UNITED NATIONS COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Working Group on Enhanced Cooperation

Comments to the Chairman's initial proposal of 11 November 2017

Submitted by

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DRAFT REPORT OF THE WORKING GROUP ON ENHANCED COOPERATION

Chairman´s initial proposal of 11 November 2017

Executive Summary

This report is submitted to the twenty-first session of the Commission on Science and Technology for Development as per the UNGA request as contained in paragraph 65 of resolution A/RES/70/125. It includes 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. The recommendations, adopted by consensus of the Working Group on Enhanced Cooperation members, are directed to governments as well as institutions and processes dealing with Internet-related international public policy issues pertaining to the Internet. They intend to lead to incremental improvements in efforts being made in the context of the process towards enhanced cooperation as per the Tunis Agenda.

Introduction

1. The Outcome document of the High-Level Meeting of the General Assembly on the Overall Review of the Implementation of the Outcomes of the World Summit on the Information Society (resolution A/70/125), more commonly referred to as WSIS+10 Outcome document, addresses the topic of enhanced cooperation in the following terms:

> "4.1 Enhanced 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.[1]
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> 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 by the Tunis Agenda, taking into consideration the work that has been done on this matter thus far. The group, which shall be constituted no later than July 2016, will decide at the outset on its methods of work, including modalities, and will ensure the full involvement of all relevant stakeholders, taking into account all their diverse views and expertise. The group shall submit 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. The report 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."

2. At the nineteenth session of the CSTD in May 2016, the Commission noted the proposal by the Chair of the CSTD on the structure and composition of the working group. The Working Group on Enhanced Cooperation (WGEC) was composed by twenty-two Member States and twenty members from the private sector, civil society, technical and academic communities, and intergovernmental and international organisations. Ambassador Benedicto Fonseca Filho, from Brazil, was elected Chair of the Working

[1] Transcribe texto paragraphs 69 to 71 of the Tunis Agenda for the Information Society

Group. The list of the members of the WGEC is attached as an annex to the report (Annex I).

3. The group held five meetings in Geneva, at the United Nations Headquarters, between September 2016 and January 2018: 30 September 2016, 26-27 January 2017; 3-5 May 2017; 25-27 September 2017; and 29-31 January 2018. In order to facilitate participation of all stakeholders remote participation and live captioning were made available.[2]

4. At its first organizational meeting[3], the group decided on its methods of work, and agreed on two questions that would guide the discussion, namely (i) "What are the high level characteristics of enhanced cooperation?" and (ii) "Taking into consideration the work of the previous WGEC and the Tunis Agenda, particularly paragraphs 69-71, what kind of recommendations should be considered?", and invited contributions from stakeholders. Following the request of the group the Secretariat posted the questions through a dedicated Working Group mailing list as well as online. A total of 37 contributions to the guiding questions were received and made available on the website of the group as inputs for its second meeting.

5. At the second meeting of the group[4], WGEC participants highlighted elements of their contributions and exchanged views on the contributions. The Group held an initial discussion on the high level characteristics of enhanced cooperation on the basis of the responses to the first question agreed during its first meeting and on an analysis document prepared by the Chair. Due to time limitations the Chair proposed to the Group to have a more focused discussion on the proposals of recommendations during the third meeting and invited contributors of recommendations to revise the compilation document circulated during the meeting in order to ensure that their proposals were properly reflected and to submit amended or additional proposals of recommendations, if necessary, in preparation for the third meeting.

6. During its third meeting[5], the WGEC took note of a document which was previously circulated by the Chair with a synthesis of the discussion on high level principles which was held at the second meeting. It also heard the presentation of the new/revised proposals submitted by twelve contributors in response to the call made by the Chair and discussed said proposals. The discussion was focused on the proposals around which consensus seemed more likely to emerge, as well as on proposals concerning the institutional framework. In addition, during this meeting the WGEC briefly discussed the outline of its outcome report. The Chair suggested continuing this discussion at a later

[2] The funding of these services by ICANN is gratefully acknowledged.
[3] http://unctad.org/meetings/en/SessionalDocuments/WGEC_2016_meeting1_Chairs_summary_en.pdf
[4] http://unctad.org/en/pages/MeetingDetails.aspx?meetingid=1215
[5] Include link to Chair´s summary of the third meeting

stage and invited WGEC members and observers to reflect on the discussions held during the meeting and to carry out intersessional work to refine their proposals with a view to combining/merging these wherever possible in preparation for the fourth meeting.

7. At the fourth meeting[6] the WGEC discussed the structure and format of the report to be submitted to the Commission on Science and Technology for Development at its twenty-first session. Upon resuming discussion on proposals of recommendations, the WGEC initially considered new/revised proposals submitted in the intersessional period on the basis of a compilation document prepared by the Secretariat. In the sequence, WGEC members and observers who had submitted proposals to previous WGEC meetings but had not yet had the opportunity to present and discuss them were invited to do so. At the end of the meeting the WGEC decided on a timeline for intersessional work in preparation for its fifth (and last) meeting.

