1. Which stakeholder category do you belong to?
Non-Government

If non-government, please indicate:
Civil society

If non-government, please indicate if you are:
Participating in the work of the CSTD (Pursuant to ECOSOC Decisions 2011/237, 2011/238 or 2011/239)

2. What do you think is the significance, purpose and scope of enhanced cooperation as per the Tunis Agenda? a) Significance b) Purpose c) Scope

(a) At the historical moment in which the Tunis Agenda was put forth, the paragraphs on Enhanced cooperation allowed for an important compromise between divergent views of those that supported a more intergovernmental e approach for internet governance and those that supported the natural evolution of the current regime, which had been mostly private-led. Nevertheless, this compromise was symbolical and dependent from further developments of a model for enhanced cooperation.

Nowadays, there is still a gap in the existing internet governance arrangements and the situation described in paragraph 60 from the Tunis Agenda, which mentions that "there are many cross-cutting international public policy issues that require attention and are not adequately addressed by the current mechanisms" still prevails. That notion has been intensified in the context where the implementation of mechanisms of State surveillance among nations using the Internet infrastructure are pushing governments for dangerous State-centric responses to the challenges of internet governance. Therefore, moving forward with the debate proposed by the Tunis Agenda and reaching a proper multistakeholder model for enhanced cooperation has an even greater importance than before.

(b) Given the fact that there are "many cross-cutting international public policy issues (on internet governance) that require attention and are not adequately addressed," the purpose of establishing a mechanism for Enhanced Cooperation seems to be clear in paragraph 61 of the Tunis Agenda, which recognize the "need to initiate, and reinforce, as appropriate, a transparent, democratic, and multilateral process, with the participation of governments, private sector, civil society and international organizations, in their respective roles." This same paragraph mentions that such need could be solved by "the creation of a suitable framework or mechanisms, where justified, thus spurring the ongoing and active evolution of

the current arrangements in order to synergize the efforts in this regard."

(c) The scope of issues to be addressed by Enhanced cooperation is partially clear under provisions of the Tunis Agenda. According to paragraphs 69 and 70, it shall address: a) International public policy issues pertaining to the Internet and b) coordination and management of critical Internet resources. Nevertheless, the roles and responsibilities for each stakeholder group are not so clear when we take into account each of these areas.

Which are the organizations that should be involved in Enhanced cooperation? What are the mechanisms to develop such policies? How to uphold multistakeholder participation and allow equal footing for all the stakeholders in such decision making process? These are questions related to the scope of participation of each stakeholder that still remain. Nevertheless, we stress that paragraphs 61 and 71 indicate how EC should be carried out: "with the participation of governments, private sector, civil society and international organizations, in their respective roles", "involving all relevant organizations" and "involving all stakeholders." Multistakeholderism shall be the key concept to help answer these questions. Ideas on how to address the problem of defining "roles and responsibilities" and mechanisms to incorporate all stakeholders are to be addressed in the following answers.

3. To what extent has or has not enhanced cooperation been implemented? Please use the space below to explain and to provide examples to support your answer.

Enhanced Cooperation, as mandated by the Tunis Agenda, has not yet been fully implemented. According to paragraph 71 of the Tunis Agenda the process towards enhanced cooperation should be started immediately by the UN Secretary-General, involving all relevant organizations. It mentions that "relevant organizations should commence a process towards enhanced cooperation involving all stakeholders (…) and shall be requested to provide annual performance reports". This aspect of enhanced cooperation has been implemented to some extent. Although procedures for participation need to be improved in order to include all stakeholders, many organizations have started to pursue tasks in the implementation of WSIS action lines, such as ITU, UNESCO, UNDP, WIPO and UN DESA, and have reported such tasks, as can be seen in the annual report of the SG on WSIS implementation.

Nevertheless, this should be just the beginning of a much wider process, with the purpose to "initiate, and reinforce a transparent, democratic, and multilateral process" for internet governance. This purpose is far from being achieved. This interpretation seems to be consistent with the language in paragraphs 96 to 98 of the 2008 SG report on the progress made on the implementation of WSIS (A/63/72 - E/2008/48): "In light of the continuing differences of views on the interpretation of the Tunis Agenda, he took as a starting point the reporting requirement contained in paragraph 71 of the Tunis Agenda, which states that "relevant organizations shall be requested to provide annual performance reports". Thus, it can be concluded that the activities and reports from organizations are just a starting point, a little part of the implementation of EC. Enhanced cooperation should involve a wider set of actors and go beyond existing organizations from the UN system.

Unfortunately, even though CSTD has held a series of meetings on EC, a clear institutional framework for policy making on internet public policies in a multistakeholder format that ensures participation on equal footing has not yet been proposed.

