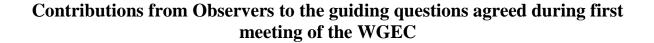# UNITED NATIONS COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Working Group on Enhanced Cooperation

Contributions from Observers to the guiding questions agreed during first meeting of the WGEC

19 January 2017

Contents

1. Contribution from Observer, Association for Proper Internet Governance

Striving for social justice

Association for Proper Internet Governance[1]
29 November 2016

We have recently come across[2] the document reproduced below, which was developed by the Internet Social Forum[3] collective. Since we find that it raises important questions and concerns that could be of interest to the Working Group on Enhanced Cooperation (WGEG), we are submitting the document to WGEC for its information.

Why the Internet's future needs social justice movements
by the Internet Social Forum

1. Introduction

The Internet and the electronic networking revolution, like previous technological shifts, holds out the promise of a better and more equitable world for all. Yet it is increasingly evident that certain elites are capturing the benefits of these developments largely for themselves and consolidating their overall positions of control. Global corporations, often in partnership with governments, are framing and constructing this new society in their own interests, at the expense of what is required in the wider public interest.

Several core sectors in wealthy, developing, and less developed countries alike are already seeing major disruption and transformation: retail shopping by Amazon, media by Facebook, the hotel sector by AirBnB, taxis by Uber. And Google and Apple are well advanced in digitally valorizing and commodifying the minutest aspects of our personal and social lives. On the surface, many of the new services and delivery models seem benign, even positive, and indeed they do bring tangible benefits to some people and institutions, so much so that many are willing participants in relinquishing personal data and privacy.

However, deeper analysis reveals shifts below the radar, triggering more fundamental societal changes and generating new forms of inequality and a deepening of existing social divisions. Unchecked, these could be forerunners of digitally-enabled business models and institutional dynamics that seriously undermine rights hard-won by workers and citizens and that significantly erode welfare regimes and, ultimately, democratic institutions. Analytical rigor and engaged activism must be applied to critique these emerging social and business models and to develop appropriate alternatives that actively promote social justice.

This applies particularly to the internal transformation of sectors, enabled by micro data aggregation and analysis at a global level. "Big data" is thereby creating new paradigms across many areas — for instance the idea of "smart cities" is presented as the new model of data-based governance potentially supplanting political and democratic processes. Yet these changes — unlike those at the consumer level — are largely invisible. They are transforming the terms and conditions by which people are employed and work, the knowledge they have access to, basic economic power relations, and ultimately the rights to which people are

---

[1] http://www.apig.ch
[2] http://www.thepanamanews.com/2016/11/internet-social-forum-the-internet-needs-social-justice-movements/
[3] http://internetsocialforum.net/isf/

entitled. The implementation of these paradigms can, and will, impact everyone as their influence spreads through social and economic sectors and enters the mainstream in all countries, and for all socio-economic classes.

Challenging these dynamics is vitally important, and urgent, in the fast moving formative period of a new social paradigm, where almost all industrial-era social institutions are being undermined by the transformative force of a networking and data revolution. It is now, at this 'design phase,' that the engagement of progressive social movements will be most fruitful.

Yet while the dominant actors are densely networked and well on their way to shaping the digital society in their interests, progressive forces are only at the early stages of defining the contours of the issues and identifying the problems, usually around one specific issue; very little progress has been made in networking, developing appropriate collaborations and alternatives, strategizing and moving into action at a broader level.

The Internet Social Forum (ISF), through its various events and actions, will offer a response to this based on the real struggles of those fighting for social justice. It will build a dynamic and productive space for dialogue and action across different social sectors and interest groups that can raise awareness, inform, educate, and mobilize global civil society to bring about political change. From this space we will actively seek out and implement concrete and coherent alternatives. These will guide and energize the emerging innovative social movements, and lead toward a more sustainable development path that reinforces human rights and social justice outcomes.

