UNITED NATIONS COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Working Group on Enhanced Cooperation

Contributions received as amendments/additional recommendations to document "Compilation of recommendations contained in contributions from WGEC member and Observers to the two guiding questions agreed during the first meeting of the WGEC"

20 April 2017

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Introduction

This document contains the contributions received as a follow-up to the Second meeting of the Working Group on Enhanced Cooperation (26-27 January 2017). [1] In this meeting the Chairman of the WGEC invited all WGEC members and observers that had submitted contributions to the two guiding questions agreed during the first WGEC meeting to revise the document "Compilation of recommendations contained in contributions from WGEC members and Observers to the two questions agreed during the first meeting of the WGEC"[2] circulated on 26 January 2017, in order to ensure that the proposals were adequately reflected, as well as to submit amended or additional recommendations if necessary.[3]

Inputs were received from the following contributors:

	Contributor
1	Anriette Esterhuysen, APC
2	Richard Hill
3	Nigel Hickson, ICANN
4	Parminder Jeet Singh, IT for Change
5	Jimson Olufuye, AfICTA
6	Timea Suto, ICC-BASIS
7	Cuba
8	Iran (Islamic Republic of)
9	United Kingdom
10	United States
11	Saudi Arabia
12	Russian Federation

[1] The contributions are available as received on the website of the Third WGEC meeting: http://unctad.org/en/pages/MeetingDetails.aspx?meetingid=1351

[2] Document available at: http://unctad.org/meetings/en/SessionalDocuments/WGEC2016_m2_CompilationRecommendations_en.pdf

[3] The Chairman's Summary of the Second WGEC meeting is available on the website of the Working Group: http://unctad.org/en/Pages/CSTD/WGEC-2016-to-2018.aspx

1. **Anriette Esterhuysen, APC**

Platform for Intergovernmental Dialogue on Internet-related Public Policy linked to the Internet Governance Forum

Working document submitted to the CSTD Working Group onEnhanced Cooperation (WGEC)

Submitted by Anriette Esterhuysen, Association for ProgressiveCommunications, April 2017

The problem

The number of spaces and processes for discussion of different internet-related public policy issues has proliferated in recent years, yet there is currently no platform or space where governments can meet regularly, and have a broad discussion on internet-related public policy matters informed by their own concerns.[4] At the same time many specialised intergovernmental agencies are dealing with internet-related issues, such as the World Intellectual Property Organization (WIPO), the Human Rights Council (HRC) and UNESCO, to mention a few. Regional intergovernmental bodies also increasingly addresses internet-related issues.

This presents a challenge in particular for governments from developing countries, which have limited resources to engage in multiple fora and have to be selective in where they engage.[5] And it is a challenge that will only grow, because the internet is in fact not a single entity – it is distributed and diverse, touching more and more aspects of daily life. This is reflected in the increasing volume and diversity of emerging internet-related public policy issues.

It is neither possible, or, in our view, advisable for one international body to deal with all internet-related public policy issues. But what is clearly needed is an information-sharing and open discussion platform for governments that responds to their stated needs without undermining respect for an inclusive and multistakeholder approach to internet governance.

Currently the Internet Governance Forum (IGF) could potentially act as this open discussion platform for governments. However, successful as it is, its strengths lie in its multi-stakeholder nature. Governments can benefit enormously from participating in the IGF, but it is not a

[4] Other stakeholder groups face a similar challenges and APC also supports mechanisms that address these, but we have focused this particular contribution on the challenges that developing country governments face.

[5] It is very common to see diplomatic missions in Geneva, especially for LDCs, that have only two or three diplomats to cover the work of 95 UN agencies and related international organizations. There are also key intergovernmental organizations relevant for internet-related public policy outside of Geneva, such as the OECD, the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime.

substitute for a platform where governments can engage with one another as governments. Nor has it successfully attracted a sufficiently high number and diversity of governmental participation.

The solution

The Association for Progressive Communications (APC) proposes a platform for intergovernmental dialogue on internet-related public policy linked to the IGF. Such a platform can:

- Facilitate government-to-government discussion on internet-related public policy issues;
- Enable governments to have access to cross-cutting internet-related public policy debates, challenges and opportunities;
- Brief them on what issues are being dealt with by various policy fora around the world;
- Support sharing information in a systematic way to ease coordination and collaboration between existing institutions and processes, particularly to link national and global processes; and;
- Strengthen government participation and engagement in the IGF itself.

Such a platform would not:

- Be a policy-making space;
- Constitute a new agency or intergovernmental body;
- Widen the mandate of any existing UN agency or intergovernmental body or process; or,
- Duplicate the work of any existing process.

This platform would enable governments to have future-oriented discussions with one another, and informed by other stakeholders through the link with the IGF, to get a full view of internet-related developments in various for a that have policy implications. It would enable governments to go to one place to get a fuller picture of what internet-related policy discussions are happening, to be briefed on outcomes of processes, such as, for example, IGF Best Practice Forums. It will make it easier for them to make more informed decisions on where to engage in order to be influential on the issues that matter most to them. It will also help clarify where there are gaps, with important issues not yet being address anywhere. This would build on the work already started by the CSTD Working Group on Enhanced Cooperation (WGEC) and the Commission on Science and Technology for Development (CSTD), specifically its mapping of international internet public policy issues.[6]

How the intergovernmental platform would work

Our proposal is that the platform would consist of an annual dialogue for

[6] http://unctad.org/meetings/en/SessionalDocuments/CSTD_2014_Mapping_Internet_en.pdf

governments held on an annual basis, back-to-back with the IGF. An intergovernmental working meeting can be convened on the sidelines of each of the IGF's Open Consultations to engage in dialogue on a work programme for the annual meeting. The annual dialogue does not necessarily need to be institutionally attached to the IGF. It could be attached to another UN body such as CSTD but be convened in partnership with IGF secretariat.[7] The institution hosting the platform could also become responsible for facilitating the sharing of information and providing States support on engaging in internet policy spaces. Existing efforts to link an internet governance information clearing house to the IGF secretariat could make this easier and more sustainable.