8. At its fifth and final meeting, the WGEC[7] considered a draft report submitted by the Chair.

9. In line with the request made by the UNGA to take into consideration the work that has been done on this matter thus far when considering recommendations on how to further implement enhanced cooperation as envisioned in the Tunis Agenda, WGEC members and participants referred extensively to previous processes and documents on enhanced cooperation-related topics, among which the report of the Working Group on Internet Governance, documents prepared in the context of the previous 2013-2014 Working Group on Enhanced Cooperation and the process that led to the High-Level Meeting of the General Assembly on the Overall Review of the Implementation of the Outcomes of the World Summit on the Information Society (WSIS+10). It was also recalled that enhanced cooperation is a permanent focus of discussions at the General Assembly under agenda item "Information and communication technologies for development".

10. The Working Group acknowledged that paragraphs addressing Internet Governance in the Tunis Agenda for the Information Society, in particular paragraphs 34 and 35, should also be considered in relation to the process towards enhanced cooperation detailed in paragraphs 69 to 71 of the Tunis Agenda for the Information Society.

11. The Group agreed that outcomes of enhanced cooperation efforts should promote sustainable development; capacity building; cyber-security; peace and technology transfer.

[6] Include link to Chair´s summary of the fourth meeting
[7] Include link to Chair´s summary of the fifth meeting

12. The WGEC further took note of the fact that distinct processes for the creation of international related-public issues have been initiated in the past years, and continue to be initiated, through outreach to and between relevant UN agencies and relevant multistakeholder and technical organizations within and outside the UN remit.

13. A significant number of topics that were addressed in the various contributions submitted by WGEC members and observers in the course of the Group´s proceedings did not lead to consensus recommendations. In some cases, the WGEC did not even engage in substantive discussion of a number of individual proposals due to a lack of traction within the group to do so. This was the case, for example, of several proposals that involved recommendations addressed to other relevant international bodies and institutions to undertake specific work to further implement enhanced cooperation. In other instances, although substantive discussion actually took place in regard to proposals made by WGEC members and observers, there was no consensus as to referencing these in the group´s report as recommendations that could be embraced by the group as a whole. These include, for example, discussion on the issues and areas that should be the focus of enhanced cooperation.

14. In that context, and with the purpose of duly documenting the diversity of views expressed in the course of the WGEC´s proceedings in line with the request made by the UNGA, the full texts of all proposals that were submitted to its meetings can be found in an annex to the present report (Annex II). Together with the transcripts of each individual WGEC meeting[8], the aforementioned annex reflects the variety of opinions held within the group and reflect comments made by stakeholders beyond the WGEC´s membership. They include both (i) proposals that were finally adoped by the WGEC as recommendations and (ii) proposals that did not lead to consensus recommendations. It should be noted that they do not have the same status as the recommendations contained in the WGEC report as detailed in continuation, but can be used as a reference.

15. It should be further noted that, although discussions on the matter did not lead to any consensus recommendations, the particular topic related to the institutional framework required to further implement enhanced cooperation as envisioned in the Tunis Agenda was not only thoroughly discussed by the WGEC but also permeated discussion of virtually every other issue considered by the group. Annex III summarizes the main viewpoints held by supporters and opponents of new institutional mechanisms.

[8] Transcrips of WGEC meetings can be found at:

Recommendations

1. The Working Group recommends that efforts to further implement enhanced cooperation as envisioned in the Tunis Agenda, which we reaffirm in its entirety (including in particular paragraph 35), should be guided by the following set of high-level characteristics:

   - Transparency[9]~~:~~
   - Inclusiveness~~:~~
   - Collaborative approach~~:~~
   - Effectiveness/goal oriented approach~~:~~
   - Sustainability~~:~~
   - Responsiveness to innovation~~: and~~
   - International dimension~~.~~

2. The Group also recommends that the following elements should provide the background for efforts aiming at further implement enhanced cooperation as envisioned by the Tunis Agenda: multistakeholder approach; flexible and adaptable formats; results-driven efforts; respect for the sovereign rights of states to establish and implement public policy; evidence-based discussions; participation by governments on an equal footing; respect for human rights and fundamental freedoms; open, democratic and consensus-based processes; links to other dialogue platforms; good faith; diversity; consideration of under-represented groups; strengthen the rule of law at all levels and overall objective of maintaining and growing a global Internet.

3. The process towards enhanced cooperation should take account of existing work and support existing international forums to consider how they can develop and improve.

4. Institutions and processes dealing with Internet-related public policies should engage in mutual consultation and engagement, thereby taking advantage of successful approaches developed by other relevant institutions in regard to procedural and participation interventions, best practices and lessons learned.

5. Those institutions and processes should reach out proactively to all stakeholders in an informative and easily understandable way, in developing international Internet-related

[9] We note with concern that proposals have been made to discuss Internet governance matters in forums that are not sufficiently transparent, such as free trade negotiations and the World Trade Organization.

public policy. Particular attention should be dedicated to the involvement of those potentially impacted by the results as well as those responsible for or necessary to their implementation.

