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8/27/2013 4:06:28

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Yes

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**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:**

We believe that this question is irrelevant. In this Internet-enabled age which directly empowers individuals to communicate their views, the UN needs to recognize that it is the value of the input, not the accreditation of the organization, that matters most.

**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) significace

The concept of "enhanced cooperation" emerged out of a debate over the role of governments in Internet governance. Its inclusion in the Tunis Agenda was an indirect recognition of certain governments' dissatisfaction with the fact that the Internet as a whole was largely free of the direct control of nation-states, yet one nation-state (the USA) had special forms of influence over ICANN. This was correctly perceived as a contradiction that required some kind of change. However, fixing this problem does not necessarily require strengthening and enhancing the role of states; another solution would be to denationalize Internet governance even further by getting the US to step back from its special role. We wish to make it clear that we do not consider the Tunis Agenda to be a proper basis for advancing Internet governance. Debating the finer points of what it meant and how to implement it would therefore be a waste of time. We need to negotiate a new understanding of how governments relate to Internet governance.

b) The call for enhanced cooperation in paragraph 69 of the Tunis Agenda contains a vague promise that some unspecified activities in the future will "enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet..." Thus, the purpose of EC was to mollify the governments that wanted a stronger role in and a more multilateral approach to Internet governance, while not committing the US to do anything in particular. In other words, the main purpose of EC concept was to be vague enough to allow the contending parties to pretend that they had resolved a fundamental problem, even though they had not. Here again, we see the inadequacy and failure of the Tunis Agenda.

c) Some suggest that any form of improved communication and interaction among the community involved in Internet governance constitutes "enhanced cooperation." We disagree. The plain text in paragraph 70 of the Tunis Agenda provides the key to its scope and original intent. It says that "such cooperation should include the development of globally applicable

principles on public policy issues associated with the coordination and management of critical internet resources.” It is also clear from paragraphs 69 and 35 that it would be governments, not any other stakeholder group, who would develop these public policy principles. Paragraph 35 of the Tunis Agenda defines the so-called “roles” of different stakeholder groups and claims “policy authority for internet-related public policy issues” as the “sovereign right of States.” This relegates the private sector to “technical and economic fields” and dismisses civil society as having a role only in vaguely-specified “Internet matters” at the “community level.” In other words, the Tunis Agenda seeks to exclude business and civil society from a direct role in the formulation of Internet public policy. Thus, the Tunis Agenda reflects a very backward-looking approach to policy development, reserving it exclusively to sovereign states. Furthermore, it was negotiated by and for states without direct representation of civil society – and thus should not be accepted by civil society or Internet freedom advocates as the basis for future Internet governance.

**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.**

The Internet Governance Forum has not been allowed to implement enhanced cooperation. Indeed, in the early years several representatives of States actively tried to prevent the IGF from even discussing it. But that is logical since EC was conceived as a process for States only, and the IGF is a multistakeholder institution where States, civil society and the private sector have fairly equal status.

Within ICANN, the growing empowerment of the GAC, and the GAC’s repeated claims that governments can override bottom-up multistakeholder policy development by claiming that they have the final word on “public policy issues,” constitutes a strong taste of what enhanced cooperation actually means in practice. Fortunately, however, enhanced cooperation in ICANN has not involved the development of “globally applicable principles on public policy issues associated with the coordination and management of critical internet resources.” Instead it has involved only GAC interventions on specific domain name-related policy issues.

Overall, then, very little has been done to implement enhanced cooperation as defined above. But this is a good thing. If EC means elevating States into positions of policy makers for the global Internet, to the exclusion of the private sector and civil society, we hope that it is never implemented.

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

The public policy issues related to the Internet are not “international” they are transnational. The virtual space created by the Internet is not a concatenation of separate national spaces, but an integrated global space made up of thousands of independently managed autonomous systems, most of which are in the private sector. Most of the important policy issues that arise from the internetworking of these systems are independent of national borders and boundaries. Keeping that in mind, one can identify a host of policy issues depending on the level of granularity. Here we choose fairly broad categories. In order of priority they are:

1. The role of national governments vs. the bottom up, self-governing Internet institutions in setting policy and operationalizing governance
2. Content regulation; censorship; freedom of expression
3. Cybersecurity initiatives at the technical standards level (e.g., RPKI, DANE, DNSSEC, new WHOIS)
4. The actions of competing states to engage in surveillance, espionage and cyberwarfare and their impact on individual rights to privacy and security
5. Issues related to trade in information services and ecommerce
6. The allocation of IP number blocks
7. Issues related to copyright and trademark protection online
8. Expansion of the domain name space (including multilingual domains)
9. The legal status of ICANN and the IANA contract, and ICANN’s lack of true accountability to registrants and end users