Nowadays, addressing this issue is more urgent than ever. While no solution is reached, alternative and controversial arrangements will tend to appear. This was something evident during the World Conference on International Telecommunications (WCIT), where a set of ITU Member States were advocating for a traditional multilateral, States-based approach to internet governance, which could undermine the global and transborder nature of the web. Internet issues need a sui generis approach to craft innovative institutional arrangement for governance. This represents a real challenge in the field of International Relations in which Governments used to be the only players on international policy making scenario, but it is also an opportunity for creative and innovative solutions.

4. What are the relevant international public policy issues pertaining to the Internet?

We would like to endorse the answer submitted by Best Bits network to this particular question, which we quote:

"The list of International public policy issues that pertain to the Internet is not closed, since these change over time as social conditions change. However, much work has already been done to elaborate some of the most relevant such issues. This work includes the WGIG report, the background report that accompanied it, and ITU Resolution 1305 with regard to "scope of work of ITU on international Internet-related public policy matters". Drawing together and grouping some of the issues identified in these reports and elsewhere, we present a partial list, roughly categorised into groups (though many issues do cut across categories):

Human rights
- Freedom of Expression
- Data protection and privacy rights
- Consumer rights
- Multilingualism
- Access to knowledge and free information flows, deepening the public domain on the Internet
- Internet intermediary companies as private agents for extra-territorial law enforcement (problems with)
- Protection of vulnerable sections, like children, women, traditional communities etc
- Net neutrality (that all data is given equal priority on networks)
- Search neutrality (that global search engines give neutral results)

Access and accessibility
- Multilingualization of the Internet including Internationalized (multilingual) Domain Names
- International Internet Connectivity
- Cultural diversity
- Accessibility policies for the disabled
- Affordable and universal access
- Reliability, and quality of service, especially in the developing world
- Contributing to capacity building for Internet governance in developing countries
- Developmental aspects of the Internet
- Critical Internet resources management and oversight
- Administration of the root zone files and system
- Interconnection costs (especially global interconnection)
- Allocation of domain names
- IP addressing
- Convergence and next generation networks
- Technical standards, and technology choices
- Continuity, sustainability, and robustness of the Internet
- Genuine internationalization of Internet oversight

Security and law enforcement
- Internet stability and security
- Combatting cybercrime
- Other issues pertaining to the use and misuse of the Internet
- Dealing effectively with spam
- Protecting children and young people from abuse and exploitation
- Cryptography
- Cross border coordination
- Jurisdiction over an Internet exchange

Trade and commerce
- e-commerce
- copyright
- patents
- trademarks
- Cross border Internet flows

- Internet service providers (ISPs) and third party liabilities
- National policies and regulations (harmonization of)
- Competition policy, liberalization, privatization and regulations
- Applicable jurisdiction
- Tax allocation among different jurisdictions with regard to global e-commerce
- Development of, and protection to, local content, local application, local e-services, and local/ domestic Internet businesses
- Internet and health systems, education systems, governance systems and so on.
- Cloud computing (global issues involved)
- Economics of personal data (who owns, who makes money from, and so on)
- Media convergence – Internet and traditional media (Internet companies versus newspapers, radio, cable and TV, book publishing industry etc)
- Regulation of global Internet businesses (in terms of adherence to competition policies, consumer rights, law enforcement etc)"

5. What are the roles and responsibilities of the different stakeholders, including governments, in implementation of the various aspects of enhanced cooperation?

The debate about the roles and responsibilities of stakeholders is not new. The report of the WG on Internet Governance, published in 2005, provided a first insight about this issue (p. 8-10) and deserves to be revisited. One of the main reasons for some short-comings of the current multistakeholder model is the lack of a definition of the role of various stakeholders. Current interpretations of paragraph 35 of the Tunis Agenda, about the specification of roles, particularly about the roles of States and civil society, are insufficient and weak and shall be taken only as a working definition. For instance, Civil society will certainly not only play a role in the community level, as envisioned in paragraph 35.

Although the participation of all stakeholder groups is fundamental to Internet Governance, the justifications for their participation are naturally different. Some have expertise to raise market concerns, while others have the capacity to raise technological issues and others have the legitimacy to raise public interest concerns. This diversity is what makes the multistakeholder principle so valuable. Given those differences, in a mechanism of enhanced cooperation, the roles of the stakeholders should not be fixed and would probably have to be differentiated according to the issues under discussion.