We see this platform as a discussion space and not a policy-making space. Rather than creating a new institution, we view the forum as a platform that could be convened for governments by governments alongside existing processes and in collaboration with the multistakeholder IGF. This annual forum needs to be open to other stakeholders, but it should primarily be a space for governments, thereby responding to the explicit need that has been expressed by governments throughout the debate on enhanced cooperation.

Possible outputs of this platform

- Proposals for agenda topics that can be addressed to the CSTD, the IGF MAG, and other spaces where internet-related public policies are discussed.
- Informal feedback on the outputs of IGF Best Practice Forums.
- Identification of areas in which governments feel there is a need for research or capacity development.

- Identification of possible gaps in internet-related public policy making and proposals for where such issues can be discussed.

Broader context

It is APC's view is that enhanced cooperation should aim to improve and democratise the governance of the internet at all levels, not only to establish more equitable influence for and among sovereign states. Our understanding of enhanced cooperation, based on both the Tunis Agenda and the outcome of the 10-year review of the World Summit on Information Society, is that it refers to both governments and other stakeholders.

We feel that there is a need to address the participation of government, because governments have specific responsibilities with regard to public

[7] In determining the appropriate institution to house this platform, we refer to the "Characteristics of a Successful Mechanism" that Nick Ashton-Hart identifies in his paper "Solving the International Internet Policy Coordination Problem". (May 2015). Global Commission on Internet Governance, Paper Series: No. 12. https://www.cigionline.org/sites/default/files/no12_0.pdf

policy, and the current system has gaps, which makes it difficult for some governments, especially those from developing countries, to influence those spaces. Governments certainly do not have the sole responsibility with regard to internet related public policy, which is why we are also actively working to strengthen existing mechanisms, making them more inclusive, transparent, and accessible to all stakeholders.

The IGF has been enormously successful in many respects. But it has not succeeded in providing this type of 'government to government' discussion space. The proposed platform should not detract from important efforts to strengthen the IGF; instead we see it as a response to the gap some governments are experiencing in terms of lack of access to and influence in internet-related public policy spaces. We realise that such a platform might not address all the challenges that the WGEC aims to address, and is not a substitution for efforts to enhance the participation of all stakeholders, but we see it as:

- Incremental in that it responds to stated needs by developing country governments while also strengthening an existing UN-based space, the IGF as well as the work of CSTD;
- Laying the groundwork for increased coordination amongst all stakeholders around internet-related public policy; and
- Suitable to the application of the characteristics of enhanced cooperation that the WGEC is trying to build consensus on.

2. Richard Hill

I. Proposals of recommendations addressing specific existent institutions/processes/fora

Recommendation:

1. Consequently, it is proposed to recommend that UNCTAD and UNCITRAL be mandated to study the issues related to the economic and social value or data, in particular "big data" and the increasing use of algorithms (including artificial intelligence) to make decisions, which issues include economic and legal aspects. In particular, UNCITRAL should be mandated to develop a model law, and possibly a treaty, on personal data protection, and UNCTAD should be mandated to develop a study on the taxation of robots.

Recommendation:

3. Consequently, it is proposed to recommend that UNCITRAL be mandated to study the issue of intermediary liability, with a view to proposing a model law on the matter.

Recommendation:

We are of the view that the roles and responsibilities of the several stakeholders outlined in paragraph 35 of the Tunis Agenda should be revisited in light of developments and discussions that have taken place over the past 10 years. Therefore, we propose the following revisions to paragraph 35 of the Tunis agenda:

35. We reaffirm that the management of the Internet encompasses both technical and public policy issues, which may be inter-related, and should involve all stakeholders and relevant intergovernmental and international organizations. Decisions should always be informed as appropriate by inputs from stakeholders. In this respect it is recognized that:

a) Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for ~~international~~ Internet-related public policy issues, and in particular for the protection of all human rights. Decisions should be informed by inputs from other stakeholders as appropriate.

b) The private sector has had, and should continue to have, an important role in the development of the Internet, both in the technical and economic fields, and in providing objective factual information to policy decision-makers, so as to further the public interest and to achieve the shared goal of an equitable information society.

c) Civil society has also played an important role on Internet matters, especially at community level at both the national and international levels, and should continue to play such a role. Further, it should provide views, opinions, and information to policy decision-makers and should be invited to comment, as appropriate, regarding public policy issues at both the national and international levels. Representatives, if representation is needed, should be selected through open, democratic, and transparent processes. Internal processes should be based on inclusive, publicly known, well defined and accountable mechanisms.

d) Intergovernmental organizations have had, and should continue to have, a facilitating role in the coordination of Internet-related public policy issues and in the harmonization of national laws and practices.

e) International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

The respective roles and responsibilities of stakeholders should be interpreted in a flexible manner with reference to the issue under discussion.

