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**Enhanced cooperation**

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**The views presented here are the contributor's and do not necessarily reflect the views and the position of the United Nations or the United Nations Conference on Trade and Development**

## **Enhanced cooperation - opening remarks.**

I realised this morning that I have now been working in the area of Internet governance for a decade. That is a little bit depressing when you think that 10 years ago, Mark Zuckerberg was still in High School.

As Hamadoun Toure said, 10 years ago, no one had heard of social networks, now only China and India have greater populations than Facebook. Why do I mention this? Because the Internet is changing a lot faster than Internet governance discussions; if we had managed to work out what was meant by Enhanced cooperation back in 2005 it would have been based on the Internet as it was then, not now. Back then, it was all about Access, infrastructure, now it's much more about use.

Enhanced cooperation was one of the two concrete outcomes of the Tunis Agenda. The other, of course, being the Internet Governance Forum.

The IGF has evolved from uncertain beginnings into a true beacon for Multistakeholder cooperation. Its energy, its adaptability, and its resilience in the face of significant challenges are quite like the Internet itself.

In contrast, the Enhanced Cooperation process has not yet really found its feet. Last Friday's dialogue and the Secretary General's paper repeated many of the themes that were voiced in the first main session on Enhanced Cooperation at the IGF in 2008. No one is quite sure what it means, still. No matter what your view, or how much it contradicts that of your ideological opponent, you can find support for it in the text of the Tunis Agenda. There's a reason for that, and the truth might be quite uncomfortable. Governments from radically different points of view came away from the Tunis negotiations declaring that the enhanced cooperation text had given them everything they wanted. That's compromise for you. It is clear that the secretary general has a role in starting a process, but not at all clear that the "process towards enhanced cooperation" has any meaning. As we say in software design, that's not a bug, it's a feature.

So, where are we now?

Let us do process first, because we Internet governance geeks all love our processes. There seem to be three contrasting visions for the way forward. One, advocated by institutions that don't want change, is that Enhanced Cooperation means all doing what we're doing anyway, only better. At the other end of the spectrum there's a call to create a whole new Intergovernmental institution to oversee the Internet. And somewhere in the middle there's a proposal to create a Working Group to define enhanced cooperation and show us the way forward.

I don't know which of these is right, and which is the one true interpretation of Enhanced Cooperation. My suggestion is, instead, for us to treat that uncertainty as a feature not a bug, an opportunity, to review the cooperation deficits, the legitimacy deficits, as they are now, and not as they were perceived back in 2003-2005.

As Ambassador Karklins said this morning, 10 years ago, we were all - rightly - preoccupied with the costs of access, and how to get the next billion online. Since then, great strides that have been made in overcoming barriers to access - although challenges remain the clear trends are that prices are falling and that access to the Internet especially via mobile in developing countries is increasing.

Now, in my view, the opportunities and challenges ahead are in the realm of content, not access or infrastructure. How to make good the vision of a truly internationalised Internet, ripe with multilingual content, how to maintain open, interoperable networks, in which innovation without permission remains the norm, and the intelligence is at the edges? How to continue with networks that are not optimised for any single application, where information can be accessed and shared freely, where opinions can be expressed without fear or repression. And to try and maintain all of this, the brilliance of the Internet and its ability to transform us into knowledge societies, within a truly diversified user base, through diverse regimes and jurisdictions.

Many challenges lie in our path, I am sure. One aspect that could do with further exploration is the impact of the rise and rise of a handful of companies, or as I call them, information oligarchs, who are largely

unaccountable except to their shareholders, whose online environments are subject to their own rules and norms on privacy, on how data is shared, and what they do with those vast aggregated pools of information that they have on us all. Ok, they are subject to the offline laws, but there is no doubt that a lot of soft law, norms, new ways of doing things, are just evolving without permission, and sometimes they strain existing laws. That's not necessarily a bad thing, this change is part of life, and always has been. It is just happening a lot quicker in environments created innovators and companies who are not in this room.

Another threat, in closing, is to ensure that our poster boys for Multistakeholder cooperation remain up to the job. And of course, I am talking about ICANN here. There have been advances in the area of Enhanced Cooperation, especially in the early days after WSIS. The GAC continues to evolve into a significant and positive force with ICANN, which can be relied on to be an independent check and balance within the system, that maintains the public interest front and central.

A significant step towards enhanced cooperation was the Affirmation of Commitments in 2009. This introduced the concept of ICANN having independent reviews on a rolling basis on key aspects of its remit: accountability and transparency; security and stability; consumer trust; and WHOIS. As we all know, you can impress some people, or at least shut them up in the short term, by showing them your beautiful processes, but if you want to truly persuade them of your good faith, you have to show them your results.

In a year or two, the time will come for ICANN to show what it has done with all those recommendations for improvements from all those independent reviews. If it does right, it has the opportunity to close the legitimacy gap that some of its critics - even its supporters - perceive. If not, and this is not just about ICANN but all of us who support a generally improved status quo, then we risk having to face up to more expensive, and potentially destructive, structural changes. That would be a loss, because in my firm view cooperation can be enhanced in all of the existing institutions and processes without creating new processes, or new institutions. To maintain that view, though, we have to be able to point to real, tangible, ongoing progress.

I believe that the original authors of the Affirmation of commitments on the ICANN side intended for not only the US government, but any government to be signatories. So that ICANN would be making those promises not just to one government but to any that wanted to participate. I know this for sure because I was told it in a bar in Singapore. The story goes that following a change of leadership those within ICANN who knew this left, and some things that should not have been forgotten were lost. But if we are really in search of a process towards enhanced cooperation, why not resurrect that idea? You never know, it might work!