For instance, if surveillance and security are issues under discussion, while States will have a particular interest to ensure national sovereignty, civil society would be the main voice to ensure fundamental rights are respected, while private sector will be interested on creating conditions for innovation and for carrying out business and on developing products that could either protect users or enable surveillance. A balanced approach on the issue would be reached if fundamental human rights are respected, security is maintained and the business environment remains innovation friendly. It is a difficult task that could be achieved if all these stakeholders have their voices heard.

roles and responsibilities from the same stakeholders could be different if we shift to another policy-area. For instance, if the subject is copyright enforcement, we would have some developed countries aligned with representatives from the entertainment industry while developing countries would be aligned with interests from civil society and ICT businesses. Therefore, roles and responsibilities for ensuring a balanced approach will be different than the previous example.

6. How should enhanced cooperation be implemented to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet?

Governments remain the stakeholder group who is primarily responsible for international policy development and this role needs to be acknowledged. However, in accordance with the Tunis Agenda, in the Internet Governance regime this role needs to be carried out with an even closer involvement of all stakeholders. This diverse participation is fundamental to

enhance the toolbox for policy development as, in some cases, self-regulation, MoUs, codes of conduct, market incentives, technological choices and programing code can be more effective to set standards and conducts than hard or soft laws. The involvement of all stakeholders is necessary to identify and implement the best approach in each case, thus, Enhanced cooperation would allow governments to reach a better solution while carrying out their roles and responsibilities in international public policy issues pertaining to the internet.

For instance, when it comes to spurring innovation, the technical community and private sector are well-positioned to deal with such matters. But it is part of the role of States to enable a competitive environment, that respects consumers rights and allows users to take informed decisions about the impact of the technology they are adopting, particularly in terms of privacy, openness, interoperability, etc.

To reach balanced solutions, guaranteeing participation on equal footing is fundamental. Equality has two dimensions: equal participation within the same stakeholder group and equal participation in relation to the other stakeholders. Considering the first dimension, developing and developed countries are surely not enabled to participate in equal conditions at forums where issues pertaining to the internet have been debated. That is clearly the case of some debates that are being carried out within ITU. For instance, during the World Telecommunication/ICT Policy Forum it became clear that some Member States were pretty much dissatisfied by the fact that most of the opinions that were being adopted in the plenary were already debated and previously settled during the preparatory meetings, where most of them didn't have the chance to participate due to issues such as lack of resources. Civil society representatives face similar barriers, jeopardizing participation on equal footing among different stakeholder groups. This problem is also present in other organizations that participate in WSIS follow-up process.

In the context of policy discussions related to critical internet resources, there are still obstacles for governmental involvement on an equal footing, and the process towards independence and internationalization of ICANN should continue to be pursued. The Tunis Agenda mentions that a mechanism of EC should have the responsibility to propose general principles for the management and coordination of critical resources. In our opinion, these proposals should be particularly related to discussions that are at the intersection between CIR and substantive policy issues, such as the WHOIS system, which had an impact on privacy. It is important to emphasize that the proposals from an EC mechanism should not be related to day-to-day technical and operational matters.

For suggestions on institucional design, please refer to question 8.

7. How can enhanced cooperation enable other stakeholders to carry out their roles and responsibilities?

In a regime in which actors present stark assymetries of resources, the lack of clear procedures usually benefits the more powerful players. Democratic governance is intimately related with due process and prior establishment of the rules of the game. An EC mechanism should be built in a way that fosters checks and balances, in order to ensure that voices of the less powerful players cannot be ignored in the process. A more structured, transparent and predictable policy process would contribute with the capacity of stakeholders to carry out their responsibilities.

Trying to address that issue, in accordance with the Best Bits Statement from members of Civil Society on the ITU Council's Rejection of the Proposal to Open CWG-Internet, we consider of outmost importance that all institutions convening meeting for addressing issues of internet governance and that are meant to follow the WSIS process criteria, shall, at least, consider:

Outlining clear procedures for inviting stakeholders at least 90 days prior to the relevant meeting dates;
Issuing clear procedures for all stakeholders to submit official documents for consideration; and

Establishing mechanisms for remote participation, allowing not only remote participants to follow the debate, but also to request the floor.

Mechanisms for capacity building for civil society and developing countries shall also be fostered to enable participation on equal footing. Transparence about the decisions making processes and agreements taken in the international level would also enforce the capacity building process in the national level.

8. What are the most appropriate mechanisms to fully implement enhanced cooperation as recognized in the Tunis Agenda, including on international public policy issues pertaining to the Internet and public policy issues associated with coordination and management of critical Internet resources?

The answer to question 8 should not be seen as a definitive one. An institutional mechanism can only be successfully conceived in a dialectical manner, contraposing divergent views and making incremental improvements. The CSTD Working Group is an important initiative and, by the end of its work, it should propose concrete institutional arrangements and steps to implement EC.

Taking into consideration the scope of EC, as mentioned on question 2-c, it shall address: a) International public policy issues; b) general principles for coordination and management of critical internet resources. In this session we intend to focus on the first aforementioned goal.

