoke community authority only where the relevant community was defined in relation to the decision and function before the outcome was known; its boundary was not opportunistically expanded, contracted, or substituted; the authority exercised remained within the community’s legal, technical, representative, geographic, and temporal competence; affected, subjected, and dependent constituencies received proportionate standing or protection; the chain from participation and representation to decision was traceable and contestable; and the institution did not convert narrow internal authority into a broader public, regional, user, or democratic mandate without additional justification. The strength of any community claim must not exceed the evidence and institutional design supporting it. The rule is applied to the IETF IANAPLAN process, the APNIC-region NRO Number Council election framework, and the .AMAZON applications, demonstrating that the doctrine can validate bounded expert authority, preserve a valid process while narrowing an overbroad attribution, and separate overlapping legal, technical, advisory, governmental, and affected-community claims.

Keywords: Internet governance; multistakeholderism; constituent community; community boundaries; bottom-up governance; authority; legitimacy; legitimation; consensus; representation; dependency; RIR; ICANN; IETF; IGF; institutional standing; authority reconciliation; mandate renewal; governance modernisation.

Executive Propositions

1. "The community" is not a self-executing social fact. When it is used to justify authority, the term constitutes a claim regarding the identity of the authorising polity and must be capable of definition, proof, and challenge.

2. The definition of a governance community allocates standing and power. It determines who may initiate, deliberate, object, decide, interpret, review, and be treated as bound; it is therefore constitutional in effect even where no state constitution is involved.

3. Internet institutions partly construct their operative communities. Formal openness does not eliminate the effects of language, cost, time, venue, professional norms, moderation, funding, documentation, and recognition practices upon who can become consequential.

4. Where an institution materially constructs, funds, recognises, or interprets the community from which it claims legitimacy, it bears a heightened burden to demonstrate permeability, independence, contestability, and protection against self-legitimation.

5. Community boundaries should be defined before the result is known. Retrospective expansion, contraction, or substitution of the relevant community creates a rebuttable inference of community gerrymandering or claim inflation.

6. Legal membership, policy eligibility, actual participation, sustained contribution, operational responsibility, representation, material affectedness, subjection, dependency, and decisional authority are distinct institutional relationships and must not be conflated.

7. Authority is function-specific. Competence acquired through technical work, legal membership, public consultation, or operational responsibility does not automatically migrate into constitutional, distributive, public-policy, or representational authority.

8. Technical expertise justifies enhanced epistemic authority within its domain, but it does not silently confer power to determine institutional ownership, public values, distribution of burdens, or the identity of the represented community.

9. Affectedness, subjection, and dependency create different claims. The intensity of the relationship determines whether transparency, consultation, representation, reasoned response, review, or decisional standing is appropriate; none automatically creates a universal veto.

10. Participation at one point in a process does not establish authority over the whole process. The Community Authority Chain must disclose control of agenda, framing, drafting, consensus, formal approval, implementation, and review.

11. Consensus attribution is an exercise of institutional judgment. The decision-maker must identify the relevant participant population, material objections, applicable method, reasons, and available appeal; silence proves no more than the absence of a recorded objection within an adequately notified population.

12. Representation is a claim, not a title. Any actor purporting to speak for users, civil society, a region, youth, small operators, or another constituency must disclose the constituency, basis of authorisation, scope, accountability, conflicts, and means of contestation.

13. A community outcome and the public interest are not synonymous. A community may supply knowledge, consent, and accountability, but public-interest attribution additionally requires examination of externalities, absent constituencies, minority burdens, systemic dependency, and mission constraints.

14. Community legitimacy is audience-specific. A phrase understood as internal shorthand may become misleading when addressed to courts, governments, donors, peer institutions, operators, or the public, each of which may infer a broader mandate.

15. Conferred community mandates decay when technology, institutional function, affected populations, dependency, scale, or representation materially changes. Long-standing consensus may require revalidation rather than perpetual reliance.

16. The doctrine must be capable of validating narrow expert or membership communities where the function, jurisdiction, process, and review mechanisms fit. A framework designed only to prove exclusion is advocacy, not doctrine.

17. Remedies are proportional. Correction of language, disclosure of limits, supplementary participation, publication of dissent, independent review, remand, revalidation, sunset conditions, or provisional recognition will often be more appropriate than automatic invalidation.

18. The central rule is that control over the definition of community is control over the claimed source of authority; therefore, the strength of the claimed community mandate must not exceed the conferred authority, evidence, and institutional safeguards actually established.

19. Community authority remains subordinate to the governing normative hierarchy. The doctrine may identify an attribution, legitimacy, or design defect, but it does not override applicable law, binding judicial orders, constitutive instruments, bylaws, contracts, or validly adopted procedures unless incorporated through a legally competent process.

20. A materially significant community boundary must be formed before the outcome through publication, challenge, reasoned determination, and scope-change review; an institution should not possess unreviewable authority to define the polity from which it claims legitimacy.

21. Where legal, technical, corporate, representative, governmental, operational, affected-public, and review authority overlap, the competent decision-maker must reconcile their distinct jurisdiction through reasons rather than collapse them into an undifferentiated multistakeholder mandate.

22. End-user and public interests should enter governance through graduated institutional standing tied to affectedness, subjection, dependency, weak exit, implementation burden, and irreversibility, not through a fictional universal electorate or symbolic attendance.

23. Community authority carries reciprocal duties. Representatives, chairs, experts, funded participants, established contributors, delegated bodies, and institutions speaking in the community’s name must accept disclosure, accountability, scope discipline, dissent preservation, and permeability obligations proportionate to their power.

24. Conferred community mandates must be reviewable and renewable. Withdrawal, sustained exit linked to procedural failure, changed function, expanded dependency, or breakdown of representation triggers a reasoned revalidation inquiry, but does not automatically grant any faction a veto or invalidate lawful continuity.

25. The doctrine distinguishes the authority actually conferred by a constituent community from the authority later claimed in that community’s name. Mandate inflation occurs where the claimed community mandate materially exceeds the conferred community mandate in scope, function, constituency, duration, geography, or public meaning.

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Proposition Classification

Marker	Meaning	Use in this paper
[R]	Recognised requirement or official principle	Directly supported by an authoritative instrument, constitutive document, RFC, official process, or recognised international standard.
[A]	Legal or institutional analogy	A principle drawn from another legal or governance setting and cautiously adapted to Internet-governance institutions.
[S]	Analytical synthesis	A proposition derived from the combined operation of documented structures, institutional practice, and peer-reviewed scholarship.
[N]	New doctrinal proposal	An original definition, presumption, test, remedy, or institutional-design rule advanced for debate and adoption.

1. Introduction: Community as a Constitutional Question

Internet governance speaks constantly in the name of "the community." Policies are developed by the community; consensus is reached by the community; directors are elected by the community; institutions are accountable to the community; and the multistakeholder community is said to ascertain the public interest. The language is embedded in the self-description of Internet institutions and in the broader normative commitments of WSIS, NETmundial, NETmundial+10, and subsequent United Nations instruments, all of which support inclusive, transparent, accountable, and collaborative governance arrangements.[1]-[5] The phrase nevertheless performs more work than its apparent simplicity reveals.

A community claim is not merely a report that people attended. It is an attribution of authority. When an institution states that "the community decided," it identifies a source of mandate, diffuses or assigns responsibility, describes the relationship between the institution and its participants, and communicates legitimacy to audiences that may not understand the internal procedure. The claim may influence a court considering institutional regularity, a government deciding whether to recognise an arrangement, a donor assessing accountability, an operator deciding whether to comply, or a peer institution evaluating whether an outcome deserves reliance. The constitutional question is therefore not only whether participation occurred, but which body of persons was treated as capable of authorising which exercise of power.

The operative community frequently contracts to those who could reach the process and remain inside it: persons who knew the process existed, possessed the language and institutional literacy to understand it, had paid or voluntary time to follow it, could travel or participate remotely, and acquired sufficient recognition to affect agenda, drafting, consensus, voting, implementation, or review. Such contraction is not necessarily improper. Technical systems require competence; corporate organisations require legal members and office-holders; policy processes require sustained labour; and emergency continuity may require temporary concentration of authority. The legitimacy problem arises when the authority of that limited population is retrospectively enlarged into the authority of users, a region, the public, or an undefined global community.

> **FOUNDATIONAL CLAIM [N]**
> The definition of an Internet-governance community is a constitutive allocation of authority. It determines who may initiate, participate, object, decide, interpret, review, and be treated as bound. The boundary is therefore an exercise of constitutional power even where the institution is private, technical, contractual, or non-state.

The need for this modernisation is structural rather than rhetorical. Internet coordination arrangements that developed around comparatively specialised technical, operational, commercial, and governmental communities now underpin public administration, education, communications, economic participation, security, identity, and the practical exercise of rights across populations that may never acquire membership or recurring participant status. Contemporary global instruments retain multistakeholder and distributed governance while connecting Internet governance to development, inclusion, rights, public services, and the global digital economy.[1], [3]-[5] The resulting constitutional mismatch is not that expert or operational communities have become illegitimate. It is that the social consequences of the institutions have expanded faster than the constituent architecture through which authority is attributed. Preservation of the model therefore requires a constituent-design layer capable of defining standing, reconciling plural authority, imposing reciprocal duties, and renewing mandate at the scale of contemporary dependency.

This paper supports the multistakeholder and bottom-up model. Its concern is preservation through precision. A system that cannot explain who constitutes its community, what authority that community possesses, and how the community can challenge the institution will eventually rely upon ceremonial participation rather than defensible legitimacy. The paper therefore proposes a doctrine that can validate appropriately constituted technical, corporate, policy, and deliberative communities while identifying the narrower circumstances in which community language becomes authority Transformation.

2. Research Problem, Literature Gap, and Method

The established literature has already demonstrated that participation is unequal, that consultation may be tokenistic, that stakeholder selection and decisional authority vary across governance arrangements, and that multistakeholderism is an incompletely specified institutional form.[24]-[29] Repeating those propositions would produce another general appeal for inclusion. The present paper addresses a narrower and more consequential gap: the conditions under which an institution may attribute authority to a community, and the consequences where the institution has itself helped form the constituency whose approval it invokes.

Participation theory asks who enters, how participants communicate, and how much influence the process grants. Representation theory asks who purports to make whom present, before which audience, with what authorisation and accountability. Global-legitimacy scholarship examines legal, procedural, performance, sociological, and relational grounds upon which institutions are accepted as rightful, and it increasingly recognises that legitimacy requirements vary with institutional function and audience.[27], [30]-[35] Capture scholarship examines the risk that participation structures are dominated through information, representation, or resources.[38] These bodies of work supply essential foundations, but they do not, by themselves, produce a cross-institutional rule governing claims that “the community” authorised a result in Internet governance.

The method is doctrinal and comparative rather than purely empirical. It proceeds in five stages. First, it identifies recognised norms in official Internet-governance instruments. Second, it separates categories, membership, participation, representation, affectedness, dependency, and authority, that institutional language often compresses. Third, it maps how communities are formed and how power moves through the full decision chain. Fourth, it formulates presumptions, burdens, tests, and remedies that can be applied to distinct institutional functions. Fifth, it tests the framework against RIR policy processes, the IETF, ICANN, and the IGF without assuming that those institutions should share a single design.

The doctrine is deliberately falsifiable. An assessment may conclude that a narrow expert community was properly constituted; that a legal electorate validly exercised corporate power; that public participation did not require direct decisional authority; or that an institutional use of “community” was carefully limited and accurate. It may also conclude that community boundaries were opportunistically drawn, that authority migrated across functions, that a representative claim lacked a constituency, or that an internal decision was publicly translated into a mandate it did not possess. The ability to validate as well as criticise is a condition of doctrinal seriousness.

3. The Constituent Community and the Boundary of Authority

The term “constituent community” refers to the body or bodies whose legally recognised status, participation, representation, expertise, affectedness, subjection, dependency, or continuing oversight supplies part of the justification for a specified exercise of institutional authority. The term does not presume a sovereign people, a universal electorate, or equal voting power. It identifies the community relation through which authority is claimed, constrained, corrected, or socially recognised.

The boundary problem precedes the participation problem. An institution cannot determine whether participation was adequate until it identifies the population whose participation mattered and the function for which it mattered. Nor can it infer a mandate from participation until it specifies who was eligible, who was actually active, who held formal authority, and who was materially exposed to the result. Jonathan Symons’s account of legitimacy-granting communities similarly demonstrates that international institutions need not possess legitimacy among every conceivable constituency to the same degree; the relevant legitimacy nexus varies with the institution and its relations.[31] The present doctrine adapts that insight by requiring a decision-specific account rather than a permanent, undifferentiated “Internet community.”

The boundary is constitutive because it creates institutional positions. A rule defining legal membership determines who may vote, nominate, inspect records, or hold office. A working-group rule determines who may submit text, how objections are classified, and who may appeal. A consensus method determines whose non-objection is counted and who may declare closure. An At-Large or civil-society structure determines which user interests are made institutionally present. An affectedness assessment determines whose burdens must be examined even if those persons do not participate. Each boundary decision distributes power.

The doctrine therefore rejects the proposition that “community” can be defined merely by attendance after the event. Attendance identifies one factual population; it does not establish why that population possessed authority, whom it represented, or whether it was the appropriate community for the function. The community must be defined by the relationship relevant to the decision, not by the convenience of the available participant list.

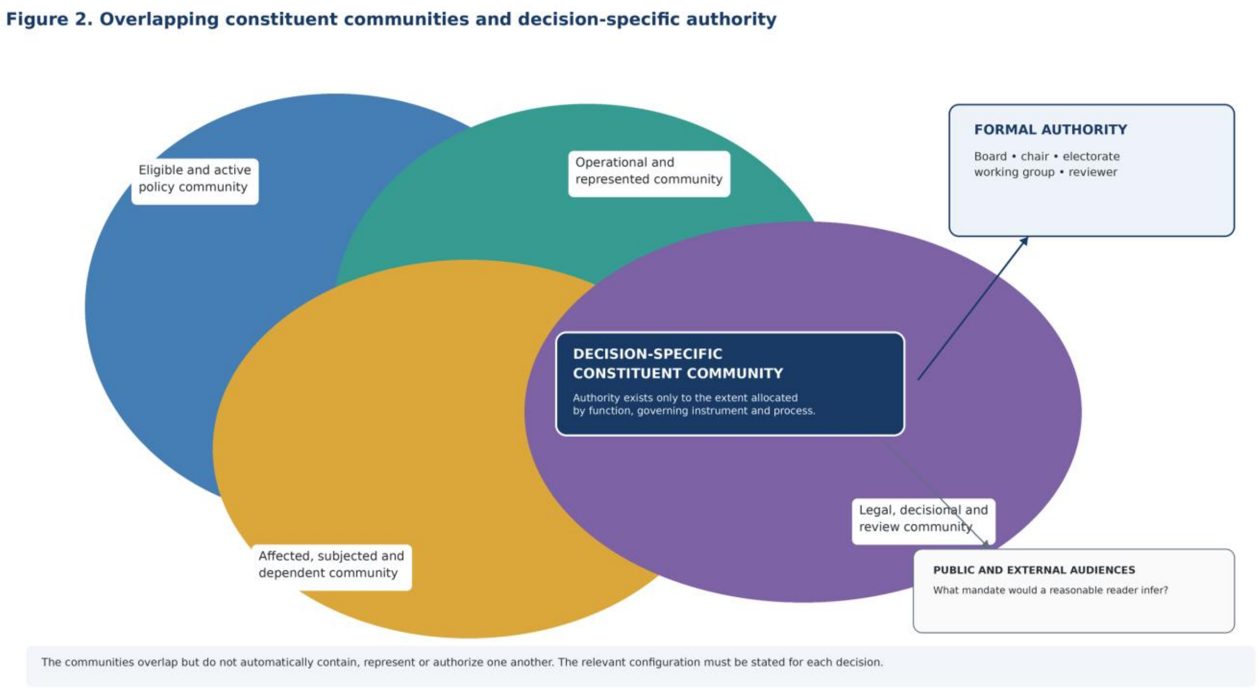

Figure 2. Overlapping constituent communities and decision-specific authority.

4. Legitimacy, Legitimation, and Audience

The paper distinguishes legitimacy from legitimation. Legitimacy concerns whether authority is rightful under applicable legal, procedural, normative, sociological, or functional standards. Legitimation concerns the practices through which institutions cultivate, communicate, defend, or restore beliefs in that legitimacy. International institutions employ discursive, institutional, and behavioural legitimation strategies, including public claims that they embody participation, expertise, identity, performance, or community values.[32], [33] The phrase “the community decided” is therefore capable of being both a descriptive statement and a strategic legitimacy claim.

Four dimensions require separate treatment. Legal legitimacy concerns authority under constitutive instruments, law, contracts, and recognised procedures. Procedural legitimacy concerns fairness, openness, reasons, transparency, representation, and review. Functional or epistemic legitimacy concerns competence and performance within the institutional mission. Sociological legitimacy concerns whether relevant audiences accept the institution and its decisions as appropriate or rightful.[35], [42], [44]-[47] A community process may strengthen one dimension without curing defects in another. Broad support cannot make an ultra vires act lawful, and impeccable legal authority does not establish that a decision was community-authored.

Legitimacy is also relational and audience-specific. Participants, members, operators, governments, courts, donors, peer organisations, and end users may assess the same institution against different expectations.[31], [34] A phrase used internally as shorthand may be misunderstood externally as proof of broad consent or representation. The doctrine therefore evaluates not only the literal words but the audience, context, and authority reasonably conveyed.

AUDIENCE-SPECIFICITY PRINCIPLE [N]

The adequacy of a community claim must be assessed in relation to the audience to which it is addressed and the authority that the audience is reasonably expected to infer. A claim made in litigation, governmental correspondence, recognition processes, public advocacy, or institutional diplomacy requires greater specificity than informal shorthand within a working group.

5. Institutional Community Formation and the Self-Legitimation Paradox

Internet-governance institutions do not merely discover pre-existing communities. They establish venues, participation formats, consultation periods, document requirements, working languages, codes of conduct, fellowship programmes, leadership criteria, nomination rules, moderation practices, and mechanisms for recognising expertise. These arrangements make participation possible, but they also shape who is capable of becoming an established contributor. The bureaucracy and rules of an institution can create social knowledge and categories that later appear natural rather than institutionally produced.[36], [37]

Institutional community formation becomes a legitimacy problem when the institution exercises extensive control over the formation of the community and then relies on the community's output as independent authorisation. The institution may decide who receives notice, who is funded, which issues enter the agenda, who drafts, what counts as evidence, who determines consensus, and how the outcome is described. That circularity does not automatically defeat legitimacy; every governance system requires procedural architecture. It does, however, create a heightened burden of transparency, permeability, conflict management, and independent contestation.

The self-legitimation paradox can be stated formally. First, the institution designs the process. Second, the process produces an operative community. Third, the institution or its designated officers interpret the community's output. Fourth, the institution invokes that interpretation as authority for its own action or continued status. Where external audiences cannot inspect the earlier stages, the final community claim may conceal the institution's constitutive role.

Figure 1. The institutional community-formation and self-legitimation loop

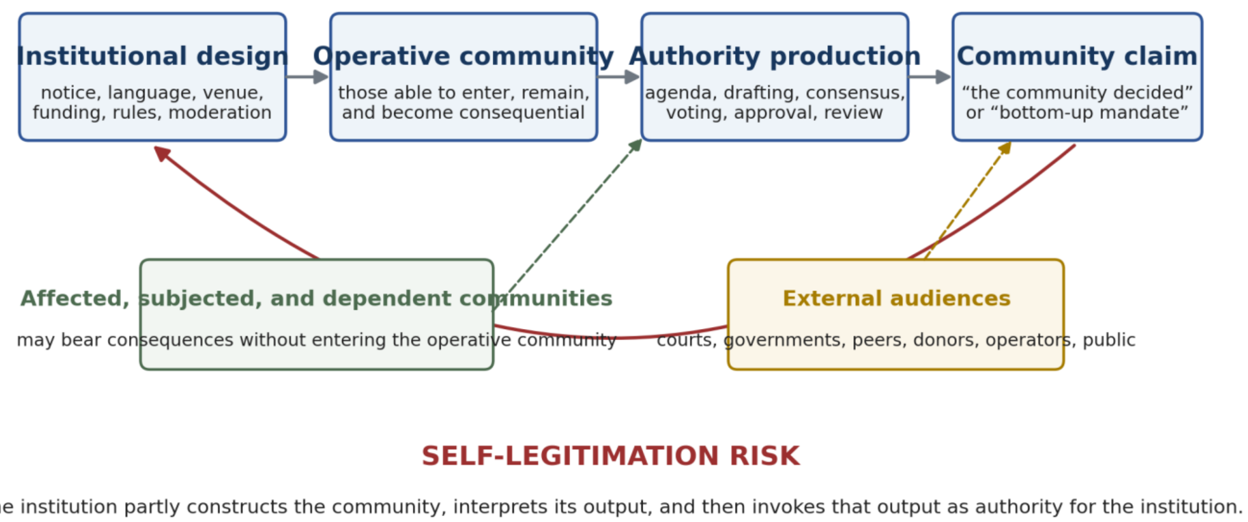

Figure 1. The institutional community-formation and self-legitimation loop.

