UNITED NATIONS COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Working Group on Enhanced Cooperation

Contribution to the guiding questions agreed during first meeting of the WGEC

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Response from India to the consultation of the Working Group on Enhanced Cooperation for its 2ⁿᵈ meeting

1.   The Working Group for Enhanced Cooperatio(WGEC), which was established in 2016 in response to   UNGA Resolution A/RES/70/125 of December 16, 2015, with a view to develop recommendations to further implement enhanced cooperation as envisioned in the Tunis Agenda of the World Summit on Information   Society(WSIS), conducted its 1ˢᵗ meeting in Geneva on September 30, 2016. On its conclusion, the WGEC agreed that its Secretariat would gather inputs from its members and other relevant stakeholders with regard to two questions enumerated below and carry out a detailed discussion on Enhanced Cooperation during the 2ⁿᵈ session based on the inputs received. The two questions on which the stakeholders have been requested to submit their responses are as follows:

1.   What are the characteristics of Enhanced cooperation?
2.   Taking into consideration the work of the first WGEC and the Tunis Agenda, particularly paragraphs 69-71, what kind of recommendations should be considered?

2.   Information and Communication Technologies(ICTs), with its multifarious uses which serve both as an engine of growth and development as well as raise concerns of security due to its trans-border and anonymous nature, has emerged as one of the most exciting and challenging fields which require international attention and cooperation. The fact that the ICTs do not respect national boundaries, are evolving at an extraordinary pace with new technologies and innovative applications, have become a platform for astounding volumes of commerce and business and form the backbone of many critical infrastructures such as banking, transport and aviation, to name a few, demand that the world community comes together and finds ways and means for enhanced cooperation . This cooperation is essential not only to ensure that Internet remains open, accessible and affordable to all the stakeholders which have played a role in its evolution but also to evolve mechanisms to meet the challenges of Cybersecurity and the increasing complexities of cybercrime including the terrorist use of Internet.

What are the characteristics of Enhanced Cooperation ?

3.   The purpose of enhanced cooperation should be to evolve and develop common perspectives and strategies on public policies on Internet in a fair, transparent, democratic and equitable manner duly taking into account the digital divide that exists between the nations and genders, the roles of different stakeholders in various aspects of internet governance and usage and the recognition of the

primacy of the Governments to regulate, monitor and frame policies consistent with its national laws and objectives on issues of Cybersecurity.

4.   The above objectives of Enhanced Cooperation have not been realized so far for a variety of reasons. Foremost among them is the absence of a suitable forum or a body or a mechanism by which the stakeholders have the opportunity to sit together at the table, exchange views on various aspects of the use of ICTs in a transparent and democratic manner and develop convergence of views on cyber issues. While many attempts have been made in the past in various global, multilateral and regional forums, including those under the aegis of UN, a majority of them, have so far, remained mere recommendations and not reached the stage of implementation. On the other hand, there have been many parallel and simultaneous efforts by states and private sector, to study cyber issues , make regional pacts and agreements and implement them in isolation. This approach is untenable in cyberspace for two reasons, one, the interconnectivity of the ICTs and two, the absence of coordination mechanisms among these parallel bodies, without which any effort to make the most of the potential of ICTs will remain unrealized. Any attempt at enhanced cooperation therefore needs to take into account these critical factors and deliberate around ways and means to find solutions to the issues of coordination among the various forums dealing with the subject, preferably through the creation of a centralized body under the aegis of UN to guide the activities. Of significance would be the procedures adopted to form such a body which would need to be democratic, transparent and representative of both developed and developed nations. The WGEC is a good forum to address these issues where some kind of framework towards evolving such a mechanism can be deliberated upon.

5.   Among the other main elements for enhanced cooperation in respect of internet governance, the following are proposed:-

(a) Governments have been entrusted with the leading role in Cybersecurity matters relating to national security [para 55, WSIS+10 Review outcome document]. All stakeholders thus need to work with the Government to build robust domestic security of and in the use of ICTs.

(b)   Governments also have to play leading role in addressing cross-cutting international public policy issues relating to the management of the critical internet resources. This entails Governments to play a proactive role in the post-IANA transition process through the Government Advisory Committee (GAC) of ICANN.

(i) It is noted that para 70 of the Tunis Agenda provides for cooperation of the relevant international organization (such as ICANN) for the development of globally-applicable principles on public policy issues associated with the coordination management of critical Internet resources. In this regard, ICANN needs to contribute to creating an environment that facilitates this development of public policy principles through its Committees including the GAC and ICANN Board.

(ii)   As provided under the para 71 of the Tunis Agenda, relevant organization such as ICANN need to provide an annual performance report on the cooperation with GAC in the development of globally-applicable principles on public policy issues relating to the management of internet.

