UNITED NATIONS COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Working Group on Enhanced Cooperation

Contribution to the guiding questions agreed during first meeting of the WGEC

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Submission to the CSTD Working Group on Enhanced Cooperation from the Association for Progressive Communications
December 2016

The Association for Progressive Communications (APC) welcomes the opportunity to provide our input into the work of the Working Group on Enhanced Cooperation on Public Policy Issues Pertaining to the Internet (WGEC).

Our 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. Central to progress on this issue is recognition of the following:

1) There are real imbalances in the status quo of internet-related policymaking processes with developing countries having less influence and access;

2) The difference between an approach to enhanced cooperation as more equal multilateral cooperation solely among states, and an approach which sees enhanced cooperation as more effective and inclusive policy making involving all stakeholders; and

3) In spite of some ongoing challenges, the process of enhanced cooperation is progressing well, inspired in part by discussions and processes initiated at the Internet Governance Forum (IGF), and such progress should be taken into consideration by the WGEC.[1]

We encourage WGEC to take a phased and an issue-based approach to its work and welcome the questions to which we respond below. For a next phase we recommend looking at specific areas of policymaking and identifying where there are gaps in cooperation that need to be addressed, and proposing concrete ways forward rather than considering approaches to internet governance in the abstract.

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1   In fact, Para 65 of UNGA Resolution A/RES/70/125 specifically instructs WGEC 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.***" [emphasis added] http://unctad.org/en/PublicationsLibrary/ares70d125_en.pdf

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

Equal opportunity to participate among governments The internet is a global public resource and policy decisions that impact on its development and use should be made in the broadest possible public interest. No single government should be able to dominate internet policy discussions in order to promote the interest of, for example, companies based in its territory. Nor should governments of countries with larger numbers of internet users have more say than those who are still facing connectivity challenges. All governments, irrespective of their size, wealth, or connectivity level, should have equal opportunity to participate in public policy issues pertaining to the internet.

Multistakeholder participation Multistakeholder participation is not an end in itself, it is a means to achieve the end of inclusive democratic internet governance that enables the internet to be a force for "the attainment of a more peaceful, just and prosperous world."[2] Improving multistakeholder processes, and thereby, the outcomes of those processes, cannot take place by only looking at the role of governments. Enhanced cooperation cannot be achieved through implementation by one stakeholder alone. Cooperation is needed both within and between all stakeholder groups that have an interest in internet governance. So is debate.

Stakeholders and their "respective" roles and responsibilities are approached in a flexible manner Who the precise stakeholders are, as well as their respective roles and responsibilities in an internet-related policy process will vary according to the issue under discussion.[3] It is also critical to bring in relevant expertise for the matter under discussion, which can require reaching out beyond the actors that typically participate in internet policymaking spaces. For example, policies on developing regional fibre backbone in Africa will need to involve the communities that live in the areas where the digging will take place, the companies with whom infrastructure can be shared, governments (national and local) and regulators of all concerned countries, as well as intergovernmental groups and civil society, technical and academic actors involved in internet development. But, it will also be important to involve actors involved in renewable energy and conservation of biodiversity to consider the environmental impact of development of this new infrastructure.

Inclusivity Improving and democratising the governance of the internet at all levels requires an inclusive approach, bringing in diverse expertise and experiences. For example addressing the gender digital divide requires not only measuring the nature and underlying causes of women's exclusion from the information society, but including

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2   Geneva Declaration, para 2.
3   http://netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf

women in internet governance spaces where such challenges are discussed and addressed. The establishment of national multistakeholder forums and processes for dealing with internet governance and internet policy issues, and ensuring that they include marginalised voices, will help to improve inclusivity.

Trust in the integrity of the process Clear and predictable rules and modalities are critical for the integrity and legitimacy of internet-related public policy processes. When rules are unclear, it is often the powerful players that are able to exploit ambiguity and benefit most. Transparency is also critical for building trust in the process, even if not all stakeholders agree with the outcome.

