

DRAFT REPORT OF THE WORKING GROUP ON ENHANCED COOPERATION

Chairman's second draft of the report

10 January 2018

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 for the Information Society, 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 offered not only to governments but to all stakeholders, including institutions and processes which may contribute to the development of Internet-related international public policy issues pertaining to the Internet. They intend to support and encourage 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

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, which was subsequently endorsed by the ECOSOC. 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

¹ Transcribe text paragraphs 69 to 71 of the Tunis Agenda for the Information Society

Chair of the Working 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 meeting³, 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 group⁴, 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 proposed 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 meeting⁵, the WGEC took note of a document which was previously circulated by the Chair with a synthesis of the discussion on high level characteristics which was held at the second meeting. It also heard the presentation of the new/revised recommendations 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 development of a new institutional framework for enhanced cooperation. In addition, during this meeting the WGEC briefly discussed the outline of its outcome report. The Chair suggested continuing this discussion at a later stage and invited WGEC members and

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

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 meeting⁶ 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 proposed 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 WGEC⁷ considered a draft report submitted by the Chair.]

[Chair's suggestion: replace paragraphs 4-8 with short one single paragraph 4 describing in very broad terms the main tasks performed by the Group: agreement on two guiding questions and request of contributions from stakeholders; receipt of a total of X proposals for recommendations; etc.]

5. 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 and WSIS-related topics, including the report of the Working Group on Internet Governance, the report of the Working Group on Improvements to the IGF, 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), as well as various UN resolutions such as the Human Rights Council Resolution A/HRC/32/L.20 entitled "*The promotion, protection and enjoyment of human rights on the Internet*". It was also recalled that enhanced cooperation is often discussed at the General Assembly under agenda item "Information and communication technologies for development".

6. The Working Group discussed the need, in the light of Resolution A/70/125, to consider in its entirety the Tunis Agenda for the Information Society, particularly its section on Internet Governance

⁶ Include link to Chair's summary of the fourth meeting

⁷ Include link to Chair's summary of the fifth meeting

7. The Group discussed that the process of enhanced cooperation should promote peace; sustainable development; cyber-security; capacity building and technology transfer.

8. The Group also discussed that the process of enhanced cooperation should be considered not only as a function of economic development and the spreading of information and communications technologies but also as a function of progress with respect to the realization of human rights and fundamental freedoms

9. The WGEC took note of the fact that distinct processes for considering international Internet-related-public policies have been initiated in the past years, and continue to be initiated, including through outreach to and between all stakeholders and relevant organizations within and outside the UN. The Working Group, therefore, recommends further consideration of integration or increased synergy, as appropriate, between those processes.

10. The contributions submitted by WGEC members covered a very wide range of issues and topics. During the discussions held within the group several areas of commonalities were identified. The commitment of all WGEC members to advancing improved understanding of different views and concerns was reaffirmed. Nonetheless, a considerable 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. 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.

11. In that context, and with the purpose of transparently presenting 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 meeting⁸, Annex II reflects the variety of opinions held within the group, as well as comments made by stakeholders beyond the WGEC's membership. They include both (i) proposals for recommendations that were finally adopted by the WGEC by consensus and (ii) proposals for recommendations that did not find consensus. It should be noted that these latter proposals do not have the same status as the consensus-based recommendations contained in the WGEC report as detailed in continuation.

12. Several proposals that did not lead to consensus-based recommendations refer to the particular topic related to the institutional framework perceived as necessary to further implement enhanced cooperation as envisioned in the Tunis Agenda. The issue was

⁸ Transcripts of WGEC meetings can be found at:

thoroughly discussed by the WGEC and permeated discussion of other issues considered by the group. The proposals of recommendations to that effect were therefore clustered in a dedicated section of Annex II

[Chair's suggestion: besides clustering the proposals involving institutional mechanisms, a box summarizing the main arguments in favour and against a new institutional mechanism, its key features and rationale, could also be drawn for more clarity]

Recommendations

1. The Working Group recommends that efforts to further implement enhanced cooperation as envisioned in the Tunis Agenda should be guided by the following set of high-level characteristics when developing international Internet-related public policy:

- Transparency;
- Inclusiveness;
- Collaborative in nature;
- Effectiveness/goal oriented in their approach;
- Sustainability;
- Responsiveness to innovation; and
- International extent (including regional and sub-regional levels).