HEIGHTENED-BURDEN RULE [N]
Where an institution materially constructs, funds, recognises, moderates, or interprets the community from which it claims authority, it bears a heightened burden to demonstrate that the community remains sufficiently independent, permeable, representative of the relevant interests, and capable of contesting the institution itself.

6. Community Gerrymandering and Boundary Integrity

A community boundary may be manipulated even where no participant is formally excluded. The institution may select the definition most favourable to a preferred outcome: legal members for one purpose, active policy participants for another, the technical community when resisting external scrutiny, or the wider Internet community when seeking political recognition. The underlying populations may all be legitimate for particular functions; the defect lies in shifting among them without disclosing the change in authority.

Community gerrymandering [N] is the opportunistic expansion, contraction, subdivision, aggregation, or substitution of the relevant community in order to strengthen, weaken, or retrospectively justify a claimed mandate. It includes redefining the community after participation patterns or preferences are known; counting supportive participants as representative of a wider population while treating absent or opposing constituencies as irrelevant; and borrowing the legitimacy of one community process to validate action taken through another.

Boundary integrity requires the institution to define the relevant community before the result is known, subject to reasonable adjustments where new affectedness or functional information emerges. Any change must be explained, documented, and assessed for its effect upon notice, representation, quorum, consensus, and review. The rule does not freeze communities permanently. It prevents the result from determining the identity of the supposed authorising body.

BOUNDARY-INTEGRITY PRESUMPTION [N]
A community definition adopted or materially altered after the preferred outcome became reasonably foreseeable bears a rebuttable presumption of claim inflation. The institution must show a decision-independent reason for the change and must not rely upon the altered definition without reopening participation where the change was material.

7. Controlled Definitions

Term	Definition
Community claim	A public or institutional proposition that a defined community generated, shaped, supported, authorised, constrained, or remains accountable for a specified decision or exercise of authority.
Constituent community	The body or bodies whose legally recognised status, participation, representation, expertise, affectedness, subjection, dependency, or oversight supplies part of the justification for a specified exercise of institutional power.
Stakeholder	A person, group, or institution possessing a material interest, responsibility, expertise, right, exposure, dependency, or implementation role relevant to a particular governance question.
Participant	A person or organisation that actually enters a governance process by attending, submitting, deliberating, drafting, voting, advising, implementing, or seeking review.
Representation	An accountable relation in which a person or institution makes an identifiable constituency, interest, perspective, or discourse present in a governance process.
Affected community	Persons or groups whose rights, access, costs, security, opportunities, welfare, or material interests may be significantly altered by a decision.
Subjected community	Persons or organisations required to comply with, governed by, or directly constrained by the resulting rule or institutional act.
Dependent community	Persons or organisations whose access, operations, public services, livelihood, or communications materially relies upon an institutionally coordinated resource or system from which meaningful exit is difficult.
Epistemic authority	Authority arising from relevant knowledge and competence to assess technical feasibility, evidence, risk, or operational consequence.
Political or distributive authority	Authority to determine which interests, values, costs, benefits, or burdens should prevail where technical feasibility alone does not resolve the choice.
Constitutional authority	Authority to define institutional powers, offices, membership rights, decisional procedures, or the identity of the body entitled to govern.

Term	Definition
Influence	A demonstrable capacity of participation to alter agenda, framing, evidence, drafting, reasoning, timing, decision, implementation, review, or institutional learning.
Consensus attribution	The accountable institutional act of identifying the population, method, objections, and judgment through which sufficient agreement or resolved disagreement is said to authorise an outcome.
Bottom-up governance	A system in which relevant communities possess traceable power to originate, shape, authorise, constrain, review, or correct institutional action rather than merely receive consultation after the decisive choices have hardened.
Community-authority Transformation	The translation of narrower legal, technical, managerial, or participatory authority into a broader claim of user, regional, democratic, societal, or public-interest authorisation that the process did not establish.
Conferred community mandate	The decision-specific authority expressly or implicitly granted by a constituent community, under the applicable governing framework, to an institution, office, representative body, or governance process to perform defined functions within identified legal, functional, representative, temporal, geographic, and jurisdictional limits.
Claimed community mandate	The authority that an institution, office, representative body, or governance process asserts that it possesses or exercises in the name of a constituent community. Its legitimacy depends upon whether the claim accurately reflects the existence, scope, limits, duration, and source of the conferred community mandate.
Mandate inflation	The material expansion of a claimed community mandate beyond the authority actually conferred by the constituent community, whether through institutional description, public communication, procedural interpretation, representative attribution, authority transfer, or subsequent reliance. Mandate inflation may occur even where the underlying process or original mandate was valid.
Mandate decay	The progressive weakening of the continuing legitimacy, representative force, or authority of a conferred community mandate where material changes in function, technology, dependency, affected population, scale, representation, governing framework, or community composition sever the relationship between the original authorisation and the authority presently exercised. Mandate decay triggers review or revalidation rather than automatic nullity.
Institutional standing	A defined procedural entitlement, such as notice, participation, access to reasons, preservation of dissent, boundary challenge, review, or revalidation, assigned to a person or constituency because of legal status, representation, expertise, subjection, dependency, or material affectedness.
Constituent Boundary Notice	A pre-deliberation record identifying the decision, function, proposed relevant communities, provisional authority allocation, excluded or peripheral constituencies, materiality assessment, and means by which the boundary may be challenged.
Boundary challenge	A reasoned claim that a person, constituency, or authority has been wrongly included, excluded, classified, or assigned insufficient or excessive institutional standing for the decision concerned.
Authority reconciliation	The reasoned institutional process by which a competent decision-maker identifies and respects distinct legal, functional, epistemic, representative, affected-public, operational, and review claims without allowing one authority to erase or silently substitute for another.
Revalidation trigger	A defined change in law, function, technology, dependency, affected population, scale, representation, participation, or institutional recognition that requires the existing conferred community mandate to be reviewed, renewed, narrowed, or retired.

7.1 Conferred and Claimed Community Mandates

The doctrine uses “community mandate” in two connected but distinct senses. A conferred community mandate is the authorisation that flows from the constituent community to the institution or actor: it identifies the job authorised, the source of authority, and the limits within which the power may be exercised. A claimed community mandate is the authority that the institution or actor later says it possesses in the community's name. The first is a relationship of authorisation; the second is an institutional attribution that must be tested against that authorisation.

The distinction applies at different stages. The conferred community mandate is examined when identifying constitutive instruments, delegation, election, consensus procedures, representative authority, or other sources of permission. The claimed community mandate is examined when an institution describes the result to participants, courts, governments, peer institutions, donors, operators, affected publics, or the wider public. A valid process may therefore create a valid conferred mandate while still producing an overstated claimed mandate.

The two mandates should remain substantially aligned. Where the claimed mandate expands beyond the conferred mandate in function, constituency, duration, geography, representational scope, or public meaning, the divergence is mandate inflation. Where the original authorisation remains formally intact but its legitimating connection to present conditions weakens over time, the divergence is mandate decay. Where authority is moved from one function or community relation into another and then presented as broader community authorisation, the defect may also constitute authority migration or community-authority Transformation.

MANDATE-ALIGNMENT RULE [N]
An institution's claimed community mandate must not exceed the conferred community mandate in source, function, constituency, scope, duration, geography, or public meaning. A material excess constitutes mandate inflation and requires correction, additional authorisation, revalidation, or another proportionate remedy.

8. Taxonomy of Internet-Governance Communities

The doctrine uses a taxonomy because "community" performs different work at different stages. The categories are not mutually exclusive and do not form a hierarchy of personal worth. One actor may occupy several categories, while an institution may need different categories for different decisions. The analytical requirement is to name the relationship rather than compress it.

Community category	Institutional relationship	Typical entitlement or relevance
Constitutional or legal community	Members, office-holders, decisional participants, or constituencies whose rights arise under bylaws, articles, membership instruments, law, or recognised constitutional procedures.	Voting, nomination, inspection, removal, approval, or formal accountability powers.
Eligible policy community	All persons formally permitted to participate in a policy process, mailing list, meeting, consultation, or standards activity.	Potential entry; does not prove actual participation or influence.
Active deliberative community	Persons who actually follow the process, test evidence, submit text, debate, and remain engaged through material stages.	Knowledge production, argument, drafting, and informal agenda power.
Decisional community	Actors whose vote, consensus judgment, approval, objection, or review formally or practically determines the result.	Final or intermediate decisional authority.
Operational community	Actors expected to implement, administer, route, allocate, register, secure, or comply with the outcome.	Technical feasibility, implementation knowledge, and operational responsibility.
Represented community	Constituencies whose interests are made present by elected, delegated, associational, descriptive, expertise-based, or advocative representatives.	Substantive or authorised representation, subject to accountability.
Affected community	Persons whose interests or rights are materially altered by the result.	Proportionate notice, voice, reasons, protection, or review.
Subjected community	Persons or organisations directly governed or constrained by the rule.	Stronger claim to notice, reasons, challenge, and procedural protection.
Dependent or reliance community	Persons or institutions relying on coordinated resources or services with limited exit.	Externality assessment, continuity protection, reasoned justification, and correction.
Structurally absent community	Relevant constituencies absent because of language, cost, notice, time, status, knowledge, risk, or perceived futility.	Absence analysis; silence must not be enlarged into consent.

Community category	Institutional relationship	Typical entitlement or relevance
Prospective community	Future users, operators, entrants, or institutions whose opportunity set may be durably constrained.	Review clauses, reversibility, entry preservation, and intergenerational stewardship.
Legitimacy-granting audience	Internal or external audiences whose acceptance materially affects compliance, recognition, stability, or cooperation.	Audience-specific explanation and claim calibration.

9. The Community Authority Chain

Governance authority is rarely located at a single meeting or vote. It is distributed across a chain beginning with problem recognition and continuing through agenda formation, framing, evidence selection, drafting, deliberation, consensus or choice, formal approval, implementation, and review. A process may be open at one stage while closed at another. Hundreds of participants may comment upon a text whose options, assumptions, and legal effect were already determined by a small group.

The chain reveals four recurrent gates. The agenda gate determines whether an issue may be considered. The text gate controls the initial draft and the admissibility of amendments. The interpretive gate determines whether objections are material, resolved, or out of scope. The legal gate determines whether the result is adopted, ratified, implemented, or set aside. A credible community claim must name the actors controlling each gate and the authority permitting them to do so.

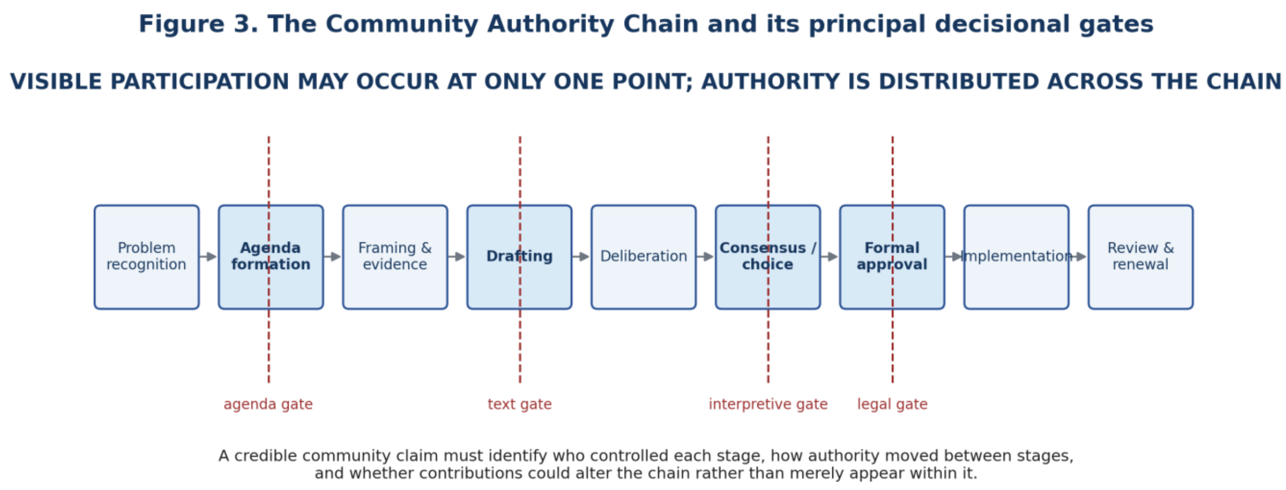

Figure 3. The Community Authority Chain and its principal decisional gates.

Authority traceability is more probative than raw participation numbers. A relatively small technical process may possess strong legitimacy where the function is narrow, participation is open to relevant expertise, objections receive reasoned treatment, and appeal is available. A large consultation may possess weak authority where the agenda and draft were closed, comments could not alter the result, or formal decision-makers were not bound to respond. The doctrine therefore audits the chain, not the theatre of attendance.

10. Functional Non-Transferability and Expertise Jurisdiction

Multistakeholder governance cannot operate through a single undifferentiated allocation of power. Technical standardisation, number-resource policy, corporate elections, public-policy dialogue, adjudication, and emergency continuity perform different functions. Function-sensitive legitimacy scholarship supports the proposition that appropriate legitimacy requirements vary with the task being performed.[30] Internet institutions already reflect this reality: RIR policy communities, RIR legal memberships, IETF working groups, ICANN Supporting Organisations and Advisory Committees, the Empowered Community, and the IGF possess different roles and effects.[6], [9]-[20]

The Functional Non-Transferability Principle [N] provides that authority acquired through one community relation does not migrate into another institutional function unless the constitutive rules permit the transfer, the transfer is publicly explained, and materially affected communities can contest it. Technical contributors do not thereby become corporate electors. Legal members do not automatically represent all users. An open policy forum does not necessarily possess authority over institutional assets or litigation. A board's legal power does not prove that the wider community authored its decision.

The Expertise-Jurisdiction Principle [N] similarly separates epistemic authority from constitutional and distributive authority. Expertise may justify enhanced weight in determining whether a routing protocol is interoperable, whether a resource policy can be implemented, or whether a security measure is technically necessary. It does not, without further justification, determine which population should bear costs, whether an institution should relocate, who should own institutional assets, or what public values should prevail. The reverse limitation also applies: numerical popularity cannot determine technical truth.

	Technical expertise	Open participation	Legal membership	Affected / dependent	Independent review
Protocol / technical standard	Primary	Necessary	Limited	Protected	Strong
Number-resource policy	Primary	Primary	Separate	Material	Available
Corporate election or bylaw	Advisory	Contextual	Primary	Protected	Strong
Public-policy recommendation	Material	Primary	Limited	Primary	Available
Emergency continuity action	Primary	Compressed	Authorising	Protected ex post	Mandatory ex post

The matrix rejects both universal mass voting and unrestricted expert rule. Authority must fit the function, remain within jurisdiction, and be bounded by law, affectedness, public interest, and review.

Figure 4. Function-sensitive authority allocation: illustrative, not universal.

11. Representation and the Representative Claim

End users and diffuse public interests cannot ordinarily participate directly in every technical and policy process. Representation is therefore unavoidable. The error lies not in non-electoral representation, but in treating a claim to represent as self-proving. Saward's representative-claim approach emphasises that a representative constructs a subject that is offered to an audience as standing for an object or constituency.[27], [43] In transnational governance, the represented may be people, interests, perspectives, discourses, regions, or identities; the relationship requires scrutiny even where no direct election is possible.

The doctrine distinguishes elected representation, delegated representation, associational representation, descriptive representation, expertise-based representation, discursive representation, and self-appointed advocacy. Each may be valuable, but each supports a different claim. A civil-society organisation may legitimately advocate for consumer rights without possessing authority to bind all consumers. A participant from Africa may supply geographic experience without representing Africa. A government may represent the state in intergovernmental relations without exhausting the interests of every citizen or operator. An At-Large structure may provide a pathway for user interests without turning every Internet user into a direct principal.

Representative-claim discipline requires disclosure of the maker, subject, claimed constituency, interest or perspective represented, basis and scope of authorisation, accountability path, conflicts, communication back to the constituency, and means of contestation. Where the constituency is diffuse or incapable of formal authorisation, the claim may rest upon substantive responsiveness, transparency, expertise, and contestability; it should then be described as advocacy or substantive representation rather than delegated authority.

NON-PRESUMPTION RULE [N]
Participation establishes contribution by the participant or authorising organisation. It creates no presumption that the participant represents a country, region, stakeholder sector, user population, civil society, the technical community, or the public unless a defensible representative relationship is separately demonstrated.

12. Affectedness, Subjection, Dependency, and Exit

The proposition that all affected interests should possess some form of political inclusion has substantial democratic appeal, but it becomes indeterminate when every indirect effect is treated as a claim to equal decision-making power.[39], [40] Internet governance intensifies the problem because technical coordination may affect billions of people through long and indirect chains. The doctrine therefore separates affectedness, subjection, and dependency and assigns graduated institutional consequences.

Affectedness concerns material alteration of interests, rights, welfare, access, costs, security, or opportunity. Subjection concerns being directly governed, constrained, or required to comply. Dependency concerns reliance upon a coordinated system from which meaningful exit is difficult. The last category is especially significant for Internet institutions. Users, public services, small operators, and economies may lack formal membership in a coordinating institution while depending upon identifiers, number resources, routing stability, standards, or local interconnection. Hirschman's distinction among exit, voice, and loyalty provides a useful analogy: where exit is weak, voice and accountability acquire greater importance.[41]

The doctrine does not convert dependency into universal voting. It creates proportional duties. Minor and remote effects may require transparency. Significant economic or operational burdens may require consultation and reasoned response. Direct subjection may require procedural rights and review. Systemic dependency with limited exit may require continuity safeguards, externality assessment, public-interest explanation, and independent correction. The relevant factors include severity, probability, duration, reversibility, rights impact, economic exposure, geographic reach, dependency, ability to avoid the effect, and implementation responsibility. This graduated approach is also consistent with rights-based guidance that participation must be effective, accessible, and connected to actual decision processes rather than treated as a formal invitation alone.[23]

DEPENDENCY-LEGITIMACY PRINCIPLE [N]
The weaker the possibility of meaningful exit from an Internet coordination system, the stronger the institution's obligations of transparency, reasoned decision-making, externality assessment, continuity protection, contestability, and review, even where dependent persons do not possess direct decisional authority.

13. Participation Capital, Effective Closure, and Community Reproduction

Formal openness does not distribute influence equally. Participation capital [N] is the combination of paid time, travel funding, language fluency, technical and legal knowledge, procedural memory, institutional networks, reputation, organisational support, drafting capacity, and freedom from retaliation that enables sustained influence. NETmundial+10 recognises power asymmetries, capacity disparities, overlapping processes, and barriers facing the Global South.[3] Empirical work on IGF participation also demonstrates the difference between one-time attendance and recurring participation.[29]

Participation capital becomes institutionally consequential when established contributors control not only substantive debate but the recognition of legitimate contributors. Long-serving participants may become chairs, committee members, fellowship selectors, drafting-group members, reviewers, and interpreters of institutional memory. Continuity can preserve competence and prevent repeated error, but it can also reproduce a governing class. Capture need not involve corruption; it may arise through information dominance, representational concentration, or resource dependence.[38]

The doctrine therefore asks whether a formally open community remains substantively permeable. Relevant indicators include leadership concentration, rotation, access to drafting roles, conversion of newcomers into consequential participants, funding concentration, organisational affiliations, conflict disclosure, overlap among boards and advisory bodies, and the ability of persistent dissenters to remain inside the process without reputational exclusion. The question is not whether experienced participants exercise influence; they often should. The question is whether experience remains contestable competence or becomes self-reproducing authority.

EFFECTIVE-CLOSURE PROPOSITION [S/N]
A formally open community may become substantively closed when incumbents control both the means of participation and the recognition of legitimate participants. Openness should therefore be tested through permeability, succession, and access to consequential roles rather than attendance eligibility alone.

14. Consensus Attribution as Institutional Judgment

Consensus is frequently treated as evidence that the community has spoken. In the IETF, rough consensus is expressly distinguished from majority voting and requires substantive objections to be understood and addressed; working-group chairs and the wider standards process exercise judgment, and review and appeal form part of the institutional structure.[15]-[19] RIR policy processes also rely upon forms of consensus rather than universal ballots.[10]-[14] The legitimacy of those arrangements depends upon clarity regarding the population, method, jurisdiction, reasons, and available challenge.