The idea of launching an ISF first took root as a legacy of civil society's accomplishments during the two UN World Summits on the Information Society (WSIS) in 2003 and 2005. However, with hindsight, ISF collective members now perceive that the vision and scope emerging from these were focused too narrowly on concerns about the Internet and ICTs and not enough on how these could and now are transforming cultural, political, social and economic life. As a Thematic Forum of the World Social Forum, and in pursuit of its principles, the ISF takes inspiration from its maxim: "Another world is possible" in this domain too.

The ISF process is still in its early days, but the ideological machines advancing a new normal are already moving into high gear. Utopian futures are being sold to the public: a world of free services and growing convenience and leisure. Such futures must be radically critiqued and exposed for what they are — the latest wave of technology-enabled capital accumulation. This wave is particularly dangerous given the transformational potential of these technological changes and their timing during an era in which neo-liberalism — despite being debunked in theory and practice — still firmly drives the global agenda.

As the challenge to much wider societal issues grows, and the dangers of undermining hard-won gains in social justice across sectors (health, education, environment, gender equality, economic development, etc.) become very real, the ISF facilitating group calls upon social justice movements around the world, as well as other concerned individuals and organizations, to engage with the ISF process.

2. Disturbing global trends

Global society is now on the brink of a profound shift, driven by the rapidly emerging dominance of a new breed of transnational and neo-liberal corporate entity, equipped with a persuasive rationale for why private industry should not only play a part in but also lead in solving many of society's most severe and urgent problems. Concerns over how the evolution

of the Internet is impacting the social and economic environment, including the new areas of risk such as data mining and surveillance, pale into insignificance against the alarming possibilities that open up as this new big data driven paradigm enters the fabric and formative structuring of mainstream economy, society, and culture.

The first generation of transnational Internet and social media corporations stand accused, with some justification, of weakening collective identity, eroding any sense of privacy, and diminishing citizen or even consumer capacity for action. Other corporate players, from agro-chemicals to hospitality, many of them new, as they move to networking and data-centered business models, are poised to fully exploit this "new normal," transforming one social and economic sector after another into machines for profit generation, very often at the expense of public services and spaces, and of rights and freedoms won over many generations.

Moreover, computer algorithms/artificial intelligence increasingly become a part, not only of surveillance, but also of policing, credit provision, education, employment, healthcare and many other areas, including in the public sector. There is a thus a growing risk of inheriting and entrenching the bias of data collected by institutions leading to a deepening of racist, sexist, ethnic, social class or age discrimination.

Social justice activists and movements everywhere must be concerned with these hugely significant issues and developments. Through concerted action, social justice activists are also essential to stemming the tide of these troubling trends and to developing alternative perspectives and options.

In the global context, current internet governance structures are largely under the control of corporations and their friends in major governments. Such strategic partnerships seek to remold global governance structures to align more with corporate interests and the interests of capital than with the broader public interest, even while appearing to include all 'stakeholders' as partners in decision making. Ultimately it is, at least in effect, part of a broader implicit agenda intent on replacing existing democratic global governance structures, however flawed, with even more opaque and 'top-down' governance by corporations. This would render national governments, even where they genuinely represent the public interest, and 'bottom-up,' participative, democratic processes, ever more redundant against corporate forces.

In essence, we are witnessing an assault, slowly but inexorably gaining momentum, on numerous fronts, but most importantly on the very idea of social justice. Its outcome, if successful, would be to dramatically reduce the significance of participatory democratic structures as core and legitimate goals for society.

To fully grasp the risks involved with these disturbing trends, to strategically build opposition to them, and to design and build effective alternatives, we need to initiate and sustain deep exploration of these dynamics coordinated around long-term engagement in actions focused on systemic change.

3. Building alternatives, together, through the ISF

Strategically interconnected neo-liberal interests across the globe are intent on capturing forever the power of these technologies to further their dominance. The alternative is not just to slow down, or even halt, this process, but to reclaim these technologies so that they promote and advance social justice.