2. The Group also recommends that the following elements should guide further implementation of enhanced cooperation as envisioned by the Tunis Agenda: respect for the sovereign rights of states to establish and implement public policy; multistakeholder approach; flexible and adaptable formats; results-driven efforts; evidence-based discussions; participation by governments on an equal footing in consultation with all stakeholders; respect for human rights and fundamental freedoms; open, democratic and consensus-based processes; links to other dialogue platforms; good faith; respect the need for diversity; due consideration of under-represented groups, needs and views; support for the achievement of internationally agreed development goals, including the sustainable development goals; strengthening of the rule of law at all levels; and overall objective of maintaining and strengthening the stability, security and continuity of a global, interoperable Internet.

3. The process of further implementation of enhanced cooperation should take account of existing work and support existing international fora to consider how they can develop and improve and to reduce the potential for duplication of efforts.

4. Institutions and processes dealing with international Internet-related public policies should:

a) engage in mutual consultation and engagement, thereby sharing knowledge to mutual benefit and taking advantage of successful approaches in regard to procedural and participation interventions, best practices and lessons learned;

b) encourage and facilitate the full participation of all stakeholders when considering international Internet-related public policy issues; and

c) reach out proactively to all stakeholders in an informative and easily understandable way, when considering international Internet-related 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.

5. 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.

6. The WGEC recommends that bodies **institutions and processes** involved in the development of international Internet-related public policy should be urged to continue and accelerate their efforts to promote, facilitate and strengthen information sharing, capacity building and cooperation international public policy issues pertaining to the internet.

7. Relevant UN agencies, intergovernmental, international and regional organization responsible for essential tasks associated with the Internet should create and nurture an environment that supports and/or facilitates the development of public policy issues;

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 developing countries, including the least developed countries, as well as from marginalized groups⁹ and unaffiliated users.

9. Institutions and processes involved in the development of international Internet-related public policy should give appropriate consideration to proposals from all stakeholders and should encourage results that take into account the fundamental importance of ensuring that Internet remains an open, interoperable, secure and reliable platform for general public use

⁹ Marginalized groups may include but are not limited to women, persons with disabilities and persons with special needs, youth, indigenous communities, and sexual, religious and other minority groups

10. The development of international Internet-related public policy should:

- a) support the participation of stakeholders from developing countries, in particular least developed countries, landlocked developing countries, and small island developing countries taking into account language barriers and the resource and capacity constraints faced by these countries;
- b) support the achievement of the internationally agreed development goals, including the Sustainable Development Goals and in particular, help to bridge the digital divide;
- c) take into account the need to ensure adequate public investments and regulatory framework as well as to build 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 and marginal and underserved rural and urban areas; and
- d) promote an enabling environment for innovation that abides by existing standards and best practices¹⁰, including fostering cooperation to ensure that the Internet remains an open environment that facilitates innovation.

11. Multi-stakeholder fora dealing with international Internet-related public policy should consider how best to balance stakeholder participation with a view to ensuring that all stakeholders can participate fully in each forum, in their respective roles and responsibilities

12. In that context, the WGEC recommends that capacity building efforts should include the identification and monitoring of capacity gaps with a view to the development of appropriate solutions to internet-related public policy challenges. The United Nations Secretariat should consider how it can provide better informational resources aggregating information on how, where and when international Internet-related public policy is under development to facilitate the ability of Member-states, and other relevant stakeholders, to participate in relevant activities.

13. 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.

14. 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

¹⁰ <https://www.internetsociety.org/internet-invariants-what-really-matters/>

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. A process to enable open engagement of all stakeholders to contribute should be considered and enabled.

15. Consistent with the Tunis Agenda, the Internet Governance Forum may provide support for the development of international Internet-related public policy and should therefore be further strengthened by increased participation of all stakeholders, particularly governmental stakeholders, in the annual IGF sessions, as well as in national, sub-regional and regional IGF initiatives

16. The WGEC 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-ended working group under the CSTD with full stakeholder participation to prepare and support discussions on enhanced cooperation in the context of the review of the implementation of the WSIS outcomes in the annual CSTD sessions
- Establishment of a permanent mechanism that could meet on the margins of the IGF annual sessions to discuss complementarity between both processes (enhanced cooperation and the Internet Governance Forum)
- Establishment of a facility within the IGF to optimize the role the IGF can play in providing governments with an opportunity, on a continuous basis, to access knowledge and share information on critical and emerging internet-related public policy issues**]**

ANNEX I – Composition of the WGEC

ANNEX II – List of proposals submitted to the WGEC