A consensus determination is not a neutral measurement of collective mood. The chair or authorised body must decide whether an objection is material, technically relevant, resolved, within scope, repetitive, or obstructive. Those classifications determine whether the process may close and therefore resemble an adjudicative function. The doctrine requires the consensus authority to identify its jurisdiction, publish sufficient reasons, preserve material objections, and disclose appeal or review.

Silence has particularly limited evidentiary value. It may indicate agreement, indifference, lack of notice, lack of capacity, perceived futility, fear of retaliation, exhaustion, or structural absence. The doctrine therefore presumes only that no objection was recorded among the effectively notified participant population. Silence cannot be enlarged into consent of legal members, users, a region, or affected populations without separate evidence.

CONSENSUS-ATTRIBUTION RULE [N]
A claim of community consensus must identify the population among which consensus was assessed, the authorised decision-maker, the method applied, the material objections, the reasoning by which objections were resolved or outweighed, and the available review. The claim extends no further than that population and function.

15. Community Outcomes, Public Interest, and Externalities

Multistakeholder governance is often justified as a means of identifying or advancing the public interest. ICANN's Bylaws, for example, connect broad, informed participation and bottom-up multistakeholder policy development with ascertaining the global public interest.[6] That relationship is important, but a community outcome is not automatically identical to the public interest. Every community contains partial knowledge, incentives, dependencies, and blind spots.

A technically competent community may underweight distributive effects. A membership electorate may protect institutional or commercial interests. A civil-society coalition may emphasise particular rights while underestimating operational constraints. Governments may privilege national policy. The public interest must therefore be translated from, not equated with, community preferences. The translation requires assessment of externalities, absent constituencies, minority burdens, systemic risk, rights, competition, affordability, security, resilience, future entrants, and the institution's mission.

Community-authority Transformation [N] occurs where narrower authority is publicly translated into a broader mandate the process did not establish. Consultation may be presented as authorisation; legal authority as community consent; technical consensus as public-policy legitimacy; membership voting as regional representation; or selected stakeholder attendance as societal endorsement. The practice may diffuse responsibility and shield discretion behind the moral authority of "the community." Scholarship on legitimation strategies demonstrates why institutions have incentives to cultivate such claims before different audiences.[32]-[34]

PUBLIC-INTEREST TRANSLATION PRINCIPLE [N]
A community outcome may contribute to identifying the public interest, but it cannot be equated with the public interest without a reasoned assessment of externalities, absent and minority constituencies, systemic dependency, mission limits, and burdens imposed beyond the participating community.

16. Temporal Legitimacy, Mandate Decay, and Prospective Communities

Community legitimacy is not permanent merely because a process was valid when conducted. Internet technologies, market structures, dependencies, geographic reach, and institutional functions change. A consensus formed for a limited technical purpose may later be used to justify broader authority. A membership body may become less representative of the operational environment. A policy may bind new entrants who could not participate in its formation. The doctrine therefore introduces mandate decay.

Mandate decay does not mean that every old rule expires. It means that the representative and legitimating force of an inherited conferred community mandate weakens where material changes sever the relationship between the original authorising community and the present exercise of authority. Relevant indicators include expansion of affected populations, transformation of function, changed technology, new rights impacts, altered dependency, concentration of participation, or prolonged absence of review.

Prospective communities also require protection. Address allocation, standards, institutional reforms, and market-entry rules can shape opportunities for decades. Persons not yet operating or participating cannot authorise present decisions, but institutions can preserve their interests through reversibility, review clauses, sunset provisions, entry protection, impact assessment, and caution against irreversible entrenchment. Temporal stewardship is therefore part of legitimate bottom-up governance rather than an external limitation upon it.

MANDATE-DECAY PRINCIPLE [N]
The legitimating force of a conferred community mandate diminishes where material changes in function, technology, dependency, affected population, scale, representation, governing framework, or community composition break the connection between the original authorisation and the present exercise of power. The appropriate remedy is review or revalidation, not automatic nullity.

17. Scale-Fit, Subsidiarity, and Cross-Border Authority

Internet governance operates simultaneously at global, regional, national, local, and technical-community scales. A globally open process may remain insensitive to regional costs. A regional community may understand local conditions while producing cross-border externalities. A national consultation cannot authorise changes to globally coordinated resources beyond the institution's legal and functional mandate. Scale is therefore an independent element of authority.

The Scale-Fit Principle [N] requires the geographic and functional scale of the authorising community to correspond to the scale of the power exercised and the externalities produced. Subsidiarity supports decisions at the lowest competent level where effects can be contained, but wider coordination is required where consequences are systemic, transboundary, or borne by constituencies outside that level. Geographic diversity alone is not sufficient; one participant from a region does not represent the region, and a globally branded process may still be institutionally narrow.

Scale-fit also protects local experimentation. The doctrine does not require every Internet exchange, national council, or operator forum to reproduce global institutions. It requires clarity about the scope of authority: a local operational community may govern local interconnection under its agreement, but it should not claim to speak for national Internet users; a regional resource community may develop policy within its remit, but it must account for dependencies and external recognition where continuity affects the global number-resource system.

18. The Constituent Community Doctrine

The Constituent Community Doctrine consists of a general rule and sixteen supporting principles. The principles are cumulative but proportional: a low-impact technical adjustment does not require the same evidence as a bylaw amendment, board election, institutional relocation, resource-policy change, or emergency reconstitution. The doctrine governs the accuracy and legitimacy of authority attribution; it does not prescribe one institutional form.

GENERAL DOCTRINAL RULE [N]
An Internet-governance institution may invoke community authority only where the relevant community was defined in relation to the decision and function before the outcome was known; its boundary was not opportunistically expanded, contracted, or substituted; the authority exercised remained within the community's legal, technical, representative, geographic, and temporal competence; affected, subjected, and dependent constituencies received proportionate standing or protection; the chain from participation and representation to decision was traceable and contestable; and the institution did not convert narrow internal authority into a broader public, regional, user, or democratic mandate without additional justification. For materially significant decisions, the institution must additionally demonstrate that the boundary was published and contestable before the outcome, plural authority was reconciled through reasons, affected publics received proportionate standing, community actors accepted corresponding duties, and the mandate remains subject to review and revalidation.

1. Specificity Principle [N]

Every community claim must identify the decision, function, community, stage, authority, and scope to which the claim relates.

2. Constituent-Boundary Principle [N]

The definition of the relevant community is an allocation of standing and authority and must therefore be reasoned, disclosed, and contestable.

3. Boundary-Integrity Principle [N]

The community should be defined before the result is known; material retrospective alteration bears a heightened burden of justification and may require reopening participation.

4. Non-Conflation Principle [N]

Legal membership, eligibility, active participation, representation, operational responsibility, affectedness, subjection, dependency, and decisional authority must not be treated as interchangeable.

5. Self-Legitimation Control Principle [S/N]

An institution that materially forms or interprets its legitimating community bears heightened duties of permeability, disclosure, conflict management, and independent review.

6. Function-Fit Principle [S/N]

The composition and authority of the relevant community must correspond to the function being performed.

7. Functional Non-Transferability Principle [N]

Authority acquired through one function does not migrate into another without constitutive permission, explanation, and contestability.

8. Expertise-Jurisdiction Principle [S/N]

Epistemic authority is entitled to weight within its field but does not silently confer constitutional, distributive, or representational power.

9. Authority-Traceability Principle [S/N]

Agenda, framing, drafting, consensus, approval, implementation, and review authority must be identifiable across the entire process.

10. Representative-Claim Principle [A/S/N]

Claims to speak for absent constituencies require a defined constituency, basis, scope, accountability path, conflict disclosure, and means of contestation.

11. Affectedness-Subjection-Dependency Principle [A/S/N]

Institutional entitlements increase with the severity of effect, directness of subjection, and weakness of meaningful exit.

12. Consensus-Attribution Principle [S/N]

Consensus must be attributed to a defined population through a disclosed method, reasoned treatment of material objections, and review.

13. Public-Interest Translation Principle [S/N]

A community outcome informs but does not by itself establish the public interest; externalities, absent constituencies, and mission constraints require separate assessment.

14. Temporal and Scale-Fit Principle [N]

Community authority must remain aligned with current function, affected populations, dependency, geographic scale, and prospective entrants.

15. Proportionate-Claim and Remedy Principle [N]

The strength of the claim and the remedy for failure must correspond to the quality of evidence, materiality of the decision, and severity of the defect.

16. Normative Hierarchy and Compatibility Principle [A/N]

The doctrine operates within the authority structure established by applicable law, binding judicial or arbitral orders, constitutive instruments, bylaws, binding agreements, and validly adopted procedures. It may expose a deficiency in legitimacy, representation, authority attribution, or institutional design under those instruments, but it does not displace a superior binding norm unless incorporated through a legally competent process. Where a superior norm grants discretion, the doctrine informs how that discretion should be exercised, evidenced, and explained; where community practice conflicts with a superior binding norm, the superior norm governs.

The hierarchy is not an endorsement of every superior rule as normatively desirable. A bylaw or contract may itself be criticised, amended, or challenged through the competent legal and community process. The point is jurisdictional discipline: community language cannot create powers that the governing framework withholds, and the doctrine cannot manufacture legal invalidity where the competent law does not recognise it.

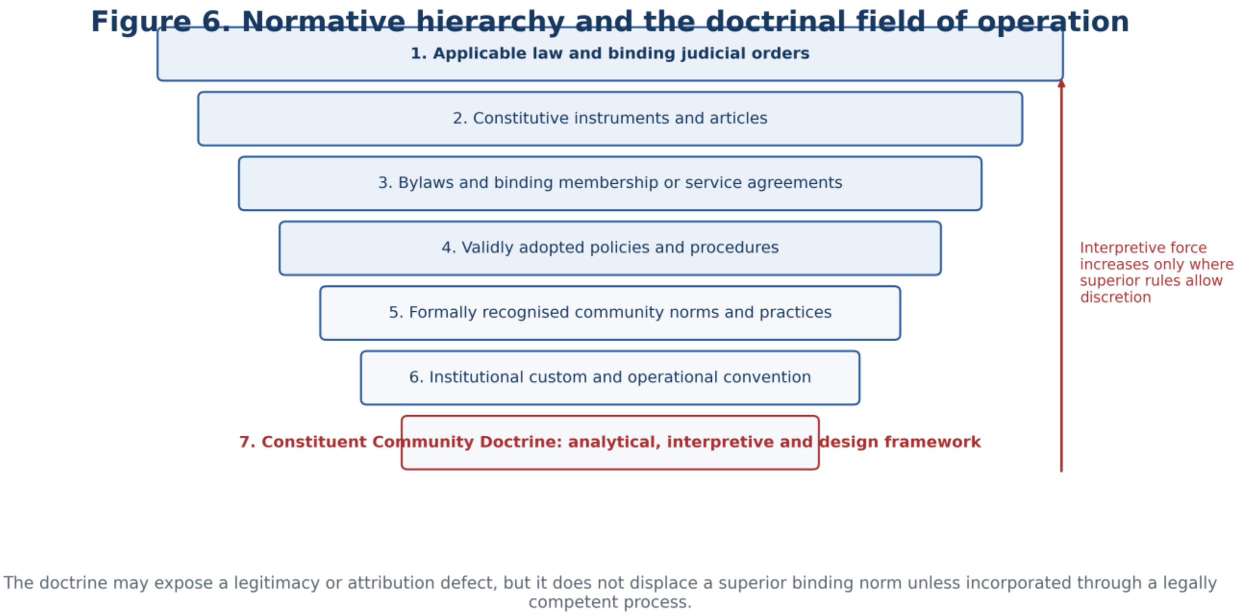

Figure 6. Normative hierarchy and the doctrinal field of operation.

17. Constituent Boundary Formation Principle [N]

For every materially significant decision, the relevant community must be provisionally identified before substantive deliberation or preferred drafting hardens; the proposed boundary and function must be published with reasons; potentially excluded, misclassified, or over-authorised constituencies must have a practical opportunity to challenge the determination; and a material change in the scope, consequence, or institutional function must reopen the boundary inquiry. No actor controlling the final decision should possess unreviewable authority to determine the identity of the authorising community.

18. Boundary Contestability Principle [N]

A community boundary is legitimate only to the extent that those plausibly affected by its inclusion, exclusion, or classification can obtain a reasoned determination from a competent actor. Contestability does not require every claim to succeed or suspend the process automatically; it requires notice, an intelligible standard, a decision record, and proportionate review where the boundary affects material authority.

19. Plural Authority Reconciliation Principle [N]

Where several communities or bodies possess legitimate but different claims concerning the same decision, the competent decision-maker must identify the governing legal competence, institutional function, relevant expertise, degree of representation, subjection and dependency, scale of externalities, and available review, and must explain how the claims were reconciled. Possession of the final institutional act does not authorise one actor to extinguish or absorb the jurisdiction of the others.

20. Affected-Public Standing and Community Responsibility Principle [A/S/N]

Material affectedness, direct subjection, dependency, weak exit, implementation responsibility, and risk of serious or irreversible harm create graduated claims to institutional standing rather than a universal entitlement to vote or veto. Correspondingly, every actor exercising authority in the name of a community assumes duties of disclosure, scope discipline, good faith, conflict management, accountability to the represented constituency, preservation of material dissent, and protection against exclusionary community reproduction.

21. Constituent Renewal Principle [A/S/N]

Community authority is renewable rather than perpetual. Formal withdrawal by a represented constituency, sustained exit or non-recognition linked to a documented procedural failure, material change in function or dependency, or breakdown of the original representative relationship triggers a reasoned review of the mandate. Such evidence does not automatically invalidate the institution; it creates an obligation to determine whether authority should be renewed, narrowed, supplemented, or retired.

19. From Diagnosis to Institutional Modernisation

A doctrine that only exposes overstatement remains incomplete if the same institution retains unilateral control over the boundary, standing, and review arrangements from which it claims authority. The Constituent Community Doctrine therefore requires a positive institutional settlement. Its purpose is not to create a universal electorate, to subordinate technical judgment to popularity, or to establish a parallel constitutional order outside applicable law. It is to specify the minimum procedures by which an institution may constitute the relevant community before a materially significant decision, allocate authority among legitimate but non-identical claimants, confer proportionate standing upon affected publics, discipline community actors through reciprocal duties, and preserve a lawful means of renewal when the authorising relationship changes.

This Part supplies that settlement through six connected rules. The rules are model-neutral and materiality-sensitive: a routine technical correction may require only a compact boundary and authority record, while a bylaw amendment, institutional recognition decision, allocation reform, election architecture, emergency continuity measure, or decision with serious cross-border externalities requires enhanced notice, challenge, reasons, and review. The governing premise is that procedural burden should increase with the breadth of the authority claimed, the intensity of subjection or dependency, the weakness of exit, and the irreversibility of the consequence.

19.1 Constituent Boundary Formation Rule

The community boundary should be formed before substantive deliberation becomes outcome-dependent. The institution should publish a provisional Constituent Boundary Notice identifying the decision, the legal and institutional function, the communities provisionally treated as legal, eligible, active, decisional, operational, represented, affected, subjected, dependent, or prospective, the authority proposed for each, and the constituencies treated as peripheral or outside scope. The notice should explain the evidence and standards used, rather than merely listing stakeholder categories inherited from prior processes.

Boundary formation is not a plebiscite. A claim to inclusion must demonstrate a relevant relationship to the decision; a claim to exclusion must explain why the asserted relationship is immaterial, too remote, already represented through an accountable structure, or outside the institution's legal competence. The institution may reject weak or strategic claims, but it must do so through an intelligible standard and a recorded reason. High-impact decisions should permit review by an actor institutionally separate from the body that controls the final outcome, particularly where the decision-maker also controls notice, agenda, funding, or consensus interpretation.

Stage	Required institutional act	Minimum evidence	Consequence of material failure
1. Trigger and materiality	Classify the decision by legal effect, duration, reversibility, scale, public consequence, and dependency.	Published materiality assessment and governing instruments.	Under-classification may invalidate only the claimed level of community authority, not necessarily the act itself.
2. Provisional boundary notice	Identify relevant communities, their relationship to the decision, proposed standing, and excluded or peripheral constituencies.	Constituent Boundary Notice issued before agenda closure or preferred drafting.	An unpublished boundary supports only a narrow claim tied to actual decisional actors.
3. Boundary challenge	Receive claims of wrongful inclusion, exclusion, classification, or authority allocation.	Reasoned submissions, response record, and disclosure of conflicts.	Material unaddressed challenges weaken any broader community attribution.
4. Reasoned determination	Confirm or amend the boundary and authority allocation before final deliberation.	Decision identifying the competent actor, standard, reasons, and review route.	Unreasoned self-definition attracts the heightened-burden rule.
5. Scope-change review	Reopen the boundary where the issue, remedy, affected population, or legal function materially changes.	Change log and renewed notice proportionate to the alteration.	Authority cannot migrate with the issue without renewed justification.
6. Enhanced review	Use institutionally separate or independent review for constitutional, recognition, emergency, or high-impact	Review opinion, appeal record, or documented waiver justified by urgency.	Failure may require remand, provisional effect, or sunset rather than automatic nullity.

Stage	Required institutional act	Minimum evidence	Consequence of material failure
	decisions.		

BOUNDARY FORMATION RULE [N]
For materially significant decisions, the relevant community must be identified before the outcome, published with reasons, open to challenge, and revalidated if the decision's scope or consequence materially changes.

19.2 Authority Allocation and Reconciliation Rule

Internet governance frequently involves plural authority rather than a single sovereign community. Law may assign formal competence to a board; technical participants may possess superior knowledge of feasibility and systemic risk; members may hold electoral or corporate rights; governments may possess public-policy standing; representatives may articulate constituency interests; operators may be responsible for implementation; affected publics may bear costs or rights consequences; and a court, independent review body, or ombudsman may possess corrective jurisdiction. The doctrine should neither collapse these authorities into an undifferentiated multistakeholder whole nor rank them by institutional prestige. It should identify the jurisdiction of each and require the final actor to reconcile rather than absorb them.

The sequence begins with the governing normative hierarchy, because no participatory arrangement can lawfully enlarge an institution's competence beyond applicable law or constitutive instruments. It then identifies the function being performed, the domain in which technical and operational expertise is controlling or highly persuasive, the representational and affected-public claims that expose burdens and externalities, and the actor legally competent to decide. The final decision should state which claims were accepted, limited, or rejected, and why. Review should test not whether every constituency prevailed, but whether the decision-maker respected the jurisdiction, evidence, and procedural standing properly belonging to each.

Authority source	Proper jurisdiction	Non-transferability limit
Legal and constitutive authority	Determines competence, rank of instruments, mandatory procedures, and the actor empowered to decide or review.	It cannot by itself prove social legitimacy, technical feasibility, or representation of affected publics.
Technical and epistemic authority	Determines feasibility, security, stability, interoperability, and evidentiary quality within the relevant domain.	It cannot silently decide ownership, public values, distributive burdens, or the identity of the authorising polity.
Membership and corporate authority	Exercises rights conferred by articles, bylaws, membership instruments, and corporate law.	It does not automatically represent policy participants, users, a region, or the global public.
Representative and governmental authority	Articulates authorised or institutionally recognised constituency and public-policy positions.	It must disclose mandate, scope, accountability, and the distinction between advice and decision.
Affected-public and dependency standing	Identifies burdens, weak exit, rights implications, public-service dependency, minority effects, and externalities.	It does not create an automatic veto or competence outside the governing framework.
Operational authority	Supplies implementation knowledge, continuity responsibility, and practical constraints.	Operational necessity cannot be used to manufacture permanent constitutional change.
Review authority	Tests legality, reasons, process, jurisdiction, and proportionality, and orders remedies within competence.	A reviewer should not re-decide technical substance or corporate policy beyond the assigned standard of review.