Although the digital is connected to social justice through its impact in specific sectors — governance and democracy, education, health, labor rights, public services including welfare,

gender equality, environment, and so on — it cannot be understood and addressed from within each sector in isolation. In addition to a sector-specific understanding and response, it is important to address the phenomenon as a meta-level or infrastructural element as it envelops new and emerging social structures and dynamics as a whole. Most sectoral response has focused on practical applications (or, at best, specific adverse impacts) of the digital phenomenon, and not its structural constructs and directions, which in any case are difficult to articulate and address from within any one sector. Yet in its very form and the nature of its impact, the digital revolution calls for a holistic, cross-sectoral response.

A space is needed that facilitates and nurtures social-justice oriented reflective learning and action on what all this means, and how best to address it. This is why the ISF seeks to engage with those already involved in social justice struggles across a whole range of issues and sectors.

Thorough analysis and critique as well as positive intervention experiences will reveal insights into how these same technologies can be turned towards social justice and democracy ends.

Among questions to be addressed are:

- What does social justice mean in the context of digitally induced transformations across issues and sectors (environment, public safety, education, transportation, public health, national security, immigration, etc.)?

- How are these digital trends already impacting social justice movements around the globe?

- How can the new business practices that dominate the digital age be effectively analyzed, critiqued, and influenced?

- What are the implications of these trends for global governance of the Internet, and for governance structures more broadly — as also for governance and democracy, generally?

The ISF collective would discover, document, and support promising alternatives such as the following, illustrative, list:

- Ways in which the world of Internet, "big data" and "artificial intelligence" can work for the social good, and the governance structures needed to achieve that.

- Civil society and social movement media that can be used to educate, inform, and engage local to global responses and activities.

- Community-owned technology systems that serve as alternatives to government or corporate controlled digital infrastructures.

- Commoning projects around the world (open source, open knowledge, etc.) and the solidarity economy movement.

- Internet tools to support social justice movements, and how to link with Internet activists to build these.

- Examples of effective stakeholder activism (for instance advances in Internet and privacy rights, movements that promote net neutrality or oppose zero-rating, social-justice oriented shareholder activism across industry sectors).

- Fighting surveillance by supporting security based on enhancing the fundamental rights of the end-user via strong encryption and privacy-enhancing technologies, rather than the cybersecurity discourse of corporations and governments.

- Examples of gender equity/women's rights successes in ICT policymaking.

- Specific perspectives and approaches that young people can bring, growing up as 'digital natives,' as prime targets of digital corporate strategies, and as among the most articulate and creative builders of alternatives.

The Internet Social Forum collective encourages interested groups or persons to contact us by writing to: secretariat@internetsocialforum.net

____

2. Contribution from Observer, Bill Graham, Centre for International Governance Innovation (CIGI)

Dear members of the CSTD Working Group on Enhanced Cooperation:

First I would like to thank you, and particularly Dr. Benedicto Fonseca, Chair of the CSTD Working Group on Enhanced Cooperation, for your kind invitation to the public to provide contributions on two questions that will guide the second meeting of the group, scheduled to take place on 26-27 January 2017. I believe it is important to take into account the views of all stakeholders on the future development of enhanced cooperation, pursuant to the Tunis Agenda.

The following contribution is mine alone, and does not represent the views of any other organization.