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

Our answers to questions 5, 6 and 7 must begin by noting that we do not accept, and indeed we actively challenge, the Tunis Agenda's attempt to segregate stakeholders and assign them different roles based on their status as a stakeholder group. In particular, we take exception to the TA's attempt to claim that national governments, who at best represent only a dominant coalition of political actors in a territory, are the exclusive arbiters of "public policy" for the Internet as a whole. Policy should be formulated through the representation of individuals. Because of the diversity of views globally and the complexity of many internet policy issues, there should rarely if ever be truly centralized policies; instead, we should rely on looser, more networked forms of governance as much as possible

**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?**

In our view, governments have no special or unique role in Internet governance. They should have the exact same status as any other stakeholder group. In other words, individual members of government agencies (at all levels of government, including the local and provincial level), should be able to participate in Internet policy development institutions on an equal-status basis with all other participants. We should not assume that one viewpoint "represents" everyone in a nation any more than we should assume that one viewpoint represents all of civil society or all private sector business.

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

See our responses to Questions 5 and 6. In a truly multistakeholder, bottom up and decentralized governance environment, all stakeholders have the same "role" in policy formulation. Some stakeholders will have specific property rights and/or economic or political interests that they want to advance, but none of these should be privileged over others – all should be subject to the same debates and concerns about the overall public interest and the health and security of the internet as a whole.

**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?**

As noted previously, we do not think that enhanced cooperation as defined by the Tunis Agenda is a desirable goal to achieve, because it implies giving governments a dominant and exclusive role in the formulation of public policy. If the question is reframed to focus on "what are the most appropriate mechanisms to formulate global public policy on international policy issues" we would advocate retaining a fairly decentralized approach to global internet governance. Public policy regarding the internet resources that require some form of centralized coordination should be focused on facilitating Internet usage and innovation in as neutral a manner as possible.

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

It was a tremendous mistake for the Tunis Agenda to define enhanced cooperation and the roles of various stakeholders in a way that privileged governments and excluded business and civil society. This meant that from the beginning, the IGF could not play a major role in formulating global public policy principles, because the IGF is based on equal-status discussions. Another barrier to IGF involvement was the fear that many status quo advocates had of allowing the IGF to make recommendations. This prevented representatives of different viewpoints from really engaging with each other and seeking common ground or

points of consensus. Thus, using the IGF to enhance cooperation requires two major changes in the Internet governance environment: 1) abandoning the Tunis Agenda's definition of stakeholder roles, and 2) allowing the IGF to make recommendations.

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

This is an important question but we find it to be outside the scope of the Enhanced Cooperation working group and thus we choose not to answer it here.

**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?**

Again we are forced to challenge the premise underlying the question. The phrase "Fully participate" and the phrase "in their respective roles" are contradictory requirements. Either people fully participate, or they are confined to arbitrary "roles" assigned to them by governments.

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

This is an important question but we find it to be outside the scope of the Enhanced Cooperation working group and thus we choose not to answer it here.

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

We do not think that empowering governments to control the Internet in a more centralized fashion will foster global socio-economic development. On the contrary, tightening central control on the internet would likely have the opposite effect.

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

This is an important question but we find it to be outside the scope of the Enhanced Cooperation working group and thus we choose not to answer it here.

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

Censorship, content regulation and free expression, combined with open and free trade in information services, are probably the two most important to developing countries. Countries that attempt to censor and restrict their information services industry, or which attempt to protect them from global competition, are likely to stunt the development of their information economy.

Also of great relevance are the issues pertaining to Internet name and number policies, which have the potential to either facilitate or stunt economic growth. Intellectual property issues also can have special relevance to developing countries. LDCs need to find the proper balance between institutions that reward local creators and rules that allow the information economy liberal access to information resources. International treaties such as ACTA that attempt to impose stringent copyright controls that protect royalties for established, developed country content industries are likely to be a net loss for developing economies.

**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?**

Robust competition and free entry into markets, and freedom to innovate are the most important policies to promote affordability. Subsidies can ameliorate some issues temporarily but do not provide a sustainable long term solution to affordability issues and may actually be counterproductive by removing the supply-side incentive to lower prices and operate more efficiently.

**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?**

As a question that addresses national level policy making, we find it to be outside the scope of the Enhanced Cooperation working group and thus we choose not to answer it here.

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

We reiterate our belief that the Tunis Agenda does not provide the proper basis for advancing global Internet governance. The Tunis Agenda is deeply tied to a conception of global governance that elevates sovereign states above all other stakeholders. Its definition of the “respective roles” of different stakeholder groups is backwards-looking and flawed. Therefore, debating the finer points of what EC meant in the Tunis Agenda and how to implement it would be a major misdirection of time and effort. We need to negotiate a new understanding of how governments relate to Internet governance.