Recommendation:

Consequently, we recommend that ICANN consider taking the following actions:

1. Request a general OFAC waiver from the U.S. Commerce Department
2. Contractually oblige registrars to investigate the possibility of receiving an OFAC license for providing services to sanctioned countries
3. Prohibit registrars from arbitrarily cancelling domain names without notice
4. Obtain a legal opinion regarding whether registrars based in other countries need to comply with OFAC and US laws in general
5. Take any other actions which may alleviate the problem

Recommendation:

Consequently, it is proposed to recommend that the UN General Assembly be invited to consider the appropriate ways and means to convene a treaty-making conference to develop and adopt a binding treaty on norms to protect civilians on the Internet in times of peace, and to consider whether to develop a new treaty, or whether to invite the ITU to integrate such norms into its own instruments, for example the International Telecommunication Regulations.

Recommendation:

Consequently, we recommend that Internet governance matters not be discussed in WTO and related multi-party trade negotiations.

Recommendation:

We recommend that all entities involved in Internet governance discussions, including civil society entities, be transparent with respect to their funding sources.

Recommendation:

We recommend that a general provision on price transparency be included in a future international instrument, for example in a future version of the International Telecommunication Regulations (ITRs).

3. Nigel Hickson, ICANN

CSTD WORKING GROUP ON ENHANCED COOPERATION; RECOMMENDATIONS

ICANN is pleased to have this opportunity to contribute to the "Compilation of Recommendations" Document (26th January) as outlined in the Chair's Summary of the Second Meeting of the Enhanced Cooperation Working Group (16th February).

In **Summary,** we believe that Recommendations should stem from the High-Level Characteristics defined (at least in draft) at the 2nd meeting of the WG and referenced in paragraph 6 of the Chair's Summary. We do not think it would be appropriate to have free standing Recommendations that bare no relationship to what hopefully will be agreed as the Characteristics of Enhanced Cooperation.

As such ICANN would be in favour of a limited set of Recommendations that might give guidance to Institutions and Organisations (within the scope of their duties and responsibilities) on how they might ensure that a process of enhanced cooperation takes place in the pursuance of policies on Internet Governance. We would not support Recommendations that sought to facilitate the establishment of any new bodies or structures (whether at the UN or elsewhere) to address Internet Governance issues. We do though potentially see the value of CSTD being requested to review the effect of the outcome and effectiveness of any agreed Recommendations (as a result of work of WGEC) in an appropriate time-period. We also see value in the WGEC re-affirming the support of governments for the strengthening of the Internet Governance Forum (IGF).

Detail

Prime Recommendations

That member States and the International Community should, in their deliberations with respect to national, regional and global Internet Governance dialogue give due regard and attention to the agreed High Level Characteristics as outlined in (giving reference);

That ECOSOC should, as appropriate, convey the need for all UN related institutions (dealing with Internet Governance related matters) and affiliated bodies, to take into consideration and incorporate (where appropriate) the High-Level Characteristics in their working practices and procedures;

That member States, should, as appropriate, incorporate the agreed High Level Characteristics, in their national processes with respect to Internet Governance issues;

Other Recommendations

That the ECOSOC should, as appropriate, seek a review of the Recommendations from the WGEC in terms of their effectiveness and uptake within 5 years of their adoption;

That (*in line with the draft Recommendation 42)* CSTD should be asked to develop guidance as to how the agreed High Level Characteristics can best be effected in global fora dealing with Internet Governance issues;

That (*in line with Recommendation 25)* member States should be encouraged, in line with giving effect to the agreed High Level Characteristics, to participate in, and champion, the multi-stakeholder dialogue that takes place at the Internet Governance Forum (IGF) and in the associated Regional and National Initiatives.

ICANN; April 2017

4. Parminder Jeet Singh, IT for Change

- Recommend a new UN based mechanism/body that enables all governments, on an equal footing, to develop international public policies pertaining to the Internet, and its associated digital phenomenon. (This would be similar to how there is WHO for health, UNESCO for education, FAO for food and agriculture, and so on.)
- This new 'body' will establish appropriate relationships with relevant existing policy bodies inside and outside the UN – in non-technical and technical areas; direct relevant public policy issues to them, receive their inputs and comments, and itself contribute Internet public policy perspectives to issues under their purview.
- It will keep itself abreast of global Internet-related issues;

undertaken discussions; develop international norms and public policies; seek appropriate harmonization of national level policies; and, where necessary, facilitate required treaties, conventions and agreements.

- It will have sufficient resources and specialisation to regularly undertake studies and present analyses in different policy areas, especially from a developing countries standpoint.
- It can be modelled on the OECD's Committee on Digital Economy Policy, where decisions are taken in an inter-governmental manner, but with extensive inputs from and discussions with all stakeholders. It has three advisory committees, respectively of civil society, business, and technical community. (OECD, technical community, business, and many civil society groups have all described this to be a multi-stakeholder model of policy development.)
- It will *inter alia* develop "globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources" (para 70 of the Tunis Agenda).
- It will maintain an organic relationship with the IGF, as a primary arena for stakeholder participation in Internet public policy development.

5. Timea Suto, ICC-Basis

I. Proposals of recommendations addressing specific existent institutions/processes/fora

Recommendation 22:

[propose rephrasing]

Existing, well-established processes for enhanced cooperation initiated since WSIS through outreach to relevant UN agencies as well as multistakeholder and technical organizations, including all stakeholders (such as those identified by WGEC1 and those that emerged since), should be recognized by the WGEC2 and widely shared across all stakeholders and geographies with the aim of encouraging all stakeholders to partake in and further shape and develop these processes.