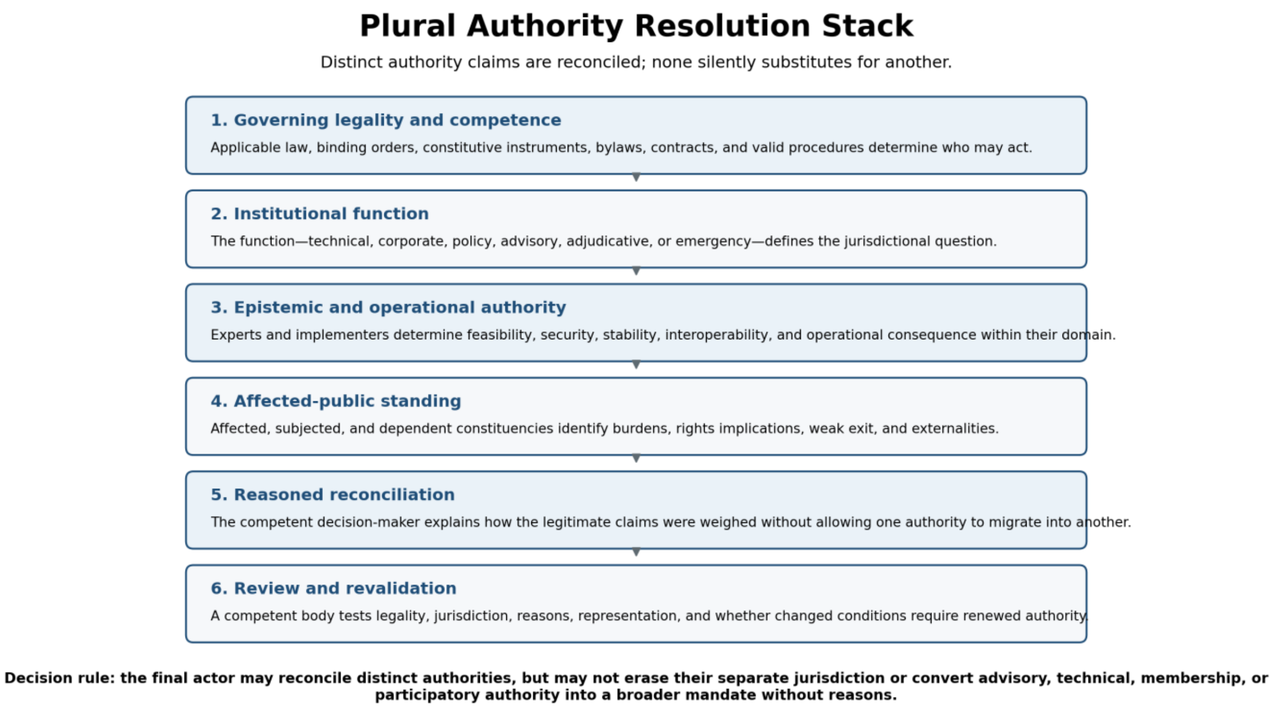

Figure 8. The Plural Authority Resolution Stack: distinct authority claims are reconciled rather than collapsed.

AUTHORITY RECONCILIATION RULE [N]
Where several communities or bodies possess legitimate but different claims, the competent decision-maker must identify their jurisdiction, reconcile their evidence and interests through published reasons, and preserve review. Possession of the final institutional act does not permit one authority to erase the others.

19.3 Affected-Public Standing Framework

The doctrine should convert affectedness from a general moral appeal into a calibrated form of institutional standing. Standing is not synonymous with voting power. It is a legally or procedurally recognised entitlement capable of affecting how the institution must act: a right to notice, to submit evidence, to receive reasons, to preserve dissent, to challenge a community boundary, to seek review, or, in defined circumstances, to obtain formal representation or protected participation. The relevant entitlement depends upon the intensity of affectedness, whether the person is directly subjected to the rule, the degree of dependency and weakness of exit, the severity and reversibility of harm, and whether the constituency must implement the outcome.

This framework supplies a principled place for end users and wider publics without treating them as a coherent universal electorate. An ordinary user may have no useful view on protocol syntax but may possess a legitimate claim to notice, externality assessment, and protection where a coordination decision materially affects access, cost, security, cultural interests, identity, or public services. A small operator may require stronger deliberative standing because it must implement the policy and cannot avoid the system. A population highly dependent upon a resource with weak exit may require formal representation, safeguards, or enhanced review even though it is not a legal member. The doctrine therefore allocates standing by relationship and consequence rather than symbolic stakeholder labels.

Relationship to the decision	Minimum institutional entitlement	Limit
Indirect or diffuse effect	Public information, intelligible explanation, and externality assessment.	No presumption of direct decisional authority.
Materially affected interest	Meaningful consultation, opportunity to submit evidence, and reasoned treatment of substantial concerns.	The institution may reject the position with adequate reasons.
Direct subjection to a rule or compulsory condition	Effective notice, participation before adoption, access to reasons, and a review	Standing is limited to the rule and burden concerned.

Relationship to the decision	Minimum institutional entitlement	Limit
	pathway.	
High dependency and weak practical exit	Formal representation, protected standing, continuity safeguards, or an enhanced duty of justification.	No automatic control of technical or corporate functions beyond the dependency claim.
Serious, rights-sensitive, or irreversible risk	Independent assessment, enhanced review, staged implementation, sunset, suspension, or precautionary safeguards.	Measures remain subject to applicable law and proportionality.
Implementation responsibility	Deliberative and operational standing, feasibility testing, implementation timetable, and correction rights.	Implementation authority cannot migrate into constitutional control.
Prospective or future community	Long-term impact assessment, entry protection, review dates, reversibility, and preservation of future options.	No fictional claim that future persons have directly consented.

STANDING PROPOSITION [N]
Participation becomes institutionally meaningful when a person or constituency possesses defined procedural standing capable of requiring notice, reasons, preservation of dissent, correction, review, or revalidation.

19.4 Community Responsibility Principle

Community authority carries reciprocal duties. The institution must be accountable to the community, but the community must also be accountable for authority exercised in its name. A participant ordinarily speaks for the participant or authorising organisation; a representative must account to the constituency claimed; a chair must explain consensus and classification judgments; a technical expert must disclose when analysis moves beyond the expert domain; a funded participant must disclose material sponsorship or conflicts; and established contributors who control institutional memory, drafting, or recognition must preserve pathways through which newcomers and dissenters can become consequential. These duties do not criminalise influence or continuity. They distinguish legitimate stewardship from unreviewable community reproduction.

Actor	Core duties	Minimum evidence
Representative or constituency body	Identify constituency and mandate; disclose scope and conflicts; consult and report back; permit correction or withdrawal.	Mandate record, constituency communications, conflict register, reporting record.
Chair, moderator, or consensus assessor	Apply published method; distinguish material from immaterial objections; give reasons; preserve dissent; disclose conflicts.	Consensus report, issue log, appeal record, chair disclosure.
Technical or legal expert	State the domain and limits of expertise; separate fact, inference, risk judgment, and normative preference.	Expert note, assumptions, uncertainty and conflict disclosure.
Funded participant or fellowship recipient	Disclose material funding and institutional affiliation while preserving independence of view.	Funding source and role disclosure; no presumption that funding invalidates the contribution.
Long-standing contributor or institutional insider	Avoid gatekeeping through undocumented custom; preserve records; mentor entry; accept rotation and review where authority is delegated.	Leadership tenure, drafting access, succession, newcomer participation, archival completeness.
Delegated community or committee	Remain within delegated scope; maintain records; explain decisions; accept review; return unused or expired authority.	Terms of reference, decisions, reporting, review and sunset record.
Institution speaking in the community's name	Use claim language proportionate to the actual authorisation and disclose material limits.	Community-claim statement, audience analysis, limitation disclosure.

RECIPROCAL RESPONSIBILITY RULE [N]
Community authority is not a licence without responsibility. The greater the authority exercised in the name of a community, the stronger the duties of disclosure, accountability, scope discipline, dissent preservation, and permeability.

19.5 Constituent Community Modernisation Protocol

The positive institutional architecture should be implemented through six connected records rather than through a single generic consultation report. Together they show who was constituted, what authority each actor possessed, which publics received standing, how contributions altered the outcome, what duties accompanied community power, and when the mandate may be reviewed. The records may be combined for routine decisions, but each function should remain identifiable so that procedural compression does not become authority compression.

Required record	Minimum content	Timing
1. Community Definition Notice	Decision, function, proposed communities, boundary reasons, excluded constituencies, materiality, and challenge route.	Before substantive deliberation or preferred drafting hardens.
2. Authority Map	Who may propose, frame, draft, determine consensus, vote, approve, implement, interpret, review, and reopen.	Before or with the first substantive proposal.
3. Representation and Responsibility Register	Who claims to speak for whom, mandate, accountability, conflicts, funding, reporting, and scope duties.	Updated throughout the process.
4. Affectedness, Subjection, and Dependency Assessment	Costs, rights effects, compulsory burdens, weak exit, public-service dependency, externalities, and standing assigned.	Before final option selection; renewed after material scope change.
5. Contribution-to-Outcome Record	Material submissions, objections, revisions, rejected proposals, reasons, dissent, and implementation changes.	Published with the decision or consensus report.
6. Review and Revalidation Record	Competent review actor, remedy jurisdiction, sunset or review date, withdrawal evidence, and revalidation triggers.	At adoption and whenever a trigger occurs.
Decision class	**Required implementation level**	**Design objective**
Routine, low-impact, reversible technical or administrative act	Compact record combining the six functions; ordinary notice and existing review.	Avoid formalism where authority and consequence are narrow.
Material policy, allocation, or implementation reform	Full protocol; boundary challenge; affected-public assessment; traceable reasons and review.	Default level for decisions with significant operational or distributive effects.
Constitutional, bylaw, recognition, derecognition, electoral, or institutional-survival decision	Enhanced protocol; independent or institutionally separate boundary and review safeguards; revalidation and transition plan.	Highest ex ante burden because the decision alters the authority system itself.
Emergency continuity or security action	Provisional authority map; necessity and proportionality reasons; narrow duration; post-action disclosure, review, and sunset.	Urgency changes timing, not the duty to account for permanent effects.

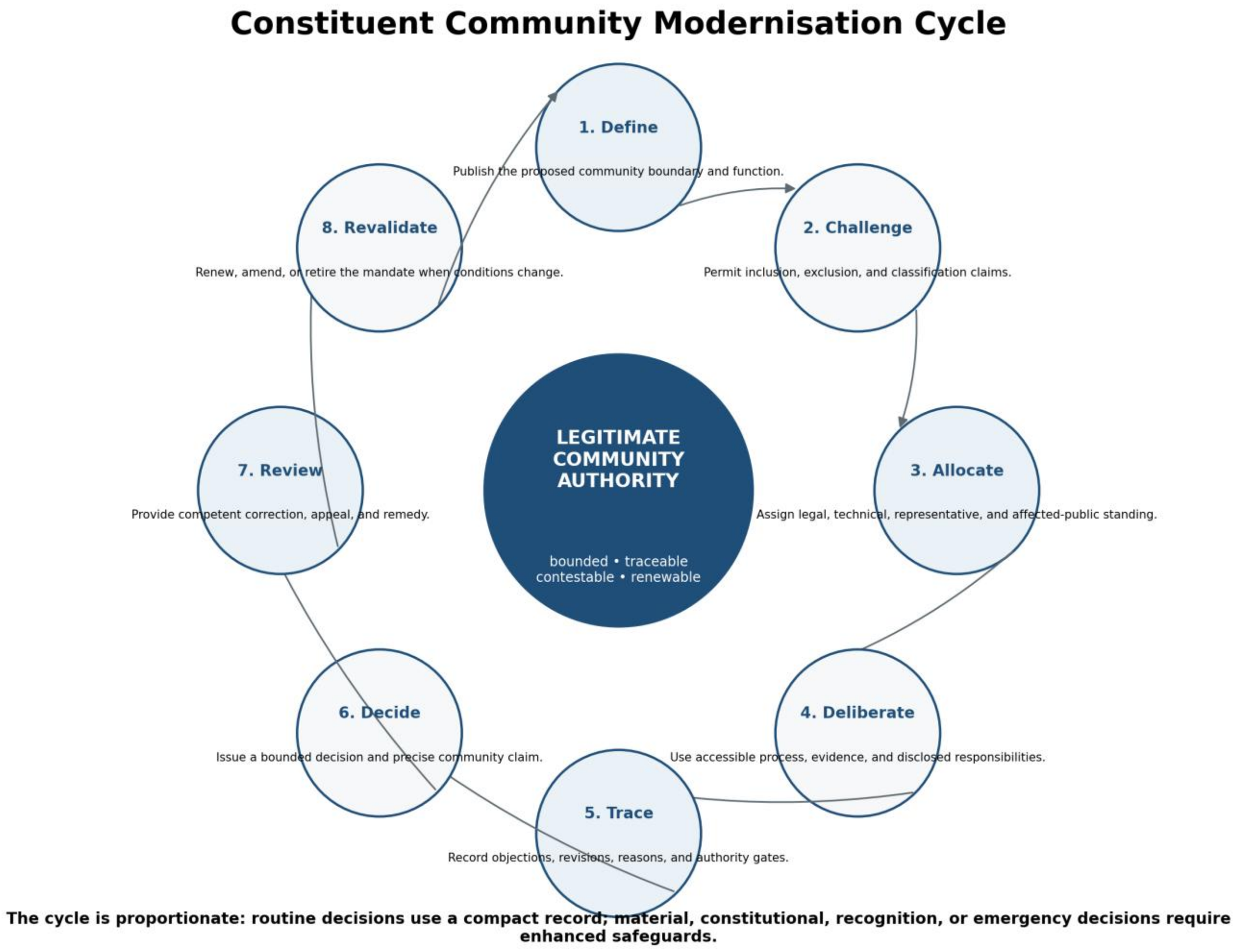

Figure 9. The Constituent Community Modernisation Cycle: authority is constituted, exercised, reviewed, and renewed.

MODERNISATION PROTOCOL [N]
Modernisation does not mean inviting an unlimited number of participants. It means establishing a disciplined record of boundary, authority, standing, responsibility, influence, review, and renewal proportionate to the decision.

19.6 Withdrawal, Revalidation, and Renewal

Community authority is not exhausted by the initial act of participation or approval. A mandate may weaken when the community materially changes, a representative loses its constituency, affected populations expand, dependency deepens, participation channels become effectively closed, the institution assumes a new function, or a substantial constituency withdraws because established correction mechanisms failed. Continued institutional operation may prove functional continuity, but it does not by itself prove that the original constituent relationship remains adequate.

Withdrawal evidence must nevertheless be treated with discipline. Dissatisfaction with an outcome, a temporary decline in attendance, or opposition by a vocal minority does not automatically dissolve authority. A revalidation inquiry should examine the size and institutional relevance of the withdrawing constituency, the reasons and duration of withdrawal, whether the constituency was formally represented, whether correction channels were available and used, the effect upon implementation or recognition, and whether the governing instruments assign a specific renewal mechanism. The result may be confirmation, supplementation, narrowing, renewed election or consultation, independent review, transition, sunset, or retirement of the mandate.

Trigger	Required inquiry	Doctrinal caution
Material change in law, function, or institutional purpose	Review competence and community fit; amend through the legally competent process.	Authority cannot be preserved merely through historical practice.

Trigger	Required inquiry	Doctrinal caution
Expansion of affected or dependent population	Reassess standing, representation, externalities, and scale-fit.	The original participant community may remain valid but no longer sufficient.
Formal withdrawal or repudiation by a represented constituency	Verify mandate, reasons, and accountability process; determine whether replacement or renewed authorisation is required.	Withdrawal by a body without a demonstrable constituency carries less weight.
Sustained exit or non-participation linked to documented process failure	Examine effective closure, retaliation, notice, conflicts, and review failure.	Silence or exit should not automatically be recoded as consent.
Persistent implementation refusal or parallel institution-building	Assess whether the issue is unlawful resistance, design failure, lost sociological legitimacy, or functional incompatibility.	Operational disruption is evidence, not by itself a normative conclusion.
Expiry, sunset, or scheduled review	Conduct revalidation against current function, dependency, community, and law.	Renewal should be explicit rather than assumed.

REVALIDATION RULE [N]
Evidence of withdrawal or disconnection triggers a reasoned inquiry; it does not grant any faction a unilateral veto. The institution must determine whether the mandate remains adequate, requires supplementation, must be renewed, or should lawfully end.

Taken together, the six rules close the gap between diagnosis and settlement. The doctrine no longer asks only whether an institution has overstated the community behind a decision. It asks whether the community was constituted through a contestable process, whether distinct authorities were reconciled without migration, whether affected publics possessed proportionate standing, whether community actors accepted duties corresponding to their influence, whether the decision record demonstrates consequence rather than ceremonial participation, and whether the mandate can be renewed or withdrawn through lawful channels.

20. Presumptions, Burdens, and Evidentiary Standards

A doctrine requires default rules rather than questions alone. The presumptions below are rebuttable. They do not determine legal validity, but they allocate the explanatory burden where institutional language would otherwise enlarge authority without evidence. The applicable standard should be proportionate to materiality, duration, irreversibility, rights impact, dependency, and the strength of the proposed public claim.

Circumstance	Rebuttable presumption	Burden
Undefined “community”	Presumed to refer only to the persons or bodies possessing actual decisional authority in the documented process.	Institution must identify and justify any wider community attribution.
Participation	Presumed to establish contribution by the participant or authorising organisation, not representation of absent persons.	Representative must demonstrate constituency, basis, scope, and accountability.
Formal openness	Presumed to establish eligibility, not effective inclusion, influence, or authorisation.	Institution must show notice, practical access, permeability, and authority traceability.
Silence	Presumed to establish only absence of a recorded objection within the effectively notified population.	Institution must show why silence reasonably supports any stronger inference.
Technical expertise	Presumed to create epistemic authority within the technical domain only.	Institution must separately justify constitutional, distributive, or public-policy authority.
Legal membership vote	Presumed to authorise only the corporate or constitutional act assigned to that electorate.	Institution must separately justify claims of policy-community, regional, user, or public approval.
Retrospective community change	Presumed to create a heightened risk of boundary manipulation.	Institution must show a decision-independent reason and cure material notice or participation effects.
Institution controls formation and interpretation	Presumed to create elevated self-legitimation risk.	Independent review, transparent records, conflicts management, and permeability evidence required.

Circumstance	Rebuttable presumption	Burden
Long-standing consensus	Presumed valid for its original function unless displaced, but not indefinitely representative of changed conditions.	Institution must assess mandate decay where material change is shown.
Dependent but unrepresented constituency	Presumed to trigger externality assessment and reasoned explanation.	Institution must justify the protection, participation, or review afforded.
Conflict with a superior binding norm	Presumed incapable of cure through community support or participatory quality alone.	Actor must identify the competent legal route for amendment, waiver, interpretation, review, or invalidation.
Unpublished boundary	Presumed to support no broader community claim than the documented decisional actors and formally assigned constituency.	Institution must show why absence of ex ante publication did not impair inclusion, classification, or authority allocation.
Boundary controlled by final decision-maker	Presumed to create heightened self-legitimation risk where no challenge or separate review existed.	Institution must demonstrate an intelligible standard, reasons, conflict safeguards, and proportionate review.
Material dependency with weak exit	Presumed to require more than general public consultation where the decision imposes direct, durable, or difficult-to-avoid burdens.	Institution must justify the standing assigned and explain why stronger representation, review, or safeguards were unnecessary.
Community authority	Presumed to carry duties of disclosure, accountability, scope discipline, dissent preservation, and acceptance of review.	Actor must identify the duty framework or explain why the asserted authority is purely contributory and non-representative.
Material change after authorisation	Presumed to require revalidation where function, law, dependency, affected population, scale, or representative relationship materially alters.	Institution must demonstrate continuity of mandate or initiate renewal, supplementation, narrowing, or retirement.

Evidence may include constitutive instruments, process rules, participant records, version histories, proposal logs, meeting transcripts, consensus statements, vote records, conflict disclosures, fellowship and funding criteria, response matrices, implementation notes, impact assessments, appeal records, surveys, interviews, and contribution-network analysis. Numerical participation is relevant but not dispositive. The highest-value evidence demonstrates who controlled consequential stages and how material contributions altered, or could not alter, the result.

21. The Constituent Community Test

The following sixteen-part test is intended for prospective design, contemporaneous decision records, independent review, and comparative research. A “no” answer does not automatically invalidate the outcome. It narrows the permissible community claim and may trigger a proportionate remedy.

Test	Question
1. Claim identification	What exact community language is proposed, before which audience, and what authority is likely to be inferred?
2. Function identification	Is the act technical, policy-making, corporate, representative, adjudicative, deliberative, implementation, monitoring, or emergency continuity?
3. Constituent boundary	Which community or communities are relevant, on what basis, and was the definition fixed before the result was known?
4. Non-conflation	Are membership, eligibility, participation, representation, affectedness, dependency, operational responsibility, and decision authority separately identified?
5. Formation conditions	How did notice, language, venue, cost, timing, documentation, moderation, funding, and recognition shape the operative community?
6. Self-legitimation risk	Did the institution control community formation, agenda, drafting, interpretation, and public attribution; if so, what independent safeguards existed?
7. Authority chain	Who controlled problem recognition, agenda, framing, drafting, deliberation, consensus, approval, implementation, and review?