By way of introduction, I would like to introduce my particular interest in the topic of enhanced cooperation, and the work of the CSTD Working Group. During both phases of the World Summit on the Information Society, I was one of two Heads of the Canadian Delegation during the preparatory process. In that role, I played a significant role in the negotiation of the WSIS text on Internet Governance, among other topics, and was intimately involved in discussions leading to the successful conclusion of those negotiations, including acceptance of the text on enhanced cooperation. I was a member of the Internet Governance Forum Multistakeholder Advisory Group from its inception until the 2011 IGF, first as a government representative, and then as a representative of the technical community for ISOC. From 2007, I was the executive in charge of strategic global engagement for the Internet Society, and in that role worked closely with governments, the private sector, the technical community and civil society to advance WSIS followup, including regularly reporting on the Internet Society's contribution to enhanced cooperation, and to UN and ITU work on the topic. In 2011 I was elected to the ICANN Board of Directors, and until I stepped down in 2014 I was one of the Board members responsible for monitoring and advising on enhanced cooperation as well as the IGF. In short, I was closely involved with the development of the commitment to enhanced cooperation, and with subsequent efforts to ensure effective implementation for nearly ten years. Most recently, in my current position as a Senior Fellow at the Centre for International Governance Innovation, I have been working on related topics as the Secretariat Lead Author of the report of the Global Commission on Internet Governance [see ourinternet.org], which was launched at the 2016 OECD Ministerial Meeting in Cancun, Mexico. Drawing on this wealth of experience, I herewith offer my views on the two questions posed by the Working Group.

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

One of the key lessons learned during the WSIS discussions on Internet Governance is that the Internet is above all a cooperative effort, a characteristic derived from its design as a means of interconnecting a broad network of networks to the mutual benefit of the network providers and, most importantly, the broad public of Internet users, now numbering well over one billion. As recognized by the WSIS documents, and most particularly in Paragraph 31 of

the Tunis Agenda, this cooperative effort must be maintained in the governance of the Internet:

> 31. We recognize that Internet governance, carried out according to the Geneva principles, is an essential element for a people-centred, inclusive, development-oriented and non-discriminatory Information Society. Furthermore, we commit ourselves to the stability and security of the Internet as a global facility and to ensuring the requisite legitimacy of its governance, based on the full participation of all stakeholders, from both developed and developing countries, within their respective roles and responsibilities.

Consistent with this, the Tunis Agenda paragraph 71, specifically referring to enhanced cooperation strongly stresses the need to involve all stakeholders:

> 71. The process towards enhanced cooperation, to be started by the UN Secretary-General, involving all relevant organizations by the end of the first quarter of 2006, will involve all stakeholders in their respective roles, will proceed as quickly as possible consistent with legal process, and will be responsive to innovation. Relevant organizations should commence a process towards enhanced cooperation involving all stakeholders, proceeding as quickly as possible and responsive to innovation. The same relevant organizations shall be requested to provide annual performance reports.

Reinforcing this commitment to engaging the multistakeholder community is the call for all relevant organizations to provide annual performance reports. It is clear from this text, and from the annual invitation from the Executive of the United Nations to submit reports on enhanced cooperation, that the essence of enhanced cooperation is the involvement of all stakeholders to improve the mechanisms of Internet Governance, consistent with legal process, and responsive to innovation. I believe these principles are entirely consistent with the call in paragraphs 69 and 70 of the Tunis Agenda for governments to take up their responsibilities for public policy development, but not in isolation, but rather in cooperation with other stakeholders, each of which has its respective role and responsibilities.

In that framework, enhanced cooperation can be seen as having the characteristic of taking place within established legal process, rather than as an extra-legal or ad hoc pursuit. And finally, a further essential characteristic is that Internet Governance is not, and is not intended to be a static process, but rather one which is responsive to innovation. This characteristic shows that the drafters of the Tunis Agenda clearly understood that the Internet is rapidly evolving both through technological innovation, but also through social innovation as it experiences dramatic growth and increasing diversity in its user base.

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?

Based on these high level characteristics, as well as the work already done in the area of enhanced cooperation, the Working Group can achieve the greatest benefit by turning its attention to finding concrete mechanisms to bring all stakeholders together in productive work to anticipate what public policy challenges are likely to arise in the field of Internet Governance. Public policy cannot be effective if it is developed in a vacuum; it must draw on the best available information from lessons learned in various jurisdictions, from emerging

technical, business and social trends, and innovative policy thought on ways that all stakeholders can collaborate to benefit from opportunities and to anticipate and address threats on the Internet. This is not easy work.