22. a. In order to raise awareness among all stakeholders and encourage their participation in these processes, actions such as, but not limited to the below suggestions, could be considered:

- Continue to foster national IGF initiatives and promote the contributions they are willing to make into to regional IGF initiatives as well as into the annual global IGF.
- Stakeholders should continue working together to raise awareness across all relevant actors about the important Internet governance processes and forums at the national, regional and global levels.
- Foster mutual reinforcement of efforts by continuing to connect national and regional stakeholders at IGF initiatives, ICANN global and regional meetings, Internet Society and other Internet technical community events, as well as business community meetings such as ICC events and others.
- Fellowship and ambassador programmes sponsored by many stakeholders to help support developing country governments and other stakeholders with travel costs as well as youth outreach programmes to encourage awareness and participation of local or regional youth when in developing countries help fuel future participation. There is a need to continue building on and raising awareness of these opportunities
- Remote participation opportunities, webcasting, transcripts, and translation are extremely important today and need to be ensured where possible.

III. Recommendations on the follow-up to the previous WGEC working group

Propose to delete Recommendation 30

IV. Recommendations addressing on coordination aspects

Propose to merge Recommendations 47,48 and 49 and include the list either above as point 22.a or as a separate recommendation here, as indicated:

[propose to merge the above three recommendations]

In order to raise awareness among all stakeholders and encourage their participation in existing enhanced cooperation processes, actions such as, but not limited to the below suggestions, could be considered:

- Stakeholders should continue working together to raise awareness across all relevant actors about the important Internet governance processes and forums at the national, regional and global levels.
- Foster mutual reinforcement of efforts by continuing to connect national and regional stakeholders at IGF initiatives, ICANN global and regional meetings, Internet Society and other Internet technical community events, as well as business community meetings such as ICC events and others.
- Fellowship and ambassador programmes sponsored by many stakeholders to help support developing country governments and other stakeholders with travel costs as well as youth outreach programmes to encourage awareness and participation of local or regional youth when in developing countries help fuel future

participation. There is a need to continue building on and raising awareness of these opportunities
- Remote participation opportunities, webcasting, transcripts, and translation are extremely important today and need to be ensured where possible.

6. Jimson Olufuye, AfICTA

Supplementary Input to the 2 Questions from the 1st Meeting of WGEC 2.0
22 March, 2017

Following the 2nd CSTD WGEC 2.0 meeting of January 26-27, 2017 and the Chair's request for input to the document containing a compilation of Recommendations, I would like to indicate that the following recommendations were not captured in the document.

The recommendations are:

1. That all governments on equal footing should participate in the work of the Government Advisory Committee of Internet Corporation for Assigned Names and Numbers in the management of the Critical Internet Resources (CIR)
2. Recognizing capacity gap in addressing Internet public policy matters in developing and least developed countries appropriate support mechanism should be enabled to bridge the gap.

Furthermore, I would like to recommend that

3. The CSTD convenes a yearly forum where all governments on equal footing can discuss public policy matters pertaining to the Internet with the participation of the business community, the technical community, the civil society and the academic community.

Submitted by
Jimson Olufuye PhD
Chair, AfICTA

7. Cuba

Unofficial translation
Original in Spanish

Contribution of the Cuban expert to the Working Group on Enhanced Cooperation on Public Policy Issues Pertaining to the Internet of the United

Nations Commission on Science and Technology for Development

In relation to public policies in the field of information and telecommunications technologies, it is important to comply with the provisions of the Tunis Agenda for the Information Society or "Tunis Agenda", including its paragraph 35 a). This paragraph states that *Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues.*

On that basis, the following is proposed:

1. Create an intergovernmental mechanism to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues. The above-mentioned Working Group may suggest this issue as part of a resolution to be adopted by the General Assembly of the United Nations at its next session.

   It is proposed to consider the following variants for the intergovernmental mechanism:

   a) Creation of a new international organization related to the United Nations system.

   b) Creation of a permanent and open working group with a specialized support structure in the United Nations Secretariat.

   c) Establishment of an intergovernmental mechanism in the Internet Governance Forum.

2. To debate every year on the international public policy issues pertaining to the Internet, in the General Assembly, as part of the general debate under the agenda item entitled *"Information and communications technologies for development"*, of the heading *"A. Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences"*.

It is important to reiterate that these proposals are in line with the agreements of the World Summit on the Information Society where the roles of governments and non-state actors were defined with regard to the public policy issues related to the ICT.

8. Iran (Islamic Republic of)

Q1: What are the high level characteristics of enhanced cooperation?

The concept of enhanced cooperation should have the following major characteristics:

- It should attend only to international public policy issues pertaining to the Internet and not in the day-to-day technical and operational matters. (Para. 69 Tunis Agenda)

- The players in this sphere are only governments; as public authority for Internet-related public policy issues is the sovereign right of States. (Para. 35-a Tunis Agenda)

- Governments should be enabled to carry out their roles and responsibilities in international public policy issues pertaining to the Internet. (Para. 69 Tunis Agenda)

- It should cover the concept of coordination and management of critical Internet resources. (Para. 70 Tunis Agenda)

- Universality of the exercise: All governments should be allowed to participate with no exception.

- Equal footing: No discrimination among governments in carrying out their roles and responsibilities. (Para. 69 Tunis Agenda)

- Applicability of the outcomes: Outcomes should be able to be applied through an international mechanism after they are devised.

Q2: Taking into consideration the work of the previous WGEC and the Tunis Agenda, particularly paragraphs 69-71, what kind of recommendations should we consider?

