

**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**

Submitted by

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Contribution from Bill Graham, Centre for International Governance Innovation (CIGI)

Dear members of the CSTD Working Group on Enhanced Cooperation:

First I would like to thank you, and particularly Dr. Benedicto Fonseca, Chair of the CSTD Working Group on Enhanced Cooperation, for your kind invitation to the public to provide contributions on two questions that will guide the second meeting of the group, scheduled to take place on 26-27 January 2017. I believe it is important to take into account the views of all stakeholders on the future development of enhanced cooperation, pursuant to the Tunis Agenda. The following contribution is mine alone, and does not represent the views of any other organization.

By way of introduction, I would like to introduce my particular interest in the topic of enhanced cooperation, and the work of the CSTD Working Group. During both phases of the World Summit on the Information Society, I was one of two Heads of the Canadian Delegation during the preparatory process. In that role, I played a significant role in the negotiation of the WSIS text on Internet Governance, among other topics, and was intimately involved in discussions leading to the successful conclusion of those negotiations, including acceptance of the text on enhanced cooperation. I was a member of the Internet Governance Forum Multistakeholder Advisory Group from its inception until the 2011 IGF, first as a government representative, and then as a representative of the technical community for ISOC. From 2007, I was the executive in charge of strategic global engagement for the Internet Society, and in that role worked closely with governments, the private sector, the technical community and civil society to advance WSIS followup, including regularly reporting on the Internet Society's contribution to enhanced cooperation, and to UN and ITU work on the topic. In 2011 I was elected to the ICANN Board of Directors, and until I stepped down in 2014 I was one of the Board members responsible for monitoring and advising on enhanced cooperation as well as the IGF. In short, I was closely involved with the development of the commitment to enhanced cooperation, and with subsequent efforts to ensure effective implementation for nearly ten years. Most recently, in my current position as a Senior Fellow at the Centre for International Governance Innovation, I have been working on related topics as the Secretariat Lead Author of the report of the Global Commission on Internet Governance [see ourinternet.org], which was launched at the 2016 OECD Ministerial Meeting in Cancun, Mexico. Drawing on this wealth of experience, I herewith offer my views on the two questions posed by the Working Group.

1. What are the high level characteristics of enhanced cooperation?

One of the key lessons learned during the WSIS discussions on Internet Governance is that the Internet is above all a cooperative effort, a characteristic derived from its design as a means of interconnecting a broad network of networks to the mutual benefit of the network providers and, most importantly, the broad public of Internet users, now numbering well over one billion. As recognized by the WSIS documents, and most particularly in Paragraph 31 of the Tunis Agenda, this cooperative effort must be maintained in the governance of the Internet:

31. We recognize that Internet governance, carried out according to the Geneva principles, is an essential element for a people-centred, inclusive, development- oriented and non-discriminatory Information Society. Furthermore, we commit ourselves to the stability and security of the Internet as a global facility and to ensuring the requisite legitimacy of its governance, based on the full participation of all stakeholders, from both developed and developing countries, within their respective roles and responsibilities.

Consistent with this, the Tunis Agenda paragraph 71, specifically referring to enhanced cooperation strongly stresses the need to involve all stakeholders:

71. The process towards enhanced cooperation, to be started by the UN Secretary-General, involving all relevant organizations by the end of the first quarter of 2006, will involve all stakeholders in their respective roles, will proceed as quickly as possible consistent with legal process, and will be responsive to innovation. Relevant organizations should commence a process towards enhanced cooperation involving all stakeholders, proceeding as quickly as possible and responsive to innovation. The same relevant organizations shall be requested to provide annual performance reports.

Reinforcing this commitment to engaging the multistakeholder community is the call for all relevant organizations to provide annual performance reports. It is clear from this text, and from the annual invitation from the Executive of the United Nations to submit reports on enhanced cooperation, that the essence of enhanced cooperation is the involvement of all stakeholders to improve the mechanisms of Internet Governance, consistent with legal process, and responsive to innovation. I believe these principles are entirely consistent with the call in paragraphs 69 and 70 of the Tunis Agenda for governments to take up their responsibilities for public policy development, but not in isolation, but rather in cooperation with other stakeholders, each of which has its respective role and responsibilities.

In that framework, enhanced cooperation can be seen as having the characteristic of taking place within established legal process, rather than as an extra-legal or ad hoc pursuit. And finally, a further essential characteristic is that Internet Governance is not, and is not intended to be a static process, but rather one which is responsive to innovation. This characteristic shows that the drafters of the Tunis Agenda clearly understood that the Internet is rapidly evolving both through technological innovation, but also through social innovation as it experiences dramatic growth and increasing diversity in its user base.

2. Taking into consideration the work of the previous WGEC and the Tunis Agenda, particularly paragraphs 69-71, what kind of recommendations should we consider?

Based on these high level characteristics, as well as the work already done in the area of enhanced cooperation, the Working Group can achieve the greatest benefit by turning its attention to finding concrete mechanisms to bring all stakeholders together in productive work to anticipate what public policy challenges are likely to arise in the field of Internet Governance.

Public policy cannot be effective if it is developed in a vacuum; it must draw on the best available information from lessons learned in various jurisdictions, from emerging technical, business and social trends, and innovative policy thought on ways that all stakeholders can collaborate to benefit from opportunities and to anticipate and address threats on the Internet. This is not easy work.

The recent report of the Global Commission on Internet Governance can be helpful in this respect. The Commission, composed of a wide range of global experts from many sectors, identified an urgent need to evolve effective multistakeholder mechanisms, and in particular, to develop a new global social contract for the Internet.

The Commission envisions a world in which the Internet reaches its full economic and social potential, where fundamental human rights such as privacy and freedom of expression are protected online. This optimistic future can only be achieved if there is universal agreement to collectively develop a new social compact ensuring that the Internet continues on track to become more accessible, inclusive, secure and trustworthy. There must be a mutual understanding between citizens and their state that the state takes responsibility to keep its citizens safe and secure under the law while, in turn, citizens agree to empower the authorities to carry out that mission, under a clear, accessible legal framework that includes sufficient safeguards and checks and balances against abuses. Business must be assured that the state respects the confidentiality of its data and they must, in turn, provide their customers the assurance that their data is not misused. There is an urgent need to achieve consensus on a social compact for the digital age in all countries. Just how urgent is shown by current levels of concern over allegations of intrusive state-sponsored activities ranging from weakening of encryption to large-scale criminal activity to digital surveillance to misuse of personal data, and even to damaging cyber attacks and disruption.

The Commission's recommendations in this regard are of vital importance to the continuing evolution of the Internet, and of our economies and societies. The Working Group on Enhanced Cooperation is well placed to beneficially advance global efforts in the direction of achieving the necessary shared understanding and agreement on a new social compact. 2017 meeting of the WGEC provides an excellent opportunity to commence this work.

Yours sincerely,

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