The recent report of the Global Commission on Internet Governance can be helpful in this respect. The Commission, composed of a wide range of global experts from many sectors, identified an urgent need to evolve effective multistakeholder mechanisms, and in particular, to develop a new global social contract for the Internet.

The Commission envisions a world in which the Internet reaches its full economic and social potential, where fundamental human rights such as privacy and freedom of expression are protected online. This optimistic future can only be achieved if there is universal agreement to collectively develop a new social compact ensuring that the Internet continues on track to become more accessible, inclusive, secure and trustworthy. There must be a mutual understanding between citizens and their state that the state takes responsibility to keep its citizens safe and secure under the law while, in turn, citizens agree to empower the authorities to carry out that mission, under a clear, accessible legal framework that includes sufficient safeguards and checks and balances against abuses. Business must be assured that the state respects the confidentiality of its data and they must, in turn, provide their customers the assurance that their data is not misused. There is an urgent need to achieve consensus on a social compact for the digital age in all countries. Just how urgent is shown by current levels of concern over allegations of intrusive state-sponsored activities ranging from weakening of encryption to large-scale criminal activity to digital surveillance to misuse of personal data, and even to damaging cyber attacks and disruption.

The Commission's recommendations in this regard are of vital importance to the continuing evolution of the Internet, and of our economies and societies. The Working Group on Enhanced Cooperation is well placed to beneficially advance global efforts in the direction of achieving the necessary shared understanding and agreement on a new social compact. 2017 meeting of the WGEC provides an excellent opportunity to commence this work.

Yours sincerely,

Bill Graham
Senior Fellow, Global Security and Politics Program
Centre for International Governance Innovation

3. Contribution from Observer, Centre for Communication Governance, National Law University, Delhi

Centre for Communication Governance at the National Law University, Delhi Submission to the Open Consultation of the Working Group on Enhanced Cooperation[1]

The Centre for Communication Governance would like to thank the Working Group on Enhanced Cooperation (WGEC) for the opportunity to submit this comment. We have actively engaged with the WSIS process and the WGEC since 2012 when we submitted comments to the consultation on internet related public policy issues.[2] We have since participated in the WSIS+10 Review through our submissions and interventions.[3]

Our response to the two questions put forward in this Open Consultation is based on past UN precedent and on a literature review of multistakeholder governance models. However, we realise that the questions were broadly framed since the WGEC is yet to define the scope of its work. Hence, our submission is not very detailed. But, we look forward to supporting the work of the WGEC over the next year and to making more detailed interventions in the future.

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

There is no clear definition of the term 'enhanced cooperation' as it is used in the Tunis Agenda. However, references to the term can be found in many UN documents and processes. Resolution 53/95 of the UN General Assembly (UNGA) on cooperation between

---

[1] This Comment has been authored by Puneeth Nagaraj and Aarti Bhavana.

[2] Centre for Communication Governance, 'Inputs to Consultation on Public Policy issues pertaining to the Working Group on Enhanced Cooperation (WGEC)', available at < http://ccgdelhi.org/doc/Inputs%20to%20Consultation%20on%20Public%20Policy%20issues%20pertaining%20to%20WGEC.pdf> (last accessed 2nd December, 2016).

[3] Centre for Communication Governance at National Law University, Delhi Comment on the Non-paper, available at <http://workspace.unpan.org/sites/Internet/Documents/UNPAN95332.pdf> (last accessed 7th December, 2016); Centre for Communication Governance at National Law University, Delhi Comment on the Zero Draft, p. 4, available at < http://workspace.unpan.org/sites/Internet/Documents/UNPAN95431.pdf/> (last accessed 7 th December, 2016).

the UN and the Organisation for Security and Cooperation in Europe (OSCE) highlighted the importance of enhanced cooperation between the two organisations. [4] The same resolution also acknowledged a Memorandum of Understanding on enhanced cooperation between the OSCE and the United Nations High Commissioner for Refugees (UNHCR).[5] The Memorandum of Understanding between the UNHCR and OSCE outlined activities on which the UNHCR and the OSCE would cooperate.[6]

