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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CSTD WORKING GROUP ON ENHANCED COOPERATION

ICANN REPLY TO "QUESTIONS"

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

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?

Summary

ICANN is pleased to have opportunity to contribute to this important debate. We believe this work is important in establishing, post the WSIS in 2003 and 2005, how we move forward in the debate on the role and responsibilities of the different actors in the Internet Governance debate. In doing so, we believe that while paying due regard to what was discussed and agreed upon in the WSIS dialogue, we need to reflect on the different circumstances we now find ourselves in 2016. Essentially we have to recognise that no single entity, be they governments, business or civil society has monopoly of wisdom in the issues of Internet Governance. Thus, while in any particular issue there will, naturally, be lead actor, this should not exclude other voices. In the same way as governments should have an input into the development of technical standards, the technical Community and civil society should be involved establishing norms for acceptable behavior for states in terms of cyber defense.

Thus the debate going forward, and thus the outputs of this important Working group, should focus on the principles and arrangements under which **all** actors work together. The exam question is not limited to how governments should affect their rightful and critical role with respect to Internet public policy on Internet Governance issues but how all actors should be able to cooperate in establishing agreed and sensible policy positions.

Detail

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

Essentially they come down to an understanding on how Internet Governance issues should, in the main, be debated. Given the diverse nature of such issues any characteristics would have to be at a relatively high level. It is clear, for example that certain issues concerning governance *on* the Internet, for example dealing with cross border crime or of judicial cooperation is primarily one for governments to act on while the determination of Internet technical standards are for those in business and the technical Community.

There are, however, no absolute barriers and while the delineation of responsibilities found in the Tunis Agenda is still useful[1] the mix of Internet governance issues we now face requires a more nuanced and sophisticated response. For example e-privacy and data protection are clearly Internet public policy issues but are clearly ones that require the direct input and consideration on several non-government actors. Conversely dealing with the coordination of Internet identifiers and the associated names may be primarily the responsibility of non-government actors but this does not mean (as we witness at ICANN) that governments should not play their part when it comes to public policy issues.

There is therefore more to the notion of Enhanced Cooperation (as it is broadly understood today) than simply a way of ensuring that governments can exercise their public policy responsibilities with respect to Internet Governance issues. If it has utility it has to have a broader concept, one that looks at how all actors can work together to achieve the best outcomes and policy decisions with regards to the broad range of issues we are confronted with.

Thus a number of common characteristics could be useful to look at:

Transparency: That the debate on such issues – whoever the actors – should be open and available to all stakeholders. It is not acceptable for one group of actors to determine policy in the complete absence of the views of others; whether it is a technical or a public policy issue. This also means that stakeholders have to take responsibility for their views and be willing to articulate them.

Accountability: That the representation (should it be so) by any group of actors should be effected in a representative manner consistent with normal standards of democracy and inclusion. It is not acceptable to have a representative voice of government, business or of the Technical Community that is not so. This is an important area for many institutions and one that ICANN, through the on-going work on Accountability is taking very seriously.

Inclusion: That representation by actors should be inclusive taking into account diversity. This is particularly important in global dialogue where geographical and gender balance is key. There also should be no "membership" requirements as such; though recognising that appropriate representation of different groups is often needed;

Factual backing: Discussions on Internet public policy issues have to take place on an agreed and preferably independent evidence base;

Sustainable Development: That discussions and dialogue should lead to solutions that are consistent with the objectives set out in the UN 2030 Sustainable Developmental Agendas and contribute (where appropriate) to achieving targets under the 17 Sustainable Development Goals (SDGs).

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[1] http://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html

We should, while indeed taking due notice of what was deliberated in the Tunis Agenda, look to craft a new dialogue that recognises value of **all** voices in whatever context or role, and seeks to build consensus as a result. No single group has a monopoly of wisdom. Important public policy decisions (for example on development) would have not been possible without civil society input while the roll out of advanced mobile technologies have significantly benefited through the voice of state actors.

Closer to home; the recent transition of the IANA stewardship from the US Administration (NTIA) to the global Internet Community has demonstrated how actors working together can discuss, debate and finally agree upon complex policy issues in a consensual environment.

Taking into account the above it is self evident that any recommendations from the UN, in taking a dialogue forward, would need to recognise that Enhanced Cooperation is an evolutionary concept and one which is already taking place. It is though one where diverse dialogues on issues of Internet Governance need to take account of the principles outlined above.

Thus rather than crafting specific Recommendations at this stage it is probably better to think of broad principles under which future dialogue could take place. These could perhaps include:

1. That discussions on Internet public policy issues should be effected in line with the Characteristics enumerated above;
2. That while any actor might initiate dialogue on a particular issue they should take account of the Characteristics on Enhanced Cooperation in taking that dialogue forward;
3. That dialogue should, of course respect human rights and other fundamental freedoms (such as freedom of expression);
4. That it should be open, transparent and not subject to constraints such as membership or qualification.

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