- Define roles and responsibilities of the governments.

- Draft the enabling factors for the governments to exercise those roles and responsibilities.

- Develop globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources.

- Identify international public policy issues pertaining to the Internet.

- Establish an intergovernmental mechanism to regulate and coordinate the relations of governments on international Internet governance.

9. United Kingdom

Recommendations proposed by the UK Government

1. Enhanced cooperation processes should follow and promote best practice in **consultation and engagement**, including reaching out proactively to all stakehodlers in an informative and easily understandable way.

2. Stakeholders should consider how they can **make information and evidence available** in an open, accessible and timely way in order to support meaningful participation and engagement.

3. Stakeholders should consider how they can **open up their policy-making processes** to input and scrutiny from other stakeholders.

4. Enhanced cooperation processes should support the **participation of stakeholders from developing countries**, taking into account cultural and linguistic diversity and the capacity constraints faced by least developed countries.

5. Enhanced cooperation processes should seek to ensure a **balance of stakeholder representatives** in multi-stakeholder forums.

6. Enhanced cooperation processes should support **sustainable development**, particularly in terms of capacity-building, education and skills, in order to help bridge the digital divide.

7. Enhanced coopertion processes should promote an **enabling environment for investment**, in particular promoting cooperation and partnership between governments, the private sector and other stakeholders that promotes investment in infrastructure and increases affordable connectivity in developing countries.

8. Enhanced cooperation processes should promote an **enabling environment for innovation**, in particular ensuring that the Internet remains an open environment that facilitates innovation and encouraging cooperation between stakeholders to this end.

9. Enhanced cooperation processes should avoid **duplicating existing work** but instead develop existing forums, including building understanding of multi-stakeholder enhanced cooperation processes in the full range of existing international organisations.

10. Stakeholders should consider how best to **build cooperation on emerging topics**, particularly new issues presented by newly emerging technology, in a way which allows all stakeholders to participate.

29 March 2017

10. United States of America

Contribution of the Government of the United States of America
to the Working Group on Enhanced Cooperation
March 31, 2017

The United States is pleased to provide the following contribution to the third meeting of the CSTD Working Group on Enhanced Cooperation (WGEC). This contribution builds on our previous contribution to the second meeting. The United States proposes the following recommendations to further implement the process of enhanced cooperation as envisioned by the Tunis Agenda.

- The primary purpose when considering international Internet-related public policy issues is to ensure the Internet remains an open, interoperable, secure, and reliable platform where everyone can create, access, utilize, and share information and knowledge to achieve their full potential, exercise human rights and fundamental freedoms, promote sustainable development, and improve quality of life.
- Institutions and processes should recognize the principles and spirit embodied in the outcome documents of the World Summit on the Information Society, UNGA Resolution 70/125, and the NETmundial principles.
- Institutions and processes dealing with international Internet-related public policy should entertain proposals from all stakeholders related to ensuring the Internet remains an open, interoperable, secure, and reliable platform and strive to reflect areas of consensus.
- Institutions and processes should encourage and facilitate the full participation of all stakeholders when considering international Internet-related public policy issues, including at the national and local levels.
- Institutions and processes should encourage the participation of developing countries, women, persons with disabilities, youth, and unaffiliated users in institutions and processes that are considering international Internet-related public policy issues.
- Institutions and processes should not erect barriers that impede or prohibit the full participation of stakeholders when considering international Internet-related public policy issue, and should try to lower any existing barriers as much as possible.
- Stakeholders should avoid promoting the role or interest of one stakeholder group over other stakeholder groups in international Internet-related public policy discussions wherever they occur.
- Institutions and processes should be open to strengthening and improving their existing structure and processes in order to continually improve Internet-related public policy discussions.
- Institutions and processes should be open to learning from other relevant institutions and adopt successful processes, including procedural and participation improvements, best practices, and lessons learned.
- As appropriate, the participation of all stakeholders should be welcome at the annual Internet Governance Forum, the National and Regional IGF Initiatives (NRI), and other bottom-up multistakeholder fora at the international, regional, national, and local levels.

11. Russian Federation

I Background

The Tunis Agenda in § 69 ***recognized*** *the need for* ***enhanced cooperation*** *in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities,* ***in international public policy issues pertaining to the Internet****, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues.*

In para 35 **it was *reaffirmed*** *that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations.*

In this respect it is recognized on ***international public policy issues*** *that:*

f) *Policy authority for* ***Internet-related public policy issues*** *is the sovereign right of States. They have rights and responsibilities for* ***international Internet-related public policy issues.***

d) Intergovernmental organizations have had, and should continue to have, a facilitating role in the coordination of ***Internet-related public policy issues****.*

Para 58 ***recognized*** *that Internet governance includes more than Internet naming and addressing. It also includes other significant* ***public policy issues*** *such as, inter alia, critical Internet resources, the security and safety of the Internet, and developmental aspects and issues pertaining to the use of the Internet.*

Para 70 ***emphasized that*** *using relevant international organizations, such cooperation should include the development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources. In this regard,* ***we call upon*** *the organizations responsible for essential tasks associated with the Internet to contribute to creating an environment that facilitates this development of public policy principles.*

Para 71 stated that *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.*

UNGA in its **Resolution A/70/125** drawn special attention to the enhance cooperation:

64. *We acknowledge that various initiatives have been implemented and some progress has been made in relation to the process towards* ***enhanced cooperation*** *detailed in paragraphs 69 to 71 of the Tunis Agenda.*

65. *We note, however, the divergent views held by Member States with respect to the process towards implementation of enhanced cooperation as envisioned in the Tunis Agenda. We call for continued dialogue and work on the implementation of* ***enhanced cooperation****. We accordingly request the Chair of the Commission on Science and Technology for Development, through the Economic and Social Council, to establish a working group to develop recommendations on how to further implement* ***enhanced cooperation*** *as envisioned in the Tunis Agenda, taking into consideration the work that has been done on this matter thus far.*

II Format of Enhanced cooperation

Enhanced cooperation might have two formats based on the relevant roles and responsibilities of governments and other stakeholders.