The discussion of International Internet public policies should not be performed in any existing body in the UN system. Implementing EC mechanism directly through the already existing UN bodies would mean to extend their mandates well beyond what has been initially planned. Moreover, existent traditional intergovernmental institutions have faced shortcomings to combine multilateral and multistakeholder democratic participation, currently using the term "multistakeholderism" with the absence of it's original meaning, in the absence of a proper criteria for representation or equal participation. Also, the existing network of UN institutions does not cover all the public policy issues mentioned in question 4, and the tendency is that the number of global issues related to the internet will only grow.

Therefore, a new lightweight institutional mechanism created under the UN, such as a council, could be envisioned to embody EC. This council would maintain a close connection with the Internet Governance Forum (see question 9), which should remain as the main space for agenda setting in the Internet governance regime. This council would have different roles depending on the issue under discussion. In policy areas that fall under the scope of existing organizations, the council would serve as a catalyst of discussions emerging from the IGF and would be responsible to properly frame them as policy discussions and to channel them to other UN bodies dealing with internet issues, such ITU, WIPO and UNESCO. In the policy areas that do not find a home in existing international organizations, this council should address this gap and serve as a primary space for policy development, producing outcomes such as guidelines, principles or even hard law to address these issues.

The council should have a multistakeholder composition and each stakeholder group would choose its representatives in a pre-defined and transparent manner. The council would have two components: a governmental committee and a non-governmental committee, and the later would be composed by technical community, academy, civil society and private sector. Ad hoc multistakeholder sub-groups with regional diversity would be created to draft policy proposals.

When a policy proposal is drafted by an ad hoc sub-group, the non-governmental committee and the intergovenmental committee should engage in a process of co-decision. The inspiration for this was the legislative process of the European Union, in which the council of the European Union, composed of governmental representatives, engages in co-decision with the European Parliament, whose members represent the interests of the constituencies that elected them.

The dynamics of co-decision can take different forms. An initial proposal, inspired in EU co-

decision, could be the following:

A - first round
1) The ad hoc multistakeholder drafting group elaborates a proposal by consensus
2) The proposal is forwarded to stakeholder groups. Each stakeholder group could present suggestions for improvement.
3) The ad hoc multistakeholder drafting group incorporates the suggestions as appropriate.

B - second round:
4) The text is forwarded to the non-government committee, composed of all non-governmental stakeholders;
2) The non-government committee carries out the first reading. It could agree with the text or propose changes.
3) The draft would follow to the governmental committee for a first reading. If no changes are made, the proposal is approved. If changes are introduced, the text would go back to the non-governmental committee for a second reading.
4) The Non-government committee carries out the second reading. If it agrees with the changes, the proposal is approved. If it introduces new changes, the proposal goes back to the governmental committee for a second reading.
5) The government committee carries out the second reading. The governmental committee may approve the proposal or call a conciliation committee of multistakeholder composition.
6) The conciliation committee proposes a compromise text.
7) The proposal would then be forwarded to the non-gov committee for a third reading. It could agree with the text or propose changes.
8) The proposal is forwarded to the governmental committee for a third reading. The proposal would be either approved or definitely rejected.

Lastly, it is important to mention that all these steps should comply with pre-agreed deadlines and due process. Moreover, if the EC mechanisms forwards inputs to other UN bodies, these bodies should remain accountable to the EC mechanism, informing its members of the steps that have been taken to address those issues.

9. What is the possible relationship between enhanced cooperation and the IGF?

The IGF should be recognized as the main space for agenda setting in the Internet governance regime, where the emerging issues and policy gaps are identified. The outcomes of IGF discussions, in the format of policy options (following the recommendations of the WG on IGF improvements) should be the starting point for further discussion in an enhanced cooperation mechanism. When outcomes are forwarded from the IGF, an EC liaison person should be responsible to bring these outcomes to the attention of the EC members. The EC mechanism should remain accountable to the IGF community by providing detailed information about the status of the discussions to MAG and during the IGF.

10. How can the role of developing countries be made more effective in global Internet governance?

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11. What barriers remain for all stakeholders to fully participate in their respective roles in global Internet governance? How can these barriers best be overcome?

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12. What actions are needed to promote effective participation of all marginalised people in the global information society?

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13. How can enhanced cooperation address key issues toward global, social and economic development?

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14. What is the role of various stakeholders in promoting the development of local language content?

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15. What are the international internet-related public policy issues that are of special relevance to developing countries?

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16. What are the key issues to be addressed to promote the affordability of the Internet, in particular in developing countries and least developed countries?

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17. What are the national capacities to be developed and modalities to be considered for national governments to develop Internet-related public policy with participation of all stakeholders?

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18. Are there other comments, or areas of concern, on enhanced cooperation you would like to submit?

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