(iii)   As enhanced cooperation essentially aims at ensuring participation of all stakeholders in the formulation of public policy issues pertaining to internet, greater participation of all the stakeholders should be sought to bring about an inclusive, well-represented and secure internet governance process. This would essentially mean that the stakeholders would be given ample opportunities to express their views which would be taken into due consideration while formulating policies. In order to achieve this, the roles and responsibilities of different stakeholders need to be

broadly defined. In this regard, we concur with the recommendations of the Working Group on Internet Governance on the role of different stakeholders.

The main barrier to the participation of stakeholders so far has been the absence of a mechanism where they can participate effectively in their respective roles. Another barrier is the nature of the selection process of participants who represent these stakeholders. Therefore, we propose that the process of selection of the representatives should be made in a transparent and inclusive manner. Similarly, the challenges of accessibility, availability and affordability of information services as also their effective participation must be addressed through the medium of an enhanced cooperation at regional, national and international level

(v)   There is also a need to maximise the participation of developing countries in decisions regarding internet governance, which should reflect their interests as well as in the development of capacity building. The developing countries are an integral part of the global internet governance and should be provided opportunities to participate at an equal footing in the policy development processes.

Question 2: Taking into consideration the work of the previous WGEC and the Tunis Agenda, particularly paragraphs 69 to 71, what kind of recommendations should be considered?

Considering the work accomplished by the previous WGEC and the Tunis Agenda, this WGEC has to consider a wide array of issues. The suggested recommendations on how to further implement enhanced cooperation as envisioned by the Tunis Agenda of the World Summit on the Information Society (WSIS) are as follows:

(i) The internet is a space which comprises of a wide variety of users, all of whom cannot, due to a variety of reasons, make their voices heard. The WGEC should encourage all stakeholders to come forward, participate and make their voices be heard in the formulation of public policies pertaining to the internet.

(ii) The working group should also ensure that the true diversity of the internet is reflected in the formulation of internet public policy, and hence should actively work towards promoting diversity; be it geographical, ethnic, linguistic, cultural or even regarding the development status of the countries participating in policy formulation. One of the main tasks to undertake to ensure a diverse representation is the bridging of the digital divide which is essentially a chasm between those connected and those not connected to the internet.

(iii) The working group should keep in mind that the needs of developing countries are at times vastly different from those of developed countries. Hence, to ensure that they do not lag behind in the multi-stakeholder model participation, special attention should be paid to them. As these countries often struggle with problems relating to access and affordability regarding internet services, the working group should look into capacity building programmes for such nations so as to ensure that the next billion users (which are to be from developing countries) become connected to the internet, and that these countries do not lag behind in formulating internet policies. Some of these countries and stakeholders do not possess the funds to enable them to participate in the multi-stakeholder model of internet policy formulation. Hence the working group may look into avenues to increase participation such as fellowships, remote participation etc.

(iv) The working group should also make conscious efforts to build inclusive mechanisms for public policy issues regarding the internet, such as keeping an open mind and being accommodative towards new and emerging issues that appear with the advent of new technology.

(v) While formulating internet public policies, the working group should keep in mind that for national security, States have a greater obligation than other stakeholders. Hence, there is a need for the working group to consider such issues and allow for states to have primacy in all matters related to policy formulation.

(vi) The working Group should also look at existing mechanisms which involves multistakeholder participation and the efficacy of their functioning. This could guide the Working Group in making its recommendations for any new mechanism, if required.

(vii)   There is a need to create new institutional mechanism to enable governments to carry out their roles and responsibility in international public policy issues.

(viii)   There is a need to empower Government Advisory Committee (GAC) of ICANN to play   a meaningful and substantial role in international public policy issues relating to management of critical internet resources and security in the use of ICTs.

(ix)   An institutional mechanism need to be created for Government Advisory Committee (GAC) to report to ECOSOC through CSTD WG on an annual basis on the public policy issues relating to internet.

(x)   CSTD WG, in coordination with GAC, may constitute a Sub-Group to identify the international public policy issues pertaining to the Internet and to make recommendation for achieving the goals of the 2030 Agenda for Sustainable Development by ensure security in the use of ICTs.

(xi)   With regard to the relevant international Public policy issues which may be considered by the WGEC, we propose that issues related to Internet Infrastructure and management of critical Internet resources, use of Internet including spam, network security and cybercrime, issues related to developmental aspects of Internet Governance, in particular capacity building in developing countries and issues relating to interconnection costs, meaningful participation in global policy development, data access and jurisdiction, trade and e commerce, cloud computing, big data mining and analytics, artificial intelligence and next generation networks may be included.

(xii)   The WGEC may also consider on priority ways and means to develop national capacities, particularly in developing countries, through setting up of Centres of Excellence on Internet Governance and related issues, establishment of R&D Centres in the area of Internet related public policy, introduction of formal courses on Internet Governance in premier educational institutions for Industries, academia and civil society and creation of online knowledge Repository Portal on Internet Governance.