Test	Question
8. Function and jurisdiction	Did each actor remain within the legal, technical, representational, and constitutional authority assigned to the function?
9. Representation	Who claimed to represent whom, through what authorisation or substantive basis, with what accountability and conflicts?
10. Affectedness, subjection, dependency	Who bears material consequences, who is directly governed, who cannot meaningfully exit, and what proportionate entitlements followed?
11. Influence traceability	Can material contributions be linked to changes in agenda, evidence, text, reasoning, timing, implementation, or review?
12. Consensus or vote attribution	What population, method, threshold, authorised decision-maker, objections, reasons, and appeal supported the result?
13. Public-interest translation	Were externalities, absent constituencies, minority burdens, mission limits, systemic risk, and prospective entrants assessed?
14. Temporal and scale fit	Does the community's authority match the geographic reach, present conditions, duration, and prospective effects of the act?
15. Claim and remedy calibration	What is the highest defensible claim level, what limitations must be disclosed, and what remedy is proportionate to any defect?
16. Normative hierarchy and competent authority	Which law, order, constitutive instrument, bylaw, contract, policy, procedure, or recognised practice governs; where do conflicts rank; and which body is competent to interpret, amend, review, or remedy the act?
17. Boundary formation and challenge	Was a provisional Constituent Boundary Notice published before substantive deliberation; could inclusion, exclusion, classification, and authority allocation be challenged; and were material claims determined with reasons?
18. Plural-authority reconciliation	Where legitimate authorities overlapped, did the competent decision-maker identify their distinct jurisdiction, reconcile them through reasons, and prevent advisory, technical, membership, or participatory authority from migrating into another function?
19. Affected-public standing	Were procedural entitlements proportionate to affectedness, direct subjection, dependency, weak exit, implementation burden, severity, and irreversibility, rather than limited to generic consultation?
20. Reciprocal community duties	Did representatives, chairs, experts, funded participants, established contributors, delegated bodies, and the institution itself disclose mandate, conflicts, scope, reasons, reporting, and dissent-preservation duties proportionate to their authority?
21. Renewal and withdrawal	What changes, withdrawal evidence, sunset, review date, or representation failure trigger revalidation; which body is competent to renew, supplement, narrow, transition, or retire the mandate?

Figure 5. The Community-Claim Ladder

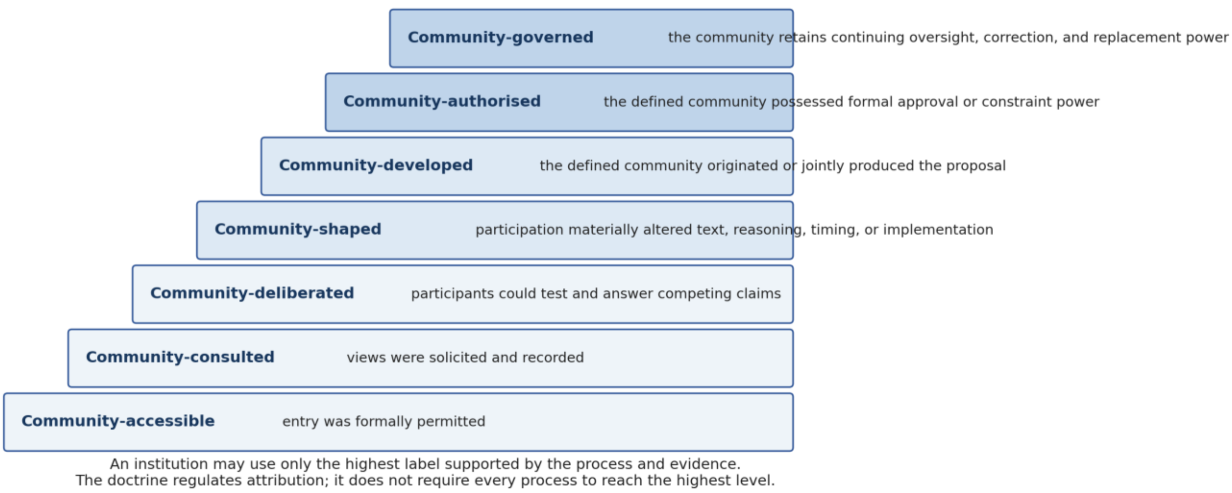

Figure 5. The Community-Claim Ladder.

22. Comparative Institutional Applications

The applications below are model demonstrations rather than findings regarding a specific contested decision. They show how the doctrine validates different forms of community authority while constraining overstatement. A full empirical paper should later apply the test to identified decisions using process records, contribution data, interviews, and version histories.

22.1 RIR policy development and corporate governance

RIR systems commonly distinguish an open or broadly accessible policy-development community from the legal membership and corporate bodies of the service organisation. RIPE's policy process is open and consensus-based, while RIPE documents separately explain the relationship between the RIPE community and the RIPE NCC legal entity.[10], [11] APNIC, ARIN, and LACNIC also publish policy processes that combine community discussion with defined chair, advisory, board, or implementation roles.[12]-[14] The distinction is institutionally valuable because resource policy, service administration, and corporate governance are different functions. The NRO's RIR Governance Document Version 2 and its accountability materials further demonstrate that policy-community participation, legal-entity governance, recognition, and accountability are related but distinct institutional layers.[21], [22]

The doctrine would ordinarily validate a claim that a policy was developed through the relevant RIR policy community where the proposal, discussion, consensus method, chair authority, objections, and implementation path are documented. It would not automatically validate a claim that the region's Internet users, all resource holders, or the legal membership approved the policy. Conversely, a corporate election by legal members may validly authorise directors without proving that the wider policy community or affected users endorsed every subsequent board decision.

The principal risks are authority migration and community compression. A board may invoke policy-community legitimacy for a corporate act outside the policy process; policy participants may claim power over legal assets; legal members may be described as the whole regional Internet community; or an emergency body may rely upon technical-continuity language to acquire permanent constitutional authority. The remedy is not to erase differentiated roles, but to state them precisely and prevent cross-functional borrowing.

22.2 The IETF and expert, open, rough-consensus authority

The IETF provides a strong counterexample to the proposition that legitimacy requires universal user representation or majority voting. It has no conventional membership electorate; interested individuals participate in working groups and mailing lists, technical decisions rely upon rough consensus, chairs and Area Directors exercise defined judgment, and the standards process provides review and appeal.[15]-[19] The relevant community is an open technical community performing a standards function, not the global population of end users.

The doctrine can validate the IETF model where entry is meaningfully open to relevant expertise, material technical objections are addressed, moderation does not suppress disagreement merely because it lies outside the emerging consensus, and appeals remain available. The Expertise-Jurisdiction Principle explains why expert participants may possess substantial decisional weight without claiming democratic representation. The limit is equally important: technical consensus regarding protocol design does not by itself settle broader distributive, constitutional, or public-policy questions outside the technical mandate.

22.3 ICANN: broad community, At-Large, and the Empowered Community

ICANN uses "community" at several levels. The Bylaws promote broad, informed participation and bottom-up multistakeholder policy development; At-Large provides institutional channels for individual-user interests; Supporting Organisations and Advisory Committees perform defined roles; the Board holds corporate authority; and the Empowered Community is a legally structured mechanism composed of specified Decisional Participants with enumerated powers.[6]-[9] Treating these formations as interchangeable would obscure both their legitimacy and their limits.

The doctrine would require each claim to identify the relevant body. A public comment process may establish consultation. A Supporting Organisation policy process may establish community development within its remit. An At-Large position may represent the product of its internal user-representation structures. An Empowered Community action derives from the powers and procedures assigned to its Decisional Participants. None should be enlarged into a claim that every Internet user authorised the outcome. The public-interest translation analysis should explain how the decision accounts for interests beyond the formal structures.

22.4 The Internet Governance Forum

The IGF is a multistakeholder forum for dialogue, learning, agenda development, and policy influence under the Tunis Agenda and subsequent mandate renewals.[1], [20] Its legitimacy does not depend upon pretending that participants constitute a global legislature. The relevant claim is deliberative and convening: diverse participants identify issues, exchange evidence, form networks, and influence later decisions in institutions that possess their own authority.

The doctrine therefore validates claims such as “participants at the IGF developed recommendations” or “the session shaped subsequent policy debate” where the evidence supports them. It would reject language implying that attendance or session consensus authorises binding global policy. The distinction protects the IGF’s actual value by preventing its deliberative authority from being judged against powers it neither claims nor possesses.

22.5 National Internet councils and local exchange communities

National Internet-governance councils and local Internet exchanges illustrate scale-fit. A local IX community may possess strong authority over technical interconnection rules established through membership or participation agreements, while users and public institutions depend upon the resulting resilience. A national council may coordinate policy dialogue but lack statutory power to bind operators unless law or delegated authority provides it. The doctrine requires each body to distinguish operational agreement, policy recommendation, public consultation, and legal authority.

The model also prevents tokenistic claims of national representation. Attendance by one association, ministry, civil-society organisation, or technical expert does not by itself constitute the national community. Where a council speaks publicly in the name of the national Internet community, it should publish a constituent-community statement identifying selection, stakeholder coverage, conflicts, absent interests, decision method, and the scope of its mandate.

22.6 Forensic Case-Study Method

The doctrine moves beyond model illustrations by applying the doctrine to three bounded documentary records. The cases were selected to produce different possible outcomes rather than to accumulate institutional failures: a process capable of validating narrow expert authority; a process whose validity can be separated from an arguably overbroad public description; and a dispute in which legal, contractual, technical, advisory, governmental, public-interest, and affected-community claims cannot be collapsed into a single constituency. The same analytical sequence is used in each case.

The forensic unit is a specific decision or decision sequence, not the institution’s reputation. Official and primary materials are preferred: charters, RFCs, bylaws, applicant rules, election procedures, voting eligibility, formal advice, board resolutions, independent-review declarations, agreements, and delegation records. Institutional self-description is treated as evidence of the claim made, not as conclusive evidence that the claim is justified. Later outcomes are used to understand legal and operational consequences, but the community boundary and authority allocation are assessed against the rules and record existing when the decision was made.

Stage	Forensic inquiry	Required evidence
1. Decision object	What exact act, output, election, advice, approval, or delegation is being tested?	Dated decision, output, resolution, election result, or agreement.
2. Governing hierarchy	What law, charter, bylaw, contract, policy, or procedure assigned authority?	Constitutive and procedural instruments applicable at the relevant time.
3. Claimed community	Which community language was used, by whom, and before which audience?	Official descriptions, notices, communiqués, explanatory records.
4. Community topology	Who was legally entitled, eligible, active, decisional, operational, represented, affected, subjected, or dependent?	Eligibility rules, participant and institutional records, mandates.
5. Authority chain	Who controlled agenda, framing, drafting, consensus or vote, approval, implementation, and review?	Version histories, chair records, vote rules, resolutions, appeal paths.

Stage	Forensic inquiry	Required evidence
6. Objection and dissent	Which material objections were raised, how were they classified, and what reasons were given?	Mailing-list records, submissions, minutes, final declarations.
7. Claim calibration	What is the highest defensible claim: accessible, consulted, deliberated, shaped, developed, authorised, or governed?	Evidence across the whole process rather than attendance alone.
8. Finding and remedy	Is the claim supported, qualified, overstated, misallocated, defective, or indeterminate; and who can remedy it?	Doctrine test, normative hierarchy, competent-remedy analysis.

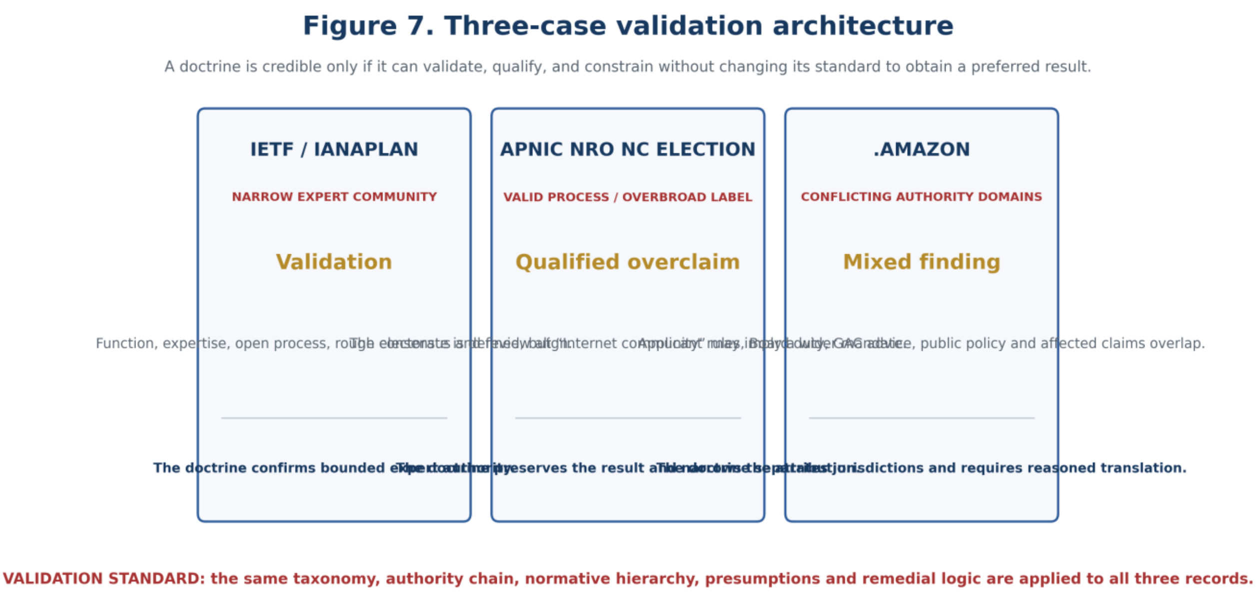

Figure 7. Three-case validation architecture.

22.7 Forensic Application I , IETF IANAPLAN and the Protocol-Parameters Response

22.7.1 Decision object and governing mandate

The decision object is the IETF's formal response concerning the protocol-parameters component of the IANA stewardship transition, eventually published as RFC 7979. The IANA Stewardship Transition Coordination Group requested separate proposals from the names, numbers, and protocol-parameters operational communities. RFC 7979 expressly confines the IETF submission to protocol parameters and records that it formed one component of an aggregate transition proposal.[50, Abstract and Part I.A-I.C, pp. 3-5] The relevant community was therefore not the global Internet public and not the entire ICANN multistakeholder system; it was the operational and standards community with direct technical and institutional responsibility for the IETF protocol-parameter registries.

The IANAPLAN Working Group charter supplied a decision-specific boundary. It authorised the group to produce an IETF consensus document describing the expected interaction between the IETF and the operator of the protocol-parameter registries, preferred minimal change, preserved existing agreements, excluded unrelated IANA topics, and reserved detailed agreement execution to the IAB and the then-IAOC.[51, "Objectives and Scope" and "Out of Scope"] This was a material jurisdictional safeguard. The working group could state the IETF community's requirements and transition position, but it could not convert itself into the contracting body, redesign the entire IANA system, or speak for the names and numbers communities.

22.7.2 Community topology and authority chain

Category	Case-specific identification	Authority or entitlement
Legal / constitutive framework	IETF process documents; IETF-ICANN MoU and supplemental arrangements; ICG request.	Defined the function, process, and institutional relationships.
Eligible community	Any person able to participate in the working group, mailing list, meeting, and IETF Last Call.	Contribution, objection, and proposal rights; no universal vote.
Active community	IANAPLAN contributors, editors, meeting and list participants.	Draft development and deliberation.
Decisional community	Working-group chairs assessing rough consensus; IESG review and approval under IETF process.	Consensus attribution and publication approval.
Operational / epistemic community	Protocol designers, implementers, IAB and IANA-related experts.	Enhanced weight on technical and operational feasibility.
Affected / dependent communities	Implementers and users relying on stable protocol-parameter registries and interoperable standards.	Continuity, transparency, and externality protection; not direct universal voting.
Review community	IETF Last Call participants and formal IETF review and appeal structures.	Correction and challenge of process or technical judgment.

The authority chain is unusually traceable. The ICG defined the requested output; the IETF charter narrowed the scope; editors produced successive drafts; the working group debated the text in public channels and at IETF 91; the chairs assessed rough consensus; the document shepherd recorded both the majority outcome and persistent disagreement; the IESG opened an IETF Last Call and approved the document; and the response was transmitted for inclusion in the aggregate proposal.[50, Parts I-IV and p. 35]; [51, “Objectives and Scope”]; [52, “Reviews and Consensus”]; [53, “IESG Note” and approval announcement] The process did not eliminate gatekeeping, but the location and jurisdiction of the gates were disclosed.

22.7.3 Dissent and consensus attribution

The case is valuable because it was not unanimous. The document shepherd reported ample working-group discussion, including contentious proposals to transfer the iana.org domain and associated marks to the IETF Trust and to state stronger negotiating terms. The working group did not accept those proposals. Two participants were sufficiently dissatisfied that they requested removal of their names from the acknowledgements, and the shepherd nevertheless concluded that rough consensus existed to publish.[52, “Reviews and Consensus,” including the recorded iana.org and trademarks disagreement] The record therefore permits an actual test of consensus attribution rather than a ceremonial account of agreement.

Under the doctrine, the existence of dissent does not defeat consensus. The relevant questions are whether the dissent was heard, whether its substance was within the working group’s charter, whether the authorised chairs and IESG applied the disclosed process, whether the result preserved a review path, and whether the final claim was accurately confined. The record supports the conclusion that the contentious proposals were identified, their non-adoption was recorded, and the outcome was attributed to rough consensus in the IETF working group rather than to unanimity of all Internet users. RFC 7979 also states that anyone could propose changes during Last Call and participate in community discussion, while the standards process supplied dispute-resolution mechanisms.[50, Part IV, pp. 17-18 and Part VI, p. 35]

22.7.4 Doctrinal finding

Doctrinal element	Finding	Reason
Boundary integrity	Supported	The charter and ICG request defined protocol parameters before the outcome.
Function fit	Supported	The group addressed stewardship arrangements for registries used by IETF standards.
Expertise jurisdiction	Supported with limit	Technical and operational expertise received weight, while contracting and other IANA functions remained outside the group.
Authority traceability	Supported	Drafting, chair judgment, IESG review, Last Call, and transmission are publicly identifiable.

Doctrinal element	Finding	Reason
Consensus attribution	Supported	Rough consensus was stated, dissent was recorded, and unanimity was not falsely claimed.
Affected-community treatment	Proportionate	System users received continuity and openness protections; universal decisional standing was unnecessary for the bounded technical function.
Highest defensible claim	Community-developed and IETF-authorised within function	The process supports an IETF protocol-parameters community claim, not a claim of universal public authorisation.

The doctrine validates this narrow expert community. The IETF protocol-parameters community was appropriately constituted for the task because the function was technically and institutionally bounded, participation was open, material objections were visible, rough consensus was attributed through an authorised process, formal approval and review were separated from drafting, and the final claim remained confined to the protocol-parameters component. The case also confirms the doctrine's limit: the IETF outcome could not, without additional authority, decide the constitutional design of ICANN, the names or numbers arrangements, or the preferences of the global public.

The appropriate remedy is therefore not reopening or dilution of expert authority. It is continued claim precision and maintenance of the public record. This positive finding is necessary to the doctrine's model neutrality: a narrow community can possess strong authority when the community, function, jurisdiction, procedure, and public attribution fit.

22.8 Forensic Application II, APNIC-Region NRO Number Council Election

22.8.1 Decision object and the distinction between validity and attribution

The decision object is the election of two APNIC-region members of the NRO Number Council, which also performs the role of the ICANN Address Supporting Organization Address Council. APNIC's official material uses several formulations. Its election procedures state that the Asia-Pacific regional address policy community seats three persons on the Council, one selected by the APNIC Executive Council and two elected by "the community." A separate APNIC page states that the two elected members are elected by "the Internet community."[54, "General Principles"]; [56, "How is the NRO NC structured?"] The governing question is not whether the election is invalid; it is whether the breadth of the public description corresponds to the actual electorate and office.

The electorate is expressly defined. Each APNIC member organisation is entitled to one vote through authorised organisational contacts. In addition, an individual registered for the current APNIC conference may vote if that person attended at least one of the previous eight APNIC conferences.[55, "Member voting" and "Registered conference attendee voting"] Candidate nomination is broader than voting: any individual may nominate, self-nomination is permitted, and candidates must meet the published regional and conflict requirements.[54, "Nomination of candidates"] The election is therefore neither a closed member-only corporate ballot nor an unrestricted vote of all Internet users in the Asia-Pacific region. It is a hybrid regional number-resource electorate constituted by organisational membership and demonstrated conference participation.