6. Stakeholders should consider how they can make factual information available, including data and statistics, in an open, accessible and timely way in order to support meaningful participation and engagement in developing international Internet-related public policy in order to raise awareness, explain opportunities and cross-link initiatives.

7. The WGEC recommends that bodies involved in the development of international Internet-related public policy, in particular, international organisations, be urged to continue to promote, facilitate and strengthen cooperation in public policy issues pertaining to the internet.

8. In order to promote transparency, inclusiveness and collaboration, institutions and processes dealing with international Internet-related public policies should consider how they can open up their policy-making processes, to the extent possible, to input from all stakeholders, particularly from least developed and developing countries and marginalized groups[10] and unaffiliated users.

9. Institutions and processes should entertain proposals from all stakeholders related to ensuring that Internet remains an open, interoperable, secure and reliable platform.

10. The development of international Internet-related public policy should support the participation of stakeholders from developing countries, in particular least developed countries, taking into account language barriers and the capacity constraints faced by these countries.

11. Multi-stakeholder forums that are involved in the development of international Internet-related public policy should, on the other hand, consider how best to ensure a balance of stakeholder representatives with a view to ensuring that all stakeholder can fully participate, as appropriate, in each forum, in their respective roles and responsibilities

12. The development of international Internet-related public policy should aim to support sustainable development and to help bridge the digital divide.

[10] Marginalized groups may include but are not limited to women, persons with disabilities and persos with special needs, youth

13. In that context, the WGEC recommends that concerted capacity building efforts on International Internet-related public policies should allow for the identification and monitoring of capacity gaps with a view to the development of appropriate solutions

14. The development of international Internet-related public policy should promote investment, including building an enabling environment for private sector investment and fostering cooperation and partnership in order to promote investment in infrastructure and increase affordable connectivity in developing countries.

15. The development of international Internet-related public policy should promote an enabling environment for innovation that abides by existing standards and best practices[11], including fostering cooperation to ensure that the Internet remains an open environment that facilitates innovation.

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

17. The WGEC recommends that a dedicated debate on how to further implement enhanced cooperation as envisioned in the Tunis Agenda be held every year by the General Assembly under agenda item "Information and communication technologies for development" with a view to promoting dialogue and coordination among member states and other stakeholders and to increasing understanding of emerging issues, sharing of best practices, and raising awareness.

18. Consistent with the Tunis Agenda, the complementary and mutually reinforcing relationship between the Internet Governance Forum and the development of international Internet-related public policy should be further strengthened by encouraging and facilitating the participation of all stakeholders in the annual Internet Governance Forum sessions, as well as in national, sub-regional and regional IGF initiatives.

19. The WGEC further recommends that further consideration be given to the following initiatives aimed at promoting dialogue and coordination among member states and other stakeholders:

- Creation of a permanent and open multistakeholder working group under the CSTD with specialized support structure by the United Nations Secretariat; and

[11] https://www.internetsociety.org/internet-invariants-what-really-matters/

- Establishment of a permanent intergovernmental mechanism in the Internet Governance Forum.
- The specific recommendations contained in the proposals presented in Annex II.

ANNEX I – Composition of the WGEC

ANNEX II – Compilation of proposals submitted to the WGEC

ANNEX III – Institutional Framework

In regard to the institutional framework required to further implement enhanced cooperation as envisioned in the Tunis Agenda, the following two mains alternative scenarios emerged as per the discussions held among WGEC members and observers:

Option 1 – Establishment of UN body/mechanisms (UN organization, Committee or Standing Open Working Group):

- ✓ Process could take an evolutionary form
- ✓ Could develop and establish international perspectives, norms and public policies with a view to ensuring coordination and coherence in cross-cutting Internet-related global issues
- ✓ Would develop appropriate relationships with relevant existing policy bodies inside and outside the UN
- ✓ Should build a close association with the IGF but be distinct and separate from it
- ✓ The new institutional mechanism enabling governments to develop international Internet-related policies should involve all stakeholders in the process. This could be done by employing the model for stakeholder participation used by OECD's Committee on Digital Economy Policy (CDEP), with committees of stakeholder groups, respectively of civil society, business and technical community, which would input into the policy making process in a consultative and advisory capacity.
- ✓ A focal point for knowledge creation and curation should be created in the UN system, affiliated to the mentioned new institutional mechanism, specifically for issues related to international Internet related public policies. It would undertake the required research and analysis and develop papers, reports, etc in an ongoing manner, especially, but not exclusively, with regard to emerging policy issues.

Option 2 – No need for new institutional mechanisms:

- ✓ International Internet-related public issues should be addressed by existing mechanisms
- ✓ New mechanisms could confuse work that is already going on elsewhere (duplicate and undermine)
- ✓ Creating more International internet governance meetings could make the current landscape more complex and difficult to navigate, especially for developing countries
- ✓ Recommendations should extend and improve existing processes