Effective dialogue and debate Enhanced cooperation can only take place if participants are able to interact effectively. Event formats where one read statement is followed by another cannot constitute cooperation. Working sessions that require off-script debate and interaction amongst and between stakeholders are needed for real progress around issues.

Also important are the following which we see as enablers of enhanced cooperation:

Facilitation and support from a secretariat or coordination mechanism: Dialogue between bodies dealing with different cross-cutting public policies issues regarding the internet has been happening organically. However we see the value of mapping of ongoing policy spaces and the creation of a mechanism for information sharing with these spaces to ensure interaction between content and outcomes of discussions at policymaking spaces.

Capacity building Investment in capacity building is needed in order to facilitate the participation of underrepresented and marginalised groups in internet governance spaces. Capacity building on internet-related public policy issues, as well as the inner-workings of the internet governance institutions and processes, are essential for enabling all stakeholders. This is particularly (but not only) the case for stakeholders from developing countries, as well as actors who are currently excluded from internet governance debates, to strengthen their participation in internet governance processes and debates at the national, regional and global level and thus to enhance cooperation around public policy issues relating to the internet. Capacity building is also necessary for those actors from developed countries who do not have sufficient understanding of the challenges faced by their counterparts in the global South.

Access to information Enhanced cooperation requires sharing information among stakeholders and between policy spaces. In order for this to happen, information,

including working documents, agendas, draft inputs and outputs, and outcomes must be easily accessible to all interested stakeholders. Likewise, modalities for participation in internet governance processes must be clear and predictable.

Funding Stable and sustainable, public, and other public interest funding mechanisms that are transparent and accountable are critical for enhanced participation so that underrepresented and marginalised stakeholders, from developing countries in particular, are able to meaningfully participate in internet governance processes. All stakeholders should be involved in the process of developing these mechanisms.

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

We encourage WGEC to consider paragraph 68 of the Tunis Agenda (in addition to paragraphs 69-71) which says that public policy must be determined in a multistakeholder manner, and as such enhanced cooperation should be among all stakeholders. Now that the US government transferred responsibility for oversight of the Internet Assigned Numbers Authority (IANA) to the internet community, and the names and numbers issue is largely solved, we suggest that WGEC makes recommendations pertaining the social and economic issues as well as technical issues. We also recommend that WGEC makes recommendations to all stakeholders. Selecting a non-governmental co-Chair could help reinforce the multistakeholder nature of this group.

With respect to the kind of recommendations we would like to see WGEC make:

Recommendations that relate to existing internet-related policy processes in the UN. For example, recommendations on:
- How the IGF, the primary UN-based forum for discussion of internet-related public policy, can be a more effective platform for enhanced cooperation among governments? It is already an effective platform for other stakeholder groups.
- How resolutions relating to internet policy from the Human Rights Council and General Assembly, as well as recommendations from human rights treaty bodies and Special Procedures, can inform policy processes elsewhere in the UN system.
- How bodies such as the ITU, UNESCO and UNDP and others who play a role in the WSIS follow up make linkages with the implementation and follow up of the Sustainable Development Goals (SDGs).

Recommendations that relate to non-governmental internet-related policy processes. For example, recommendations to technical and industry bodies on:

- How to meet their obligations under the UN Guiding Principles on Business and Human Rights and contribute to the achievement of the SDGs.
- How they can interact more effectively with intergovernmental processes and how they can include developing country stakeholders in their work.

Recommendations to national governments. For example, recommendations on:
- How to strengthen their participation in global internet-related policy processes by convening multistakeholder delegations and bringing more diverse delegations with relevant expertise to internet policymaking spaces, such as members of national human rights institutions and environmental agencies, for example.
- How to deepen implementation of regional and international agreements on internet-related policy at the national level.

Recommendations pertaining to principles for internet governance should be based on the WSIS principles. The NETmundial principles would be also be a good starting point.