The official APNIC procedure, voting, and NRO NC description pages used for this application were preserved by the author in the Internet Archive's Wayback Machine on 16 July 2026. The APNIC 60 election record confirms that the published procedure was operationalised in a recent election cycle and supplies a concrete result record.[54]-[57]

22.8.2 Governing hierarchy, office, and representational limits

The ICANN-NRO ASO Memorandum of Understanding defines the ASO and its Address Council functions, including global policy development, advice on number-resource policy, and recommendations regarding recognition of new RIRs. It permits each RIR region to fill Council positions through its published processes and provides removal, vacancy, and review arrangements.[58, Articles 2-5] The ASO AC Operating Procedures further define the Council's internal and external functions, distinguish elected or appointed members, and allocate voting and process duties.[59, Parts 2-5] APNIC's election rules operate beneath that institutional hierarchy.

APNIC also states that NRO NC members do not represent an RIR or any other body and serve in their individual capacity.[56, "How is the NRO NC structured?"] That proposition limits a simplistic representative claim. Election gives the member institutional legitimacy to occupy the regional seat and perform the assigned Council functions; it does not necessarily create a mandate to speak for every APNIC member, every operator, every resident of the region, or the region's Internet users as a social class. The office is simultaneously regional in source, individual in service, and functionally bounded by the ASO instruments.

Category	Case-specific identification	Consequence
Governing community	Asia-Pacific regional number-resource / address-policy community under APNIC's published process.	Supplies the institutional constituency for the regional seats.
Member electorate	APNIC member organisations, one vote per organisation through authorised contacts.	Organisational voting entitlement.
Conference electorate	Current registered attendees who attended at least one of the previous eight APNIC conferences.	Individual voting entitlement based on demonstrated participation.
Nomination community	Any individual may nominate; qualified regional candidates may stand.	Broader agenda-entry right than voting right.
Decisional community	The defined member and qualifying-attendee voters.	Selects the elected seat holder.
Office holder	Individual NRO NC / ASO AC member, not formally a representative of an RIR or other body.	Exercises duties under the MoU and operating procedures.
Affected / dependent population	Resource holders, operators, and wider users affected indirectly by global number-policy coordination.	Transparency and accountability interests; no automatic electoral entitlement.

22.8.3 Audience and claim analysis

Within the APNIC environment, "the community" may operate as familiar shorthand for the regional number-resource community. The phrase "the Internet community," however, is addressed through a public webpage and can reasonably be read more broadly. An external reader may infer a regional public electorate or a representative mandate from all Internet stakeholders. The voting rules do not establish either proposition. They establish a specific, published, hybrid electorate.[54, "General Principles"]; [55, voting eligibility]; [56, public description]

The doctrine therefore separates three judgments. First, the election framework is institutionally grounded and procedurally intelligible. Second, the electorate can be defended as a method for selecting persons with regional number-resource legitimacy and connection to the APNIC process. Third, the strongest public label should identify that electorate rather than rely on an undefined "Internet community." This is not a semantic triviality: the office participates in global policy procedures and appointments, and the breadth of the source mandate may affect how governments, courts, counterpart institutions, and the public understand the office holder's authority.

22.8.4 Doctrinal finding and calibrated remedy

Doctrinal element	Finding	Reason
Normative hierarchy	Supported	The MoU, operating procedures, and APNIC rules assign the regional selection function.
Boundary integrity	Supported	Voting eligibility is published and ascertainable before the election.
Non-conflation	Requires clarification	Member organisations, conference attendees, nominators, the regional policy community, and the wider public are not the same.
Representative claim	Limited	The seat is regionally sourced, but the member serves in an individual capacity and does not represent all regional users.
Audience specificity	Qualified overclaim	"Internet community" may imply a constituency wider than the defined electorate.
Process validity	Not displaced	The attribution issue does not itself invalidate a properly conducted election.
Highest defensible claim	Elected by the eligible APNIC regional number-resource electorate	This identifies the source without creating a universal regional mandate.

The case produces a qualified-overclaim finding. The public record supports a valid regional selection process, but the description “elected by the Internet community” is broader than the demonstrated electorate unless APNIC expressly defines the phrase in that limited institutional sense. The remedy is linguistic correction and electorate disclosure, not reversal of the election. A precise formulation would state that the member was elected by the eligible APNIC regional number-resource electorate, comprising APNIC member organisations and qualifying repeat conference participants.

This finding demonstrates that the doctrine can preserve institutional validity while constraining legitimacy inflation. It also exposes a distinct missing layer: the identity of an electorate and the representative character of the office are separate questions. A person can be validly selected by a regional community without becoming a delegate of every person or organisation located in that region.

22.9 Forensic Application III, The .AMAZON Applications

22.9.1 Decision sequence and competing authority claims

The .AMAZON dispute is not a single consultation defect. It is a prolonged decision sequence in which several legitimate but non-identical sources of authority collided. Amazon EU S.à r.l. applied in the 2012 New gTLD round for .AMAZON and related internationalised strings. The Applicant Guidebook established evaluation, objection, GAC-advice, and Board processes. Brazil and Peru, supported by other Amazon Cooperation Treaty Organization states, raised governmental and public-interest concerns; the GAC issued consensus advice that the applications should not proceed; the ICANN Board, acting through the New gTLD Program Committee, accepted that advice in 2014; Amazon initiated an Independent Review Process; the IRP Panel found the Board’s action inconsistent with ICANN’s governance documents and recommended independent re-evaluation; negotiations and further Board decisions followed; registry agreements were signed in 2019; and .AMAZON was eventually delegated in the root zone.[60]-[70]

The legal and institutional hierarchy is central. The Applicant Guidebook gave consensus GAC objection advice a strong presumption, not an automatic veto. ICANN’s Articles and Bylaws imposed duties of independent judgment, due diligence, transparency, reasons, and action for the benefit of the Internet community as a whole. The GAC possessed recognised advisory authority on public-policy issues. The Board retained decisional responsibility. The IRP possessed review authority to determine consistency with ICANN’s governing instruments. The applicant possessed procedural and contractual expectations under the programme, but not an unconditional entitlement immune from valid objections. ACTO states possessed governmental and public-policy standing, but their participation did not automatically prove a mandate from every indigenous people, local community, resident, civil-society body, or prospective public-interest user in the Amazon region. The Guidebook states that consensus GAC advice against an application creates a strong presumption, requires a rationale if the Board departs from that advice, preserves applicant response rights, and leaves formal approval with the Board.[60, Module 1, 1.1.2.7, pp. 1-11-1-12; Module 3, 3.1, pp. 3-2-3-4]

22.9.2 The authority topology

Actor / community	Source and function of authority	Doctrinal limit
Amazon applicant	Applicant Guidebook, application, programme expectations, later registry agreement.	No unconditional right to delegation contrary to valid programme rules or public-policy determinations.
GAC and participating governments	ICANN Bylaws and Guidebook advisory role on laws, international agreements, and public policy.	Advice is influential but does not displace the Board’s independent decisional duty.
ACTO member states	Governmental and regional coordination claims concerning Amazon-region public interests.	State participation is not automatic authorisation from all affected peoples or users.
ICANN Board / NGPC	Corporate and programme decision authority under Articles, Bylaws, and Guidebook.	Must give reasons, assess the record, and exercise independent judgment.
IRP Panel	Review authority under ICANN accountability mechanisms.	Reviews consistency with governing instruments; does not itself allocate the TLD.
Technical community /	Technical evaluation and root-zone delegation mechanisms.	Technical feasibility cannot alone resolve cultural, distributive, or public-policy

Actor / community	Source and function of authority	Doctrinal limit
IANA functions		claims.
Affected and prospective communities	Amazon-region peoples, institutions, cultural and environmental actors, registrants, and broader DNS users.	Entitled to proportionate consideration and protection, not automatically a single veto or electoral role.

22.9.3 The initial authority failure

The IRP Final Declaration supplies a direct instance of functional authority migration. The Panel found that the Board, acting through the NGPC, gave complete deference to the GAC's consensus advice and failed independently to determine whether valid and merits-based public-policy interests supported it. The Panel concluded that the strong presumption accorded to GAC advice had effectively been converted into a conclusive presumption and that the Board had failed to provide adequate reasons.[63, 2(a)-(e), 113-125, pp. 2-3 and 48-53] The defect was not that governments lacked a place in multistakeholder governance. It was that advisory authority had migrated into decisional authority without the independent judgment required by the superior governance framework.

The Board converted a rebuttable institutional presumption into decisional authority without demonstrating the independent judgment required by its governing framework.

> **INDEPENDENT-JUDGMENT PRINCIPLE [N]**
> Where an institution receives advisory, technical, consultative, or presumptive authority, it may not convert that authority into final decisional authority without demonstrating its own independent reasoning under the applicable governing framework. Reliance upon another body's advice, consensus, expertise, or presumption does not discharge the competent decision-maker's responsibility unless the governing instrument expressly provides otherwise.

The case also illustrates why consensus attribution is not self-validating. GAC consensus established agreement within the governmental advisory body. It did not by itself prove the substantive public interest, the views of all Amazon-region populations, or the legality of converting the advice into rejection. The IRP majority held that the public-policy basis had to be well founded and ascertainable from the record and that the Board could not treat GAC consensus as conclusive.[63, 113, 124-126, pp. 48 and 52-53] In doctrinal terms, the GAC community was properly constituted for advice; it was not the final authorising community for delegation or denial.

22.9.4 Affected-community claims and public-interest translation

The governments' early warning argued that exclusive private control of the string could prevent public-interest use connected to the Amazon biome and constrain a domain space relating to the population of the region.[64, pp. 1 and 3] These concerns are not rendered illegitimate because governments articulated them. They identify plausible externalities and prospective-community interests. However, the representative claim must remain precise. Governments may advance sovereign and public-policy positions; ACTO may coordinate member-state interests; neither relationship automatically establishes that all indigenous peoples, local communities, residents, non-governmental organisations, or prospective domain users delegated their voice to those institutions.

The converse limitation applies to the applicant. Compliance with technical evaluation and programme procedures could support a strong claim to neutral and predictable treatment, but it could not transform technical feasibility or private investment into a complete public-interest determination. The Board was required to translate competing inputs through its mission and governing instruments: applicant reliance, GAC advice, identified regional externalities, programme predictability, DNS stability, and the interests of the Internet community as a whole. No single stakeholder category could substitute for that institutional judgment.

22.9.5 Re-evaluation, negotiated safeguards, and eventual delegation

Following the IRP, the Board removed the "Will Not Proceed" status in October 2018, allowed further facilitated discussions in March 2019, and in May 2019 found Amazon's 17 April 2019 proposal acceptable and directed continued processing, including publication of the proposed Public Interest Commitments.[65, Resolutions 2018.10.25.18-.19]; [66, Resolutions 2019.03.10.01-.07]; [67, Resolution 2019.05.15.13 and rationale] Registry agreements were signed in December 2019, and the IANA root-zone database records .AMAZON as a delegated generic top-level domain sponsored by Amazon Registry Services, Inc.[68]-[70]

The later outcome does not prove that every intermediate judgment was optimal. It demonstrates that the final authority remained with the bodies assigned by the programme and governance documents, subject to review and reasoned consideration of advisory and affected-community claims.

The negotiated and contractual safeguards also illustrate a proportional remedy. The system did not create joint sovereign ownership of the TLD, nor did it treat the applicant's original expectations as eliminating public-interest obligations. The eventual arrangement used public-interest commitments and a registry agreement within the existing programme architecture. Whether those commitments fully protected every affected interest is a separate performance question; the constituent-authority question is whether the competent bodies exercised the powers allocated to them and explained the translation of competing claims. The operative instruments are the final public-interest commitments and registry agreement, not an abstract claim that one stakeholder category owned the public interest.[69]

22.9.6 Doctrinal findings

Doctrinal element	Finding	Reason
Normative hierarchy	Controlling	Articles, Bylaws, Guidebook, Board authority, GAC role, and IRP review had distinct ranks and functions.
Functional non-transferability	Initially failed	The NGPC treated advisory consensus as effectively conclusive instead of exercising independent judgment.
Consensus attribution	Valid but limited	GAC consensus established a governmental advisory position, not a final public-interest or affected-population mandate.
Representative claims	Plural and incomplete	Governments and ACTO had public-policy standing; they did not automatically represent every regional people or prospective user.
Expertise jurisdiction	Necessary but insufficient	Technical feasibility supported delegation capability but could not settle cultural and distributive questions.
Public-interest translation	Required and eventually reasoned	The Board had to weigh advice, applicant rules, externalities, mission, and review findings.
Highest defensible outcome claim	Board-authorised delegation after accountable re-evaluation	Not "the community chose Amazon" and not "governments possessed a veto."

The case produces a mixed finding. The GAC had legitimate advisory authority; the applicant had legitimate procedural claims; Amazon-region governments raised legitimate public-policy concerns; technical actors had legitimate competence over feasibility and delegation; affected and prospective communities had interests requiring consideration; the Board possessed the final programme decision; and the IRP possessed review authority. The original Board decision failed because one form of authority was allowed to substitute for another. The corrective principle is not that one community should have prevailed universally, but that each authority had to remain within jurisdiction and the competent Board had to give an independent, reasoned decision capable of review. The Board converted a rebuttable institutional presumption into decisional authority without demonstrating the independent judgment required by its governing framework.

This is the strongest evidence for the doctrine's identification of a missing constituent-authority layer. Conventional stakeholder mapping would list Amazon, governments, the GAC, ICANN, and regional interests. The doctrine asks the harder question: what kind of authority did each possess, over which stage, under which superior instrument, and before which audience could the resulting action legitimately be attributed to a community?

22.10 Comparative Findings and Doctrinal Adjustments

The three applications use the same test but do not produce the same conclusion. That divergence is the evidence of model neutrality. The IETF case validates a narrow expert community because function, process, jurisdiction, and claim align. The APNIC case preserves a defined election while narrowing the public description of its electorate and representative mandate. The .AMAZON case identifies authority migration and then reconstructs a lawful sequence in which advisory, decisional, review, technical, contractual, governmental, and affected-community authority remain distinct.

Dimension	IETF / IANAPLAN	APNIC NRO NC election	.AMAZON
Primary function	Technical-operational transition proposal	Regional selection for global number-governance office	New gTLD evaluation, public-policy advice, Board decision, review, and delegation
Relevant community	Open IETF protocol-parameters community	Defined APNIC regional number-resource electorate	Multiple overlapping communities; no single comprehensive polity
Main authority risk	Expert authority exceeding technical jurisdiction	Electorate description exceeding actual eligibility or office mandate	Advisory consensus substituting for independent Board judgment
Doctrinal result	Validated	Valid process; qualified overclaim	Mixed finding; initial authority migration and later reasoned re-evaluation
Highest defensible claim	IETF community-developed and authorised within protocol-parameters function	Elected by the eligible APNIC regional number-resource electorate	Board-authorised delegation after review and consideration of GAC and public-interest inputs
Proportionate remedy	Maintain bounded claim and public process record	Correct language and disclose electorate; no automatic reversal	Independent re-evaluation, reasons, procedural fairness, and safeguards within competent framework

The applications establish four precise requirements for the doctrine. First, the Normative Hierarchy and Compatibility Principle must be express because community legitimacy cannot cure an act forbidden by a superior binding rule. Second, the doctrine must distinguish the validity of a selection process from the representative breadth of the resulting office. Third, consensus findings must be reviewed for jurisdiction as well as method: a properly reached consensus may still be incapable of deciding the next institutional stage. Fourth, every remedy must identify a competent implementing actor. These amendments are incorporated in Parts 18, 20, and 22 and in the operational annexes.

The cases strengthen rather than undermine the distinctions among boundary, function, expertise, representation, affectedness, consensus, public-interest translation, audience, and remedy. The main text privileges community compression, self-legitimation, community gerrymandering, authority migration, and community-authority Transformation as the five canonical failure families, while retaining the remaining failure modes as operational indicators in Annex F.

23. Remedies and Institutional Design Standards

The remedy architecture should begin before a defect matures. Ex ante remedies include publication of the boundary, correction of classifications, assignment of proportionate standing, separation of authority functions, conflict disclosure, independent review arrangements, staged implementation, and revalidation triggers. Ex post remedies remain necessary where the record reveals overclaim, authority migration, unreasoned exclusion, or a mandate that no longer fits the institution’s function. The competent-remedy inquiry must therefore identify both who may cure the defect and at what stage the cure remains capable of protecting the authorising relationship rather than merely documenting its failure.

A deficient community claim may arise from imprecise language, incomplete records, material exclusion, authority migration, boundary manipulation, self-legitimation, or constitutional breach. Remedies should address the defect rather than automatically destroy an otherwise useful decision. The doctrine therefore uses a remedial ladder.

Remedy	Purpose
1. Linguistic correction	Replace an overstated claim with a precise description of the actual participants, authority, and stage.
2. Limitation disclosure	Publish the constituencies absent, the representational limits, unresolved objections, and the scope of reliance.
3. Record supplementation	Publish version histories, response matrices, consensus reasons, vote populations, conflicts, and implementation authority.
4. Targeted supplementary participation	Reopen only the affected issue or constituency where the original process was materially incomplete.

Remedy	Purpose
5. Representation cure	Add or replace representation, establish constituency feedback, or disclose that an actor is advocating rather than authorised.
6. Independent procedural review	Use an ombuds, review panel, peer institution, or external evaluator where self-legitimation risk is material.
7. Remand or reconsideration	Return the matter to the competent community or decision stage with reasons and defined corrective conditions.
8. Provisional recognition or implementation	Permit time-limited operation subject to disclosure, monitoring, sunset, and revalidation.
9. Suspension or withheld reliance	Use where severe, material, and unremedied defects make the claimed community mandate incapable of reasonable reliance.
10. Invalidation under applicable law	Reserved for a competent body where the defect also establishes illegality, ultra vires action, fraud, or another recognised ground of invalidity.

For every materially significant act described as community-driven, the institution should publish a Constituent Community Statement. The statement should identify the precise claim, function, legal basis, relevant communities, formation conditions, authority chain, representative claims, affected and dependent constituencies, consensus or vote method, public-interest assessment, temporal and scale limits, review path, and highest defensible claim level. A template appears in Annex B.

23.1 Competent-Remedy Rule

A doctrinal finding does not itself confer remedial jurisdiction. Every proposed correction must identify the person or body competent under the governing hierarchy to implement it. Chairs may correct a consensus record or reopen a working-group issue; secretariats may correct public language and publish electorate data; boards may remand, reconsider, or impose contractual safeguards within their mandate; legal members may amend bylaws where the constitutive framework permits; ombuds or independent panels may review procedure; counterpart institutions may withhold reliance; regulators, arbitrators, and courts may act only within applicable jurisdiction. The severity of the defect cannot manufacture competence in an otherwise unauthorised actor.

Defect or remedy	Normally competent actor	Jurisdictional caution
Imprecise public community claim	Institutional secretariat, communications authority, chair, or board responsible for the statement.	Correction should not be misrepresented as altering a valid underlying decision.
Consensus-record deficiency	Working-group chair, appeal body, standards leadership, or competent process reviewer.	A board outside the technical process should not re-decide technical substance without authority.
Electorate or representation ambiguity	Election authority, legal membership, governing board, or bylaw-amendment body.	Current office holders should not enlarge their own constituency by interpretation alone.
Authority migration or ultra vires act	Body assigned to reconsider; independent review; arbitrator; court where jurisdiction exists.	Community popularity cannot cure a prohibited act.
Affected-community omission	Original decision-maker, public-interest reviewer, regulator, or court where law creates rights.	Affectedness does not itself identify the competent forum or remedy.
Emergency concentration of power	Lawfully designated emergency actor, subject to sunset and retrospective review.	Temporary necessity cannot create permanent constitutional competence.

24. Counterarguments, Limits, and Emergency Exceptions

24.1 “Community” is merely an internal term of art

Internal shorthand may be harmless among participants who understand its limited meaning. It ceases to be harmless where it is used to obtain legal recognition, political support, donor confidence, inter-institutional reliance, compliance, or public acceptance. The doctrine does not prohibit shorthand; it requires translation when the audience may reasonably infer wider authority.

24.2 Formal openness should be sufficient

Formal openness is an important defence against closed membership and state or corporate monopoly. It is not evidence that notice was effective, that relevant persons could participate, that representation was adequate, or that contributions could influence the outcome. The doctrine preserves openness while refusing to treat it as a substitute for authority traceability.

24.3 The doctrine will bureaucratise technical governance

The materiality principle prevents this result. Routine technical decisions may require a short statement identifying function, participant population, consensus method, and appeal. Constitutional changes, elections, institutional relocation, resource-allocation rules, and high-impact public claims require deeper evidence. The doctrine is intended to concentrate scrutiny where power and consequences are concentrated.