Format	**Entity**	**Role of governments**	**Role of stakeholders**
Intergovernmental Between governments (para 69 TA)	• UN separate body/frameworks/ mechanisms • UN agencies • International and regional intergovernmental organizations	Equal footing among governments	Consulting
Multi-stakeholder between governments and all other stakeholders (para 69 and 71 TA)	• Intergovernmental organizations with nongovernmental membership • International and regional organizations, forums etc.	Equal footing	Equal footing

III Scope and Focus areas of Enhanced cooperation

Levels	**Focus area**
Infrastructural	• Ensuring connectivity, stability, continuity, integrity and sustainability of the network • Coordination and management of critical Internet resources but not in the day-to-day technical and operational matters • Affordability and universal access • Security, safety, COP and combating spam and cybercrime at the infrastructural level
Content	• Freedom of expression, privacy, • Ethics in Internet • Information Security • Confidentiality • Combating spam and cybercrime at the content level • Protecting children and vulnerable people from abuse and exploitation. • Intellectual Property Rights • Protection of personal data and information • Multilingualism and heritage • Capacity building
Social-economic development	• Digital transformation and SDGs • Bridging digital and gender divide • Enhanced involvement of developing countries in Internet governance • Human rights in cyberspace • Consumer protection

	• ICT applications, including international e-commerce, e-business, e-environment, e-health, e-agriculture • Elimination of ICT illiteracy • Etc.

IV High level characteristics of Enhanced cooperation (TBD)

V International organizations to be involved to Enhanced cooperation

Relevant international organizations responsible for essential tasks associated with the Internet should create an environment that facilitates this development of public policy principles.

HLPF, WSIS Forum, IGF could provide necessary platform for regular wide multi-stakeholder discussions.

International public policy issues	**UN agencies**	**Forums**
Infrastructural level	ITU, UNDP	WSIS Forum, IGF
Content level	UNESCO, UNCTAD,	WSIS Forum, IGF, HLPF
Social-economic development level	UNGIS,UNCTAD, UNDP, ITU, UNESCO, WIPO, WTO, UNDECA, WHO, FAO, WBG, UN Women	HLPF, WSIS Forum, IGF

VI Recommendations

- To include this material as an Annex to a report to the Commission on Science and Technology for Development at its twenty-first session for inclusion in the annual report of the Commission to the Council, that will also serve as an input to the regular reporting of the Secretary-General on implementation of the outcomes of the World Summit on the Information Society.
- To invite UN GA to consider reasonability of establishing UN separate body/frameworks/mechanisms for intergovernmental format of continuation of Enhanced cooperation in international public policy issues pertaining to the Internet.
- To invite relevant UN agencies, intergovernmental and international and regional organization responsible for essential tasks associated with the Internet to create and support an environment that facilitates this development of public policy principles.
- To recommend governments and all other stakeholders to use the Annex to WGEC 2 Report in their activities on continuation of Enhanced cooperation in international public policy issues pertaining to the Internet.

12. Saudi Arabia

Recommendations from Saudi Arabia to the WGEC

The WGEC is charged with making recommendations on how to further implement enhanced cooperation as envisioned in the Tunis Agenda, taking into consideration the work that has been done on this matter thus far. Some WGEC Members appear more intent on ignoring the Tunis Agenda and developing a new interpretation of enhanced cooperation based on their own ideas and agendas. Saudi Arabia rejects this approach and stresses the need to apply the mandate of the Tunis Agenda as written and agreed and according to the instructions in the UNGA resolution.

A. Recommendations related to the implementation of Tunis Agenda

The recommendations related to section A are central to the mandate of the WGEC. UNGA has recognized that Art. 69-71 of the Tunis Agenda form the core mandate regarding enhanced cooperation.

A1. From Art. 69, there is a need for enhanced cooperation to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet. The Tunis Agenda recognized in Art. 35 that policy authority for Internet-related public policy is the sovereign right of States and that they have rights and responsibilities for international Internet-related public policy issues.

There is, however, currently no process or mechanism which enables governments, on an equal footing, to carry out their roles and responsibilities regarding policy authority for international public policy issues pertaining to the Internet. We must, therefore, conclude that the process for enhanced cooperation as mandated by the Tunis Agenda has not been implemented.

A2. Since current arrangements have not evolved to support enhanced cooperation as mandated by the Tunis Agenda, there is a need to create a framework and mechanisms as per Art. 61. These should be under the UN umbrella and could be incorporated within the scope of an existing UN organization which has responsibility and experience with implementation of the WSIS outcomes, such as ITU.

A3. From Art. 70, it follows that, once the enhanced cooperation mechanism is in place, enhanced cooperation should include the development of globally-applicable principles on international public policy issues associated with the coordination and management of critical Internet resources. Relevant international organizations responsible for essential tasks associated with the Internet were called upon to contribute to creating an environment that

facilitates this development of public policy principles.