In 2007, the United Nations Environment Programme (UNEP), the UN Department of Economic and Social Affairs (UN DESA) and the Food and Agricultural Organisation (FAO) set up a working group to enhance cooperation between the three organisations. The Ad Hoc Joint Working Group to Enhance Cooperation and Coordination (AHJWG)[7] sought to enhance cooperation in the implementation of three international conventions that deal with environment pollution.[8] The AHJWG found that enhanced cooperation required policy coordination and the effective and efficient use of resources. [9] The AHJWG also developed ten guiding principles for their future work which might be of interest to the WGEC.[10]

The two examples cited above throw some light on the meaning of enhanced cooperation between UN bodies and other international organisations. The WGEC however, faces a different question. As stated in paragraph 71 of the Tunis Agenda, the enhanced cooperation process must 'involve all stakeholders in their respective roles'.[11]

---

[4] United Nations General Assembly Resolution A/RES/53/85 (1999) available at
< http://www.worldlii.org/int/other/UNGA/1998/164.pdf> (last accessed 2nd December, 2016).
[5] *Id* at para 4.
[6] Available at
< http://www.unhcr.org/partners/partners/4e0839166/memorandum-understanding-osce-office-democratic-institutions-human-rights.html > (last accessed 7th December, 2016).
[7] Report of the joint meeting of the 3rd Ad Hoc Joint Working Group (2008) available at < http://ahjwg.chem.unep.ch/> (last accessed 2nd December, 2016).
[8] *Id.*
[9] International Institute for Sustainable Development, "Chemical Conventions Discuss Enhanced Cooperation" (2007), available at
< http://sdg.iisd.org/news/chemicals-conventions-discuss-enhanced-cooperation/?rdr=chemicals-l.iisd.org> (last accessed 2nd December, 2016).
[10]
Id.; Also see Final Report of the Ad Hoc Joint Working Group, available at
< https://sustainabledevelopment.un.org/content/documents/40synergies_success_stories_4web.pdf> (last accessed 2nd December, 2016).
[11] See para 71 of the Tunis Agenda (2005), available at <http://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html> (last accessed 2nd December, 2016).

The UN Conference on Environment and Development (UNCED), 1992 was the first conference that called for the engagement of different social groups in the follow up of Agenda 21 and identified their roles and responsibilities.[12] Agenda 21 identified nine[12]different social groups that should be involved in developing policy and implementing.[13] Section 3 of Agenda 21 also identified the roles each of these stakeholders could play.[14]

More recently, the Human Rights Council has looked at engaging with stakeholders through its work on business and human rights. First, the Human Rights Council resolution on business and human rights[15] emphasised the importance of multistakeholder dialogue to[15]better understand the challenges faced by different stakeholders. Second, the Working Group on Human Rights and Transnational Corporations is looking closely at the way in which the UN Guiding Principles on Business and Human Rights can be implemented with the involvement of stakeholders.[16] This working group addresses many questions on stakeholder[16]participation and engagement that might be relevant to the WGEC.[17]

The fora discussed above have dealt with different facets of enhanced cooperation at a high level and may be useful in defining the scope of the WGEC. As the work of the WGEC progresses, we would be happy to address more specific questions related to enhanced cooperation in the context of internet governance.

---

[12] Felix Dodds, "Multi-stakeholder partnerships: Making them work for the Post-2015 Development Agenda" at p. 6, available at < http://www.un.org/en/ecosoc/newfunct/pdf15/2015partnerships_background_note.pdf> (last accessed 2nd December, 2016).

[13] See Section 3 of Agenda 21, available at
< https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> (last accessed 2nd December, 2016).
[14] Id

[15] United Nations General Assembly Resolution A/HRC/RES/17/4 (2011) available at
< https://business-humanrights.org/sites/default/files/media/documents/un-human-rights-council-resolution-re-hu man-rights-transnational-corps-eng-6-jul-2011.pdf> (last accessed 2nd December, 2016).