24.4 Experienced insiders exercise influence because they do the work

That proposition is often correct. Sustained contribution, expertise, and institutional memory are legitimate bases of influence. The doctrinal question is whether the system remains permeable, whether conflicts are controlled, whether leadership reproduces itself without contest, and whether the influence is publicly described within its actual jurisdiction. The doctrine does not equalise expertise; it limits authority Transformation.

24.5 Wider affectedness requirements will produce paralysis

Affectedness creates graduated entitlements, not universal vetoes. Many affected persons may require transparency or externality assessment rather than direct participation. Stronger rights arise where subjection, severity, irreversibility, or dependency is high. A proportional framework is more administrable than an undefined claim that everyone is a stakeholder.

24.6 External review may enable governmental takeover

Contestability need not mean state control. Review may be internal, peer-based, ombuds-led, arbitral, technical, judicial where law applies, or performed by an independent panel. The appropriate reviewer depends upon function and legal context. The doctrine's purpose is to prevent any actor, including governments, from converting one type of authority into another without justification.

24.7 "The modernisation protocol creates a shadow constitution"

The protocol does not override or duplicate the legal constitution of an institution. It operates within the normative hierarchy and has binding force only where a competent body incorporates it. Its immediate function is evidentiary and design-oriented: it requires the institution to identify who holds authority under the existing framework, disclose how affected publics enter the process, and explain how plural claims are reconciled. Where the governing instruments already provide equivalent safeguards, the protocol records rather than replaces them. Where they do not, the doctrine supplies a reform proposal, not an assertion of superior law.

24.8 Emergency exception

Security incidents, continuity failures, court orders, and institutional paralysis may require compressed participation and temporary concentration of authority. Emergency action is legitimate only where the emergency is defined, the actor possesses a lawful or recognised basis, the measure is necessary and proportionate, duration is limited, records are preserved, reasons are disclosed when safe, and retrospective community review is available. Emergency power must not be used to create permanent constitutional change without revalidation.

EMERGENCY RULE [N]
Urgency may alter the timing and breadth of participation, but it does not erase the duties to identify authority, limit duration, preserve records, disclose reasons, protect dependent communities, and submit permanent effects to ordinary community and constitutional procedures.

25. Relationship to the Stress-Test and Mandate-Integrity Doctrines

The three doctrines address different points in the life of institutional authority. The Constituent Community Doctrine asks who is entitled to constitute the relevant community and what authority may be attributed to it. The Mandate-Integrity Doctrine asks whether a mandate, such as an election, consultation, or consensus, was validly formed and free from material upstream distortion. The Governance Stress-Test Doctrine asks whether institutional authority remains lawful, bounded, representative, transparent, technically continuous, and correctable under abnormal pressure. The corresponding frameworks are developed separately in the Governance Stress-Test Doctrine and the Mandate-Integrity Doctrine.[48], [49]

Doctrine	Primary object	Core inquiry
Constituent Community Doctrine	The identity and boundary of the authorising community	Who constitutes the relevant community, what function and jurisdiction does it possess, and may its authority be attributed as claimed?
Mandate-Integrity Doctrine	The formation of an election, consultation, consensus, or mandate	Was the mandate legitimately formed, free from material upstream distortion, and proportionately described?
Governance Stress-Test Doctrine	The institution under crisis, capture, litigation, receivership, emergency, or external pressure	Does authority remain lawful, bounded, technically continuous, publicly accountable, and correctable under stress?

The doctrines should not be collapsed. A properly constituted community may produce a corrupted mandate. A valid mandate may later be abused under stress. An institution may survive a crisis while resting upon a poorly defined community. Used together, the doctrines test constituent authority, mandate formation, and institutional resilience as separate layers of legitimacy.

26. Conclusion: Authority Begins with the Boundary

The unresolved weakness in multistakeholder Internet governance is not simply that too few users attend meetings. It is that institutions frequently invoke “the community” without identifying the body whose authority is being claimed, the function for which that body is competent, the process by which it became consequential, or the limits upon extending its decision to absent and dependent populations. The word compresses membership, participation, expertise, representation, affectedness, and authority into a single legitimating abstraction.

The correction is not mass voting, the displacement of expertise, or the centralisation of Internet governance in governments. It is constitutional precision within distributed governance. Technical communities should retain technical authority where their processes are open, reasoned, and reviewable. Legal members should exercise the rights assigned by constitutive instruments. User and civil-society structures should articulate interests through accountable forms of representation. Affected and dependent communities should receive protections proportionate to the burdens and weakness of exit. Boards, chairs, and institutions should state exactly which community acted and what that action authorised.

The doctrine’s central insight is that control over the definition of community is control over the claimed source of authority. Because Internet institutions often help form, fund, recognise, and interpret their communities, they must demonstrate that those communities remain permeable, contestable, functionally competent, and capable of challenging the institution itself. Community authority should be neither romanticised nor discarded. It should be specified, bounded, evidenced, and renewed.

FINAL DOCTRINAL PROPOSITION [N]
The legitimacy of bottom-up multistakeholder governance does not depend upon pretending that everyone participated or that every stakeholder possessed equal power. It depends upon proving that the right community was constituted for the right function, that authority remained within its jurisdiction, that affected and dependent interests received proportionate protection, and that the public claim made in the community’s name did not exceed the mandate the process could actually confer.

A doctrine that regulates only what institutions may say about “the community” would leave the deepest power untouched: the power to constitute the relevant polity, distribute standing, assign responsibility, and preserve or end the mandate. The doctrine therefore moves from claim discipline to institutional modernisation. The community must be defined before the result, the definition must be contestable, authority must remain within function, affected publics must receive standing proportionate to consequence, community actors must accept duties corresponding to their influence, and the authorising relationship must remain capable of renewal.

The practical settlement is neither mass voting nor expert insulation. It is a lawful cycle of definition, challenge, allocation, deliberation, traceability, decision, review, and revalidation. That cycle preserves the strengths of bottom-up and multistakeholder governance while exposing the precise point at which participation becomes authority and authority becomes responsibility. The missing layer is therefore not another stakeholder category. It is the constituent-design infrastructure through which a distributed governance system explains who may speak, who may decide, who must be protected, who must account, and when yesterday's community no longer supplies sufficient authority for tomorrow's institution.

27. Research Agenda and Validation Protocol

The framework combines documentary validation with a positive institutional-modernisation layer. The three forensic cases continue to demonstrate analytical utility across a validating case, a qualified-attribution case, and a conflict-of-authorities case. The new rules now require independent testing against additional decisions, boundary disputes, standing allocations, community-duty failures, and mandate-revalidation events.

The next empirical study should expand beyond the present three records to at least eight decisions distributed across technical standardisation, RIR policy, corporate governance, user representation, national Internet-governance bodies, Internet exchange governance, emergency continuity, and deliberative forums. The design should include positive, negative, and indeterminate cases, and it should pre-register the community definition, source hierarchy, coding rules, and standards of finding before the outcome is assessed.

Reliability should be tested through independent coding. Reviewers should apply the sixteen-part Constituent Community Test to the same process record, state the evidence supporting each finding, identify the competent remedial body, and explain disagreements. Concepts that cannot be applied with reasonable consistency should be narrowed, merged, or moved from the core doctrine into an annex. Particular attention should be given to boundary integrity, normative hierarchy, authority migration, representative claims, consensus jurisdiction, public-interest translation, and the distinction between a valid process and an overstated public claim.

Research question	Indicative evidence	Validation criterion
Can the relevant community be defined without reference to the outcome?	Constitutive rules, notices, eligibility, proposal records, participant data	Independent reviewers identify substantially the same community boundary.
Where did consequential authority reside?	Agenda logs, version history, chair decisions, vote or consensus records, implementation instructions	The authority chain explains observed changes better than attendance counts alone.
Did participation influence the result?	Text diffs, response matrices, meeting records, interviews	Material contributions can be traced to accepted, rejected, or deferred changes with reasons.
Were representative claims defensible?	Mandates, selection records, constituency communications, conflicts	Claim type and scope can be distinguished from unauthorised advocacy.
Was a wider mandate publicly inferred?	Press releases, board statements, court or government submissions, partner correspondence	External claim does not exceed the authority established internally.
Does the doctrine validate as well as criticise?	Positive and negative cases across functions	The test confirms at least some narrow expert, legal-member, and deliberative arrangements as legitimate.
Can independent reviewers reproduce the community boundary from the pre-decision record?	Boundary notices, challenge submissions, determinations, scope-change records	Reviewers identify substantially the same relevant communities and authority allocation without reference to the outcome.
Does graduated standing improve reason quality without producing paralysis?	Participation records, response obligations, review use, decision time, implementation results	Higher-impact decisions show better reason traceability and affected-public treatment without disproportionate delay.
Do reciprocal duties reduce community	Conflict registers, reporting-back records,	Representatives and gatekeepers

Research question	Indicative evidence	Validation criterion
reproduction and representation overclaim?	leadership rotation, newcomer conversion, dissent treatment	demonstrate clearer mandates, accountability, and permeability.
When should withdrawal or changed dependency require revalidation?	Exit data, non-recognition statements, implementation refusal, legal change, affected-population growth	A repeatable threshold distinguishes ordinary disagreement from material constituent disconnection.

Annex A , Compact Constituent Community Audit

No.	Audit question	Finding / evidence	Required action
1	State the exact community claim and intended audience.		
2	Identify the institutional function and legal basis.		
3	Define the constituent community before the result is known.		
4	Separate legal members, eligible participants, active contributors, representatives, operators, affected persons, dependent persons, and decision-makers.		
5	Document community-formation conditions: notice, language, venue, cost, time, documents, moderation, funding, and selection.		
6	Assess self-legitimation risk and independent safeguards.		
7	Map the authority chain from agenda to review.		
8	Test functional jurisdiction and authority transfer.		
9	Identify representative claims, mandates, accountability, and conflicts.		
10	Identify affected, subjected, dependent, absent, and prospective communities.		
11	Trace material participation into changes in text, reasoning, timing, implementation, or review.		
12	Document consensus or vote population, method, objections, reasons, and appeal.		
13	Assess public-interest externalities and mission limits.		
14	Assess scale-fit, mandate decay, duration, and review.		
15	Select the highest defensible claim level and proportionate remedy.		
16	Normative hierarchy and competent authority		
17	State whether a Constituent Boundary Notice was published before substantive deliberation and identify the challenge route.		
18	Record all material boundary challenges, the competent determiner, reasons, and any scope-change review.		
19	Identify how overlapping legal, technical, representative, operational, affected-public, and review authorities were reconciled.		

No.	Audit question	Finding / evidence	Required action
20	Assign standing proportionate to affectedness, subjection, dependency, weak exit, implementation burden, severity, and irreversibility.		
21	Identify the reciprocal duties applying to representatives, chairs, experts, funded participants, established contributors, and delegated bodies.		
22	State the withdrawal evidence, sunset, review date, or material changes that trigger revalidation and the body competent to act.		

Annex B , Constituent Community Statement Template

Required field	Content
1. Decision or process	Identify the policy, election, consultation, standard, bylaw, resolution, emergency act, or institutional decision.
2. Proposed public claim	State the exact community language and intended audience.
3. Function and legal basis	Identify the institutional function, constitutive authority, and materiality.
4. Constituent community	Define each relevant community and the basis of inclusion before the outcome.
5. Formation conditions	Describe notice, language, venue, remote access, funding, documentation, selection, moderation, and newcomer support.
6. Self-legitimation safeguards	Disclose institutional control of agenda, funding, drafting, interpretation, and attribution; identify independent checks.
7. Representation	Identify each representative claim, constituency, authorisation or substantive basis, accountability, communication, and conflicts.
8. Authority chain	Identify problem, agenda, framing, drafting, deliberation, consensus, approval, implementation, and review authority.
9. Affectedness and dependency	Identify affected, subjected, dependent, absent, and prospective constituencies and the entitlements provided.
10. Participation and influence	Explain how material contributions affected or failed to affect the outcome.
11. Consensus or vote	State population, method, threshold, authorised decision-maker, objections, reasons, and appeal.
12. Public-interest translation	Assess externalities, minority burdens, mission limits, technical integrity, rights, affordability, resilience, and future entrants.
13. Temporal and scale limits	State duration, geographic reach, review date, sunset or revalidation conditions.
14. Final claim level	Select community-accessible, consulted, deliberated, shaped, developed, authorised, or governed.
15. Review and remedy	Identify correction, reconsideration, appeal, independent review, and record-preservation mechanisms.
Governing hierarchy and competent remedy body	Identify applicable law, orders, constitutive instruments, bylaws, contracts, policies, procedures, their ranking, and the body competent to interpret or remedy the act.
17. Constituent Boundary Notice	Attach or summarise the pre-decision boundary, function, proposed authority allocation, excluded constituencies, materiality

Required field	Content
	assessment, and publication date.
18. Boundary challenge and determination	Record claims of wrongful inclusion, exclusion, classification, or standing; identify reasons, conflicts, and review.
19. Authority reconciliation	Explain how legal, technical, corporate, representative, governmental, operational, affected-public, and review claims were kept within jurisdiction and reconciled.
20. Affected-public standing	State the standing assigned to materially affected, subjected, dependent, implementing, and prospective communities and the proportionality rationale.
21. Community responsibility record	Identify mandate, reporting, conflicts, funding, scope, dissent-preservation, and permeability duties applicable to consequential community actors.
22. Renewal and revalidation	State the review date, sunset, withdrawal evidence, change triggers, competent renewal body, and possible transition or retirement pathway.

Annex C , Community-Claim Vocabulary

Claim level	Minimum evidentiary meaning
Community-accessible	No formal rule prevented entry and core information was available. This does not establish representative participation or influence.
Community-consulted	Views were actively solicited and recorded through a documented opportunity.
Community-deliberated	Participants could test evidence, contest assumptions, engage competing positions, and receive responses before the outcome hardened.
Community-shaped	The record shows that participation materially altered agenda, framing, text, reasoning, timing, implementation, or review.
Community-developed	The defined community initiated or jointly produced the proposal through a traceable bottom-up process, subject to stated institutional checks.
Community-authorised	The defined community possessed a formal or demonstrable role in approving, constraining, ratifying, or rejecting the result.
Community-governed	The community authorised the outcome and retains continuing power to oversee, review, correct, or replace the relevant authority.

Annex D , Authority, Evidence, and Red-Flag Matrix

Authority stage	Indicative evidence	Illustrative red flag
Problem recognition	Issue papers, incidents, petitions, community proposals	Problem defined exclusively by a conflicted or unaccountable actor
Agenda formation	Published agenda rules, proposal logs, reasons for inclusion or exclusion	Agenda fixed before participation; competing issues suppressed without reasons
Framing and evidence	Scoping papers, alternatives, source disclosure, commissioned analysis	A preferred narrative presented as neutral fact; evidence monopoly

Authority stage	Indicative evidence	Illustrative red flag
Entry and participation	Notice, attendance, language, remote access, funding, visa and timing records	Formal invitation with materially inaccessible conditions
Drafting	Version history, authorship, drafting-group terms, amendment logs	Closed text control with no traceable response to input
Deliberation	Transcripts, minutes, Q&A, response matrices, dissent records	Statements collected without reciprocal engagement or capacity to alter text
Consensus / choice	Population, method, chair rationale, vote record, objections, quorum	Unknown population; unexplained consensus; silence enlarged into consent
Formal approval	Board or authorised-body record, legal basis, conditions	Community recommendation converted into final authority without disclosed gate
Implementation	Implementation notes, staff guidance, effective dates, monitoring	Material policy meaning altered during implementation without review
Review and renewal	Appeal, reconsideration, independent review, sunset, revalidation	No route to challenge exclusion, interpretation, authority transfer, or mandate decay
Normative hierarchy and remedy	Applicable law, orders, constitutive instruments, bylaws, contracts, review clauses, amendment powers	Community support invoked to cure an act that a superior rule forbids; remedy proposed by a body lacking jurisdiction

Annex E , Comparative Functional Matrix

Function	Relevant community	Authority structure	Defensible claim	Principal overclaim risk
Technical standard	Open expert participants; working groups	Chairs, technical leadership, appeals	Epistemic authority, interoperability, security	Public-policy or constitutional mandate inferred from technical consensus
RIR resource policy	Open policy participants; operators; proposers	Chairs, advisory/board/implementation roles as defined	Policy developed within technical-operational remit	Policy community conflated with legal members, users, or regional public
Corporate election/bylaw	Legal members or defined electorate	Election officials, members, board, reviewers	Formal corporate or constitutional authorisation	Election described as universal policy or user mandate
ICANN policy/accountability	SO/AC structures, public comment, At-Large, EC as applicable	Defined decisional participants and Board	Layered bottom-up, representative, and legal authority	Broad ICANN community, At-Large, Board, and Empowered Community treated as identical
IGF / policy forum	Open multistakeholder participants	Conveners, MAG, session organisers; no binding global legislature	Deliberative, agenda-setting, learning, network effects	Session attendance described as global authorisation
Local IX or operational consortium	Members and connected networks under agreement	Board/committee/NOC as constituted	Local operational governance and coordination	Local operational mandate described as national public representation
Emergency continuity	Lawful or recognised emergency authority; compressed input	Receiver, board, technical continuity team, court, or authorised officer	Temporary necessity, continuity, preservation	Emergency authority converted into permanent constitutional settlement without revalidation

Annex F , Named Failure Modes

Failure mode	Definition
Community compression	Distinct legal, policy, operational, represented, affected, and decisional communities are collapsed into one undefined category.
Presence fallacy	Those present are presumed to represent those absent.
Open-door fallacy	Absence of an express bar is treated as effective inclusion, influence, or authority.
Community gerrymandering	The relevant community is expanded, contracted, divided, aggregated, or substituted to strengthen a preferred result.
Self-legitimation loop	The institution constructs and interprets the community and then invokes its output as independent authority.
Authority migration	Power acquired through one function is used to justify action in another.
Expertise overreach	Technical competence is treated as constitutional, distributive, or representative authority.
Representation without constituency	An actor claims to speak for users, a region, civil society, youth, or another group without a defensible relationship.
Participation without consequence	Input is collected but cannot alter agenda, drafting, reasoning, decision, implementation, or review.
Consensus inflation	Agreement or non-objection among a limited population is presented as wider community consent.
Authority Transformation	Legal, technical, or managerial authority is translated into democratic, user, regional, or public-interest authorisation.
Effective closure	Formal openness coexists with incumbent control of entry costs, leadership, drafting, recognition, and succession.
Mandate decay	An old conferred community mandate is relied upon after material changes in function, population, dependency, scale, or technology.
Affected-community blindness	Materially affected, subjected, or dependent groups are omitted from the institutional map.
Scale mismatch	A local, regional, national, or technical community is attributed authority beyond the scale of its competence or representation.

Annex G , Empirical Coding Protocol

Coding field	Variables	Primary evidence
Decision identity	Institution, date, function, legal basis, claimed effect	Official decision record and constitutive instrument
Community boundary	Eligible, active, decisional, represented, affected, subjected, dependent, prospective	Rules, notices, participant lists, constituency instruments
Boundary timing	Date and reason each community definition was adopted or changed	Drafts, minutes, public statements, process changes
Formation conditions	Language, venue, access, funding, documentation, moderation, selection, newcomer support	Process records, budgets, fellowship criteria, interviews
Authority chain	Actor controlling each stage from problem definition to review	Proposal logs, version control, chair and board records, implementation notes
Influence trace	Contribution, response, amendment, reason, and outcome	Text comparison, response matrices, transcript coding
Representation	Claim maker, constituency, claim type, authorisation, accountability, conflicts	Mandates, election/delegation records, disclosures, constituency feedback
Affectedness and dependency	Severity, probability, duration, reversibility, subjection, exit options	Impact assessments, operator/user evidence, market and technical dependency
Consensus or vote	Population, method, threshold, material objections, reasons, appeal	Consensus report, roll call, quorum, appeal file
Public claim and audience	Exact wording, target audience, inferred mandate	Press releases, submissions, partner communications, media
Temporal and scale fit	Geographic reach, duration, changed conditions, review and sunset	Policy scope, implementation geography, review history
Doctrinal finding	Highest claim level, failure modes, presumptions rebutted, remedy	Completed test and reviewer reasoning
Normative hierarchy	governing instruments; rank; conflict; discretion; competent interpreter; competent remedy body	law; orders; articles; bylaws; contracts; policies; procedures; decisions
Boundary formation	Publication date, provisional categories, excluded constituencies, challenge window, determiner, reasons, scope changes	Boundary notice, challenge record, determination, review
Standing allocation	Entitlement by affectedness, subjection, dependency, weak exit, severity, irreversibility, implementation role	Participation rules, affectedness assessment, review rights
Community responsibility	Mandate, reporting, conflicts, funding, scope, dissent preservation, leadership permeability	Registers, disclosures, constituency communications, chair reports
Revalidation	Sunset, review date, withdrawal evidence, changed function, dependency, scale, participation, recognition	Review decisions, renewal instruments, transition or retirement records

Annex H, Forensic Evidence Schedule

Purpose. This schedule makes the three applications reproducible at the proposition level. It identifies the precise authority claim tested, the primary record and pinpoint location, relevant limiting evidence, the finding under the doctrine, and the competent or proportionate remedy. It supplements rather than replaces the full case analysis in Part 22.