However, because there is no enhanced cooperation mechanism, globally-applicable principles on international public policy issues associated with the coordination and management of critical Internet resources have not been developed. We must, therefore, conclude that this element, also, of the Tunis Agenda mandate related to enhanced cooperation has not been implemented.

A4. Once the framework and mechanisms for enhanced cooperation have been established, the agenda should include the development of globally-applicable principles on international public policy issues associated with the coordination and management of critical Internet resources, in consultation with the relevant international organizations responsible for essential tasks associated with the Internet.

A5. In accordance with Art. 71, a number of relevant organizations were asked by the UN Secretary-General, in 2006, to provide annual reports on the process towards enhanced cooperation. The reports generally focused on the increasing degree of collaboration within the non-governmental multi-stakeholder community. They did not address any coordinated process for enabling governments, on an equal footing, to carry out their roles and responsibilities regarding policy authority for international public policy issues pertaining to the Internet and for developing such public policy in consultation with all stakeholders in their respective roles. We must, therefore, conclude that this element of the Tunis Agenda mandate related to enhanced cooperation has not been fully implemented.

A6. The efforts of some Member States, including Saudi Arabia, to point out that enhanced cooperation according to the Tunis Agenda has never been implemented has resulted in three review exercises since 2010 to address the issue, culminating in the WGEC. In spite of the WSIS outcomes, implementing enhanced cooperation has met stiff resistance from some members of the Internet community who support the status quo. These entities have so far blocked any mechanism for the development of international public policy. It is necessary and appropriate for the WGEC to articulate that international public policy is not the antithesis of innovation, openness, organic mechanisms and multi-stakeholder models. Nor is it a bid for government takeover of the Internet or the path to fragmentation of the Internet. Instead, international public policy is intended to develop coordinated and consistent paths to facilitating the resolution of many of the issues that plague the current Internet (such as those listed in Recommendation B1), to protect against unilateral control of Internet resources, and to ensure that decisions related to the Internet are made for the benefit of all mankind and not for the benefit of a few.

B. Recommendations related international public policy issues and possible mechanisms

B1. A number of international public policy issues were identified by WGIG. These and others were reflected in the Tunis Agenda and many were summarized in ITU Council Resolution 1305. Subsequently, transition to IPv6 has emerged as an important issue. It is difficult to prioritize issues, but they can be placed into tiers of roughly comparable priority. The following list is not all-encompassing but can form the basis for the start of an agenda by the enhanced cooperation mechanism once it is established.

Tier 1:

- Administration of the root zone files and system.
- Security, safety, continuity, sustainability and robustness of the Internet (including the future internet, which may be an evolutionary or clean slate approach to the development of the Internet).
- Combating cybercrime.
- Dealing effectively with spam.
- Issues pertaining to the use and misuse of the Internet.
- Respect for privacy and protection of personal information and data.
- Protecting children and vulnerable people from abuse and exploitation.

Tier 2:

- Multilingualization of the Internet (including email, search engines and native capability).
- International Internet connectivity.
- IPv6 transition.

Tier 3:

- Contributing to capacity building for Internet governance in developing countries.
- Developmental aspects of the Internet.

B2. Following is a recommendation for implementing enhanced cooperation to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet.

Enable enhanced cooperation via an intergovernmental Body under the UN umbrella and funded by the UN. ITU would be an appropriate host organization for this Body. Final policy decisions would be made by Member States. The Body should meet twice yearly (including remote participation). Standing committees studying particular issues should meet regularly via electronic means and physically as needed. Support the Body and committees by a permanent secretariat.

There should be balanced representation (by region, developed vs developing countries, and gender) for the vice-chairs, committee chairs and committee

members.

There will be a need for a number of very important formal processes and procedures, but these can be defined and addressed once the basic decision has been made to establish the Body.

B3. Following is a recommendation regarding the relationship between enhanced cooperation and the IGF.

Enhanced cooperation and the IGF have been recognized by CSTD, ECOSOC and UNGA as two distinct processes which may be complementary. Indeed, the Tunis Agenda by deciding to establish the IGF after the enhanced cooperation process, clearly foresaw that an essential element of the IGF mandate is to provide a multi-stakeholder policy dialogue to enhanced cooperation. (See Art. 72)

In practice, the various committees of the enhanced cooperation Body might sponsor IGF discussion, on their particular policy issues under study.

C. Recommendations related to the role of stakeholders

C1. Following is a recommendation regarding the roles and responsibilities of the different stakeholders, including governments, in implementation of the various aspects of enhanced cooperation. The stakeholder groups and their roles are those defined in the Tunis Agenda (See Art. 35), which is the guiding document in the mandate of the WGEC.

A platform for global public policy and oversight is the responsibility of intergovernmental organizations. We have specifically suggested that this be ITU.

Development of the processes related to the functioning of the enhanced cooperation mechanism is the responsibility of governments.

Final international public policy decisions are the responsibility of governments.

Implementation of international public policy decisions is the responsibility of all stakeholders.

C2. A recommendation for implementing enhanced cooperation to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet is provided in Recommendation B2.

C3. Following is a recommendation on how enhanced cooperation can enable stakeholders other than governments to carry out their roles and responsibilities. It should be noted that the WGIG Report gives a fairly comprehensive assessment of the roles of the various stakeholders, many of which are related to supporting international public policy development or

being driven by international public policy.

The private sector:

- Research and development of technologies, standards and processes (conforming to international public policy).
- Consultative contribution to the drafting of national laws and participation in national and international policy development.
- Promoting capacity-building.

Civil society:

- Awareness-raising and capacity-building.
- Promoting various public interest objectives.
- Articulating perspectives of marginalized groups.
- Engaging in policy processes.
- Helping to ensure that political and market forces are accountable to the needs of all members of society.

International organizations:

- Development of technical standards and related policies (conforming to international public policy).

The technical community and academia:

- Interaction with and within all stakeholder groups, particularly in the areas of stability, security, functioning and evolution of the Internet.

C4. Following is a recommendation on the role of various stakeholders in promoting the development of local language content. This is related to the issue of multilingualization identified in Recommendation B1. Local language content is a priority for many countries and for civil society in order to achieve universal inclusion in the digital society. These are the key stakeholders and their roles:

Governments:

- Develop international public policy to promote the development of local language content (following establishment of the enhanced cooperation mechanism).
- Provide incentives and funding for research and development and for businesses aimed at local content development and dissemination.

- Collaborate with other countries on regional and common programs.

Civil society:

- Champion the cause of local language content.
- Support and enable widespread access to local language content.

The technical community and academia:

- Research and development related to translation, search engines, multilingual email, and other algorithms to speed, simplify and enable local languages.

The private sector:

- Provide existing content in new languages.
- Develop new content pertinent to the language and the culture of the users.
- Distribute the content.

C5. Following is an observation on the national capacities to be developed and modalities to be considered for national governments to develop international Internet-related public policy. Recommendations C1, C2 and C3 discuss the structure and processes to be developed for enhanced cooperation and consultation with all stakeholders.

It should be noted, first of all, that no matter how efficient any nation is at developing domestic public policy and associated regulations and legislation, at addressing Internet-related issues, and at collaborating among organizations with complementary responsibilities, this will be ineffective in addressing trans-national and global issues unless a suitable intergovernmental mechanism exists to bring all nations to the table on an equal footing and unless all parties approach such issues from the perspective of good will and cooperation.

Regarding national capacities, some of the key issues to be addressed (such as security, privacy, cybercrime and spam) will require significant levels of international cooperation.

Art. 35-36 of the Tunis Agenda break down the roles and responsibilities of each stakeholder.

D. Recommendations related to developing countries

D1. Following is a recommendation on making the role of developing countries more effective in global Internet governance.

The role of developing countries is, in fact, one of the public policy issues reflected in Recommendation B1. It boils down to three critical factors and it is their implementation that will likely be the primary focus of the public policy formulation and debate:

- Providing a platform (the enhanced cooperation mechanism) for developing countries to participate in global Internet governance on an equal footing.
- Capacity building via training, education and technical support.
- Financial support for capacity building, internal development related to the Internet, and participation in Internet governance (including remote participation).

Recommendation B2 has suggested UN funding, remote participation and balanced representation for the vice-chairs, committee chairs and committee members in the enhanced cooperation Body.

D2. Following is a list of international Internet-related public policy issues that are of special relevance to developing countries.

- International Internet connectivity: This includes affordability, mechanisms and strategies to ensure that national traffic remains local or regional, and differences in the cost of carrying traffic.
- Multilingualization: This includes local language content, search engines and multilingual email.
- Spam: Besides its impact on productivity, spam wastes a large percentage of available Internet bandwidth. This can be particularly damaging in countries with limited resources and bandwidth.
- Over-the-top applications: Though OTT provides more choice for consumers, it does syphon revenue from facilities-based service providers. This can be a particular problem in countries with minimal infrastructure and financially struggling service providers, and fair and balanced policies must be developed to ensure continuous and affordable service availability in these countries.
- IPv6 transition: Most developing countries have limited fixed line infrastructure and communication is primarily via wireless technology. IPv6 is much better suited to mobility than IPv4.
- Contributing to capacity building for Internet governance: This includes financing, training and support. Developing countries must be involved in the development of international public policy and must be able to represent their interests in the evolution of the Internet.
- Developmental aspects of the Internet: This includes programs aimed at the populations of the developing countries and improving their quality of life.

E. Recommendations related to the barriers for participation in enhanced cooperation

E1. Following is a recommendation and observation on overcoming barriers that remain for all stakeholders to fully participate in their respective roles in Internet governance.

Among the various stakeholder groups identified in the Tunis Agenda, it is only governments who are unable to participate in their role in Internet governance. There is currently no mechanism for them to undertake that role on an equal footing, which is the development of international Internet-related public policy. Enhanced cooperation was intended to provide this mechanism and the process toward implementing enhanced cooperation was to have begun by 1Q2006.

So far, implementation of enhanced cooperation has been blocked by a collaboration of entities who want to maintain the status quo in their own interests and who refuse to support the multi-stakeholder model defined in the Tunis Agenda.

The struggle to implement the WSIS outcomes has reached the point of creation of the two WGEC, whose purpose is to make recommendations to implement the mandate of WSIS regarding enhanced cooperation as contained in the Tunis Agenda.

The barrier to implementation of enhanced cooperation may be overcome if the WGEC makes recommendations truly in line with the intent and spirit of WSIS.

E2. Following is a recommendation on how enhanced cooperation can address key issues toward global social and economic sustainable development.

Recommendation B2 describes how enhanced cooperation can be implemented via a Body and indicates that a number of very important formal processes and procedures will need to be developed to manage the functioning of this Body. The processes will address the details of how issues are introduced, studied, debated, agreed, disseminated, adopted and implemented.

The first key step is to establish the Body, its place in the UN family, funding, secretarial support and high-level processes. Additional details will follow from there.