Source preservation. The APNIC webpages cited in References [54]-[56] were preserved in the Internet Archive's Wayback Machine on 16 July 2026. The .AMAZON PDF and Board records and the IETF RFC and Datatracker records are identified by document, section, paragraph, page, or resolution number below.

H.1 IETF IANAPLAN and the Protocol-Parameters Response

Proposition tested	Pinpoint primary evidence	Countervailing or limiting evidence	Doctrinal finding
Function and community boundary	RFC 7979, Abstract and Part I.A-I.C, pp. 3-5 [50]; IANAPLAN Charter, "Objectives and Scope" and "Out of Scope" [51].	The transition affected the wider Internet, but the IETF submission was only one component of an aggregate proposal and did not govern names or number resources.	A narrow protocol-parameters community was functionally competent; no universal user electorate was required.
Open participation and procedural basis	RFC 7979, Part IV, pp. 17-18 and Part VI, p. 35 [50]; RFCs 2026, 2418 and 7282 [15], [17], [18].	Open participation does not eliminate informal participation capital or chair discretion.	Openness, disclosed rough-consensus rules and review mechanisms support legitimacy within the technical function.
Dissent and consensus attribution	Datatracker Shepherd Write-Up, "Reviews and Consensus," recording disagreement over iana.org and trademarks and two acknowledgement removals [52].	The record was not unanimous and the rejected proposals concerned institutional assets and negotiating posture.	Dissent was visible and attributed; rough consensus remained supportable because the objections and outcome were recorded.
Authority chain	Charter [51]; Datatracker history and shepherd record [52]; IESG write-up and approval announcement [53]; publication as RFC 7979 [50].	Editors and chairs exercised significant gates; they did not possess contracting authority reserved to other bodies.	Drafting, consensus assessment, IESG approval and external submission were separated and traceable.
Public claim boundary	RFC 7979 identifies the IETF response as the protocol-parameters component [50].	A broader claim that the IETF authorised the entire transition would exceed the record.	The final claim was proportionate to the community's jurisdiction.
Finding and remedy	Part 22.7; Constituent Community Test in Part 21.	No evidence in the reviewed record requires reopening the technical outcome.	VALIDATED. Preserve claim precision, public records, dissent visibility and appeal routes.

Evidence status: primary or official institutional record; finding limited to the cited decision or decision sequence.

H.2 APNIC-Region NRO Number Council Election

Proposition tested	Pinpoint primary evidence	Countervailing or limiting evidence	Doctrinal finding
Claimed community	APNIC Election Procedures, "General Principles": two seats elected by "the community" [54]; APNIC About page: two members elected by "the Internet community" [56].	The pages also refer more specifically to the Asia-Pacific regional address policy community.	The institutional claim varies in breadth and therefore requires audience-specific analysis.
Actual electorate	APNIC NRO NC Voting, "Member voting" and "Registered conference attendee voting" [55].	The electorate excludes most regional Internet users and is not an unrestricted	A defined hybrid electorate exists: one vote per APNIC member organisation plus

Proposition tested	Pinpoint primary evidence	Countervailing or limiting evidence	Doctrinal finding
		public vote.	qualifying repeat conference attendees.
Nomination and eligibility	APNIC Election Procedures, “Nomination of candidates” and candidate requirements [54].	Broad nomination does not equal broad voting authority.	Participation rights differ by stage and should not be compressed into one community category.
Office and governing hierarchy	ASO MoU, Articles 2-5 [58]; ASO AC Operating Procedures, Parts 2-5 [59].	The office is regionally sourced but functions within global ASO procedures; APNIC states members serve in their individual capacity [56].	Election legitimacy does not establish delegation from every user, member, operator or resident.
Operationalised procedure	APNIC 60 NRO NC Election 2025 About and Results [57].	One election record cannot establish representativeness across all cycles.	The source confirms real-world operation of the procedure and supports process validity.
Frozen source date	Wayback preservation by the author, 16 July 2026, for References [54]-[56].	Later amendments to the live pages may change wording or eligibility.	The forensic finding is tied to the preserved public record as at 16 July 2026.
Finding and remedy	Part 22.8; Audience-Specificity and Proportionate-Claim principles.	No defect shown in the legal validity of the election itself.	QUALIFIED OVERCLAIM. Retain the result; identify the electorate and narrow “Internet community” language.

Evidence status: primary or official institutional record; finding limited to the cited decision or decision sequence.

H.3 The .AMAZON Applications

Proposition tested	Pinpoint primary evidence	Countervailing or limiting evidence	Doctrinal finding
Programme authority and GAC advice	Applicant Guidebook, Module 1, § 1.1.2.7, pp. 1-11-1-12; Module 3, § 3.1, pp. 3-2-3-4 [60].	Consensus GAC advice created a strong presumption, not a conclusive veto; the applicant had a response period and the Board retained decision authority.	Legal and procedural hierarchy required independent Board judgment and reasons.
Affected and public-interest claim	GAC Early Warning Amazon-BR-PE-58086, pp. 1 and 3 [64].	Brazil and Peru articulated regional and public-interest concerns, but the record did not itself establish delegated representation from every affected indigenous, local or user community.	The concerns warranted consideration; the representative claim remained limited to the governmental actors making it.
Initial rejection	NGPC Resolution 2014.05.14.NG03 and rationale [62].	The GAC consensus was an advisory input under the Guidebook and Bylaws.	The Board accepted the advice without the independent, reasoned public-interest judgment later required by the IRP.
Independent review	Amazon EU S.à r.l. v. ICANN, IRP Final Declaration, ¶¶ 2(a)-(e), 113-126, pp. 2-3 and 48-53 [63].	The separate opinion disputed parts of the majority’s reasoning, and the majority expressly limited its holding to the record before it.	Advisory authority had migrated into decisional authority; GAC advice standing alone could not supplant the Board’s independent judgment.
Re-evaluation sequence	ICANN Board Resolutions 2018.10.25.18-.19 [65]; 2019.03.10.01-.07 [66]; 2019.05.15.13 and rationale [67].	Negotiation did not produce a mutually agreed sovereign-corporate model, and public-policy objections persisted.	The competent Board resumed processing, facilitated engagement and issued a reasoned programme decision.

Proposition tested	Pinpoint primary evidence	Countervailing or limiting evidence	Doctrinal finding
Safeguards and implementation	ICANN status update [68]; .AMAZON Registry Agreement and Public Interest Commitments [69]; IANA delegation record [70].	Delegation does not prove that all affected interests were fully protected in operation.	A contractual and reviewable remedy was used within the established programme rather than creating authority outside it.
Finding and remedy	Part 22.9; Normative Hierarchy, Functional Non-Transferability, Representative-Claim and Public-Interest Translation principles.	No single community possessed complete legal, technical, governmental and affected-community authority.	MIXED FINDING. Preserve role boundaries, independent judgment, reasons, review and enforceable safeguards.

Evidence status: primary or official institutional record; finding limited to the cited decision or decision sequence.

Annex I, Constituent Community Modernization Protocol Template

This template operationalises Part 19. Institutions may combine fields for routine, low-impact decisions, but should preserve each function as an identifiable record. Material, constitutional, recognition, electoral, institutional-survival, and emergency decisions should use the full template and identify the actor competent to approve any deviation.

Protocol field	Required content
A. Decision and materiality	Decision object; legal effect; function; duration; reversibility; geographic and technical scale; dependency; public and rights consequence; proposed protocol level.
B. Constituent Boundary Notice	Relevant legal, eligible, active, decisional, operational, represented, affected, subjected, dependent, and prospective communities; excluded or peripheral constituencies; reasons; publication date.
C. Boundary challenge record	Claimant; inclusion, exclusion, classification, or standing issue; evidence; response; determiner; conflict disclosure; reason; review or appeal.
D. Authority map	Actors controlling problem recognition, agenda, evidence, drafting, deliberation, consensus or vote, approval, implementation, interpretation, review, and reopening.
E. Representation and responsibility register	Claimed constituency; authorisation; scope; accountability; reporting; funding; conflicts; expertise limit; dissent and permeability duties.
F. Affected-public standing assessment	Affectedness, subjection, dependency, weak exit, severity, irreversibility, implementation burden, prospective effects; standing and safeguards assigned.
G. Contribution-to-outcome record	Material proposals, objections, revisions, rejected positions, reasons, dissent, implementation changes, and persons responsible for each gate.
H. Authority reconciliation statement	Governing hierarchy; legal competence; technical findings; representative and governmental claims; affected-public evidence; operational constraints; reasons for reconciliation.
I. Decision and claim calibration	Final decision; competent decision-maker; community-claim level; audience; limitations; unresolved objections; implementation and communication language.
J. Review, remedy, and revalidation	Review actor; jurisdiction; remedy options; sunset; scheduled review; withdrawal evidence; material-change triggers; renewal, transition, or retirement pathway.

IMPLEMENTATION STANDARD [N]
A materially significant decision should not be described as community-authorised unless the institution can produce a coherent record of boundary, challenge, authority, standing, responsibility, influence, decision, review, and renewal.

References and Online Sources

Online institutional sources were last accessed or verified on 16 July 2026 unless otherwise stated. References are numbered according to first substantive use. Official and primary sources are listed before analytical and comparative literature within each substantive sequence. APNIC sources [54]-[56] were preserved by the author in the Internet Archive's Wayback Machine on 16 July 2026. All available URLs and DOIs are active hyperlinks in this electronic working paper.

[1] World Summit on the Information Society. Tunis Agenda for the Information Society. WSIS-05/TUNIS/DOC/6(Rev.1)-E, 18 November 2005. Available at: Official source

[2] NETmundial. NETmundial Multistakeholder Statement. 24 April 2014. Available at: Official source

[3] United Nations General Assembly. Outcome Document of the High-Level Meeting on the Overall Review of the Implementation of the Outcomes of the World Summit on the Information Society. A/RES/80/173, 17 December 2025. Available at: Official source

[4] NETmundial+10. NETmundial+10 Multistakeholder Statement: Strengthening Internet Governance and Digital Policy Processes. 30 April 2024. Available at: Official source

[5] United Nations General Assembly. Global Digital Compact. Annex I to the Pact for the Future, A/RES/79/1, 22 September 2024. Available at: Official source

[6] Internet Corporation for Assigned Names and Numbers. Bylaws for Internet Corporation for Assigned Names and Numbers. Current consolidated text. Available at: Official source

[7] ICANN At-Large. Accountability and Transparency. Available at: Official source

[8] ICANN Empowered Community Administration. Empowered Community. Available at: Official source

[9] Regional Internet Registries. Principles of Internet Number Resource Policy Development. Available at: Official source

[10] RIPE Network Coordination Centre. RIPE Policy Development Process. RIPE-710. Available at: Official source

[11] RIPE Network Coordination Centre. The Relationship between RIPE and the RIPE NCC. RIPE-838, 2025. Available at: Official source

[12] Asia Pacific Network Information Centre. Policy Development Process. Available at: Official source

[13] American Registry for Internet Numbers. Policy Development Process. Available at: Official source

[14] Latin American and Caribbean Internet Addresses Registry. Policy Development Process. Available at: Official source

[15] Pete Resnick. On Consensus and Humming in the IETF. RFC 7282, June 2014. Available at: RFC Editor | DOI

[16] Internet Engineering Task Force. The Tao of IETF: A Novice's Guide to the Internet Engineering Task Force. RFC 9592, 2024. Available at: RFC Editor

[17] Scott Bradner. The Internet Standards Process, Revision 3. BCP 9, RFC 2026, October 1996. Available at: RFC Editor | DOI

[18] Scott Bradner. IETF Working Group Guidelines and Procedures. BCP 25, RFC 2418, September 1998. Available at: RFC Editor | DOI

[19] Internet Engineering Task Force. IETF Community Moderation. RFC 9945, 2026. Available at: RFC Editor

[20] Internet Governance Forum. About the Internet Governance Forum and Its Mandate. Available at: Official source

[21] Number Resource Organization. RIR Governance Document Version 2. 28 August 2025. Available at: Official source

[22] Number Resource Organization. RIR Accountability and Governance: Questions and Answers. Available at: Official source

[23] Office of the United Nations High Commissioner for Human Rights. Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs. 2018. Available at: Official source

[24] Mark Raymond and Laura DeNardis. "Multistakeholderism: Anatomy of an Inchoate Global Institution." International Theory 7, no. 3 (2015): 572-616. Available at: DOI

[25] Sherry R. Arnstein. "A Ladder of Citizen Participation." Journal of the American Institute of Planners 35, no. 4 (1969): 216-224. Available at: DOI

[26] Archon Fung. "Varieties of Participation in Complex Governance." Public Administration Review 66, supplement 1 (2006): 66-75. Available at: DOI

[27] Michael Saward. "The Representative Claim." Contemporary Political Theory 5 (2006): 297-318. Available at: DOI

[28] Jeremy Malcolm. "Criteria of Meaningful Stakeholder Inclusion in Internet Governance." Internet Policy Review 4, no. 4 (2015). Available at: DOI

[29] Nadia Tjahja, Trisha Meyer, and Jamal Shahin. "Who Do You Think You Are? Individual Stakeholder Identification and Mobility at the Internet Governance Forum." Telecommunications Policy 46, no. 10 (2022): Article 102410. Available at: DOI

[30] Eva Erman. "A Function-Sensitive Approach to the Political Legitimacy of Global Governance." British Journal of Political Science 50, no. 3 (2020): 1001-1024. Available at: DOI

[31] Jonathan Symons. "The Legitimation of International Organisations: Examining the Identity of the Communities that Grant Legitimacy." Review of International Studies 37, no. 5 (2011): 2557-2583. Available at: DOI

[32] Jennifer Gronau and Henning Schmidtke. "The Quest for Legitimacy in World Politics, International Institutions' Legitimation Strategies." Review of International Studies 42, no. 3 (2016): 535-557. Available at: DOI

[33] Tobias Lenz and Fredrik Söderbaum. "The Origins of Legitimation Strategies in International Organizations: Agents, Audiences and Environments." International Affairs 99, no. 3 (2023): 899-920. Available at: DOI

[34] Wolfgang Minatti. "Legitimate Governance in International Politics: Towards a Relational Theory of Legitimation." Review of International Studies 50, no. 4 (2024): 662-681. Available at: DOI

[35] Ian Hurd. "Legitimacy and Authority in International Politics." International Organization 53, no. 2 (1999): 379-408. Available at: DOI

[36] Michael N. Barnett and Martha Finnemore. "The Politics, Power, and Pathologies of International Organizations." International Organization 53, no. 4 (1999): 699-732. Available at: DOI

[37] Michael Barnett and Raymond Duvall. "Power in International Politics." International Organization 59, no. 1 (2005): 39-75. Available at: DOI

[38] Ayelet Berman. "Between Participation and Capture in International Rule-Making: The WHO Framework of Engagement with Non-State Actors." European Journal of International Law 32, no. 1 (2021): 227-254. Available at: DOI

[39] Terry Macdonald. "The All-Affected Principle and Global Political Legitimacy: In Defense of Democratic Realism." In Empowering Affected Interests, edited by Archon Fung and Sean W. D. Gray, 177-195. Cambridge University Press, 2024. Available at: DOI

[40] Robert E. Goodin. "Enfranchising All Affected Interests, and Its Alternatives." Philosophy & Public Affairs 35, no. 1 (2007): 40-68. Available at: DOI

[41] Albert O. Hirschman. Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States. Harvard University Press, 1970.

[42] Mark C. Suchman. "Managing Legitimacy: Strategic and Institutional Approaches." Academy of Management Review 20, no. 3 (1995): 571-610. Available at: DOI

[43] Hanna Fenichel Pitkin. The Concept of Representation. University of California Press, 1967.

[44] Allen Buchanan and Robert O. Keohane. "The Legitimacy of Global Governance Institutions." Ethics & International Affairs 20, no. 4 (2006): 405-437. Available at: DOI

[45] Hans Agné, Lisa M. Dellmuth, and Jonas Tallberg. "Does Stakeholder Involvement Foster Democratic Legitimacy in International Organizations? An Empirical Assessment of a Normative Theory." Review of International Organizations 10, no. 4 (2015): 465-488. Available at: DOI

[46] Lisa M. Dellmuth, Jan Aart Scholte, and Jonas Tallberg. "Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance." Review of International Studies 45, no. 4 (2019): 627-646. Available at: DOI

[47] Fritz W. Scharpf. Governing in Europe: Effective and Democratic? Oxford University Press, 1999.

[48] Amin Dayekh. The Governance Stress-Test Doctrine for Internet Institutions: A Model-Neutral Legitimacy-Under-Stress Framework. 2026. Author-held working paper.

[49] Amin Dayekh. The Mandate-Integrity Doctrine for Internet Governance: Mandate Before the Ballot. July 2026. Author-held working paper.

[50] Eliot Lear and Russ Housley, editors. Response to the IANA Stewardship Transition Coordination Group Request for Proposals on the IANA Protocol Parameters Registries. RFC 7979, August 2016. Available at: RFC Editor | DOI

[51] Internet Engineering Task Force. Planning for the IANA/NTIA Transition (IANAPLAN) Working Group Charter. Approved 2014. Available at: IETF Datatracker

[52] Internet Engineering Task Force Datatracker. Document History and Shepherd Write-Up for draft-ietf-ianaplan-icg-response, including the "Reviews and Consensus" record. 2014-2016. Available at: IETF Datatracker

[53] Internet Engineering Task Force Datatracker. IESG Write-Ups and Approval Announcement for draft-ietf-ianaplan-icg-response. Available at: IETF Datatracker

Official sourceWayback snapshot[54] Asia Pacific Network Information Centre. APNIC NRO NC Election Procedures. Webpage captured as publicly available on 16 July 2026. Available at: Official source | Wayback snapshot

Official sourceWayback snapshot[55] Asia Pacific Network Information Centre. NRO NC Voting Eligibility. Webpage captured as publicly available on 16 July 2026. Available at: Official source | Wayback snapshot

Official sourceWayback snapshot[56] Asia Pacific Network Information Centre. About the NRO Number Council. Webpage captured as publicly available on 16 July 2026. Available at: Official source | Wayback snapshot

[57] APNIC 60. NRO Number Council Election 2025: About and Results. Available at: Official source

[58] Internet Corporation for Assigned Names and Numbers and Number Resource Organization. Address Supporting Organization Memorandum of Understanding. 2019 consolidated version. Available at: Official source

[59] Address Supporting Organization. Operating Procedures of the Address Council of the Address Supporting Organization. Current published text. Available at: Official source

[60] Internet Corporation for Assigned Names and Numbers. gTLD Applicant Guidebook. Version 2012-06-04. Available at: Official source

[61] ICANN Governmental Advisory Committee. ICANN47 Durban Communiqué. 18 July 2013. Available at: Official source

[62] ICANN New gTLD Program Committee. Approved Resolutions, 14 May 2014: GAC Advice on .AMAZON and Related IDNs. Available at: Official source

[63] Amazon EU S.à r.l. v. Internet Corporation for Assigned Names and Numbers. Independent Review Process Final Declaration. 11 July 2017. Available at: Official source

[64] ICANN Governmental Advisory Committee. GAC Early Warning, Submittal Amazon-BR-PE-58086. 20 November 2012. Available at: Official source

[65] ICANN Board. Approved Resolutions, Regular Meeting of the ICANN Board, 25 October 2018, Resolutions 2018.10.25.18-.19 concerning the .AMAZON applications. Available at: Official source

[66] ICANN Board. Approved Resolutions, Regular Meeting of the ICANN Board, 10 March 2019, Resolutions 2019.03.10.01-.07 concerning the .AMAZON applications. Available at: Official source

[67] ICANN Board. Approved Resolutions, Special Meeting of the ICANN Board, 15 May 2019, Resolution 2019.05.15.13 and rationale concerning the .AMAZON applications. Available at: Official source

[68] Internet Corporation for Assigned Names and Numbers. "Status Update on .AMAZON Applications, The Next Steps." 19 December 2019. Available at: Official source

[69] Internet Corporation for Assigned Names and Numbers and Amazon EU S.à r.l. .AMAZON Registry Agreement. December 2019. Available at: Official source

[70] Internet Assigned Numbers Authority. Delegation Record for .AMAZON. Root Zone Database. Available at: Official source