[16] Working Group on the issue of human rights and transnational corporations and other business enterprises, available at
< http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx> (last accessed 2nd December, 2016).

[17] Working Methods of the Working Group on the issue of human rights and transnational corporations and other business enterprises, < http://www.ohchr.org/EN/Issues/Business/Pages/WorkingMethods.aspx> (last accessed 2nd December, 2016).

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?

The work of the previous WGEC was useful in outlining the substantive policy questions related to enhanced cooperation and clarifying some aspects of enhanced cooperation as mentioned in paragraphs 69-71 of the Tunis Agenda. In the submissions received by the previous WGEC, there was a general agreement that internet governance required multi-layered, multidimensional cooperation.[18] The Report of the Secretary General on the WGEC recognised that different kinds of stakeholder engagement were suited to different types of policy innovation.[19] There was also agreement on the need to identify issues in more detail, as a general notion of enhanced cooperation would serve a limited purpose.[20] To this extent, the CSTD report mapping international internet public policy issues is a useful starting point.[21]

However, opinions diverged on the procedural aspects of enhanced cooperation. For some, it meant intergovernmental deliberations as seen at the UN, while others understood it to involve other stakeholders, as seen at the IGF.[22] These discussions, take us back to paragraph 71 of the Tunis Agenda, which requires that the process of enhanced cooperation must 'involve all stakeholders in their respective roles'. To put it another way, paragraph 71 raises the question of multistakeholder governance of the internet.

---

[18] Report of the Secretary General on Enhanced Cooperation on Public Policy Issues related to the Internet, A/66/77–E/2011/103 (2011) at para 22, available at
< http://unctad.org/meetings/en/SessionalDocuments/a66d77_en.pdf> (last accessed 2nd December 2016).
[19] *Id.*
[20] *Id.*, at para 14.
[21] Commission on Science and Technology for Development Report on the 18th Session, "Mapping of International Internet Public Policy Issues" (2015) available at
< http://unctad.org/meetings/en/SessionalDocuments/ecn162015crp2_en.pdf> (last accessed 2nd December, 2016).
[22] *Supra*, note 18, at para 21.

Multistakeholder governance has existed long before internet governance.[23] It has been used in a number of issue domains such as human rights, climate change and the development of labour standards to name a few. As DeNardis and Raymond note, there are multiple forms of multistakeholder governance, that depend on the types of actors involved and the nature of authority between them.[24] However, this is only possible where dialogue and the reconciliation of interests is an option.[25] It is important to realise that multistakeholder governance may not be appropriate in every area of internet governance.[26]

As was also identified by the contributions to the previous WGEC's report, internet governance deals with many complex, multi-layered issues. Some tasks may be better suited to the private sector, some to intergovernmental negotiations and some to multistakeholderism. The task of this WGEC is in linking the policy processes identified by the previous WGEC to different governance configurations. Hence, it must consider recommendations that address this gap.

---

[23] John E. Savage and Bruce W. McConnell, "Exploring Multi-stakeholder Internet Governance", East West Institute (2015) at pp. 4-5, available at

<https://www.eastwest.ngo/sites/default/files/Exploring%20Multi-stakeholder%20Internet%20Governance_0.pdf> (last accessed 2nd December, 2016).

[24] Laura DeNardis and Mark Raymond, "Thinking Clearly about Multistakeholder Internet Governance", Paper presented at 8th Annual GigaNet Symposium in Bali, Indonesia (2013) at pp. 9-11, available at

<http://www.phibetaiota.net/wp-content/uploads/2013/11/Multistakeholder-Internet-Governance.pdf> (last accessed 2nd December, 2016).

[25] *Supra*, note 18.

[26] *Supra,* note 19.

4. Contribution from Observer, Centre for Internet and Society

CIS Inputs to the Working Group on Enhanced Cooperation on Public Policy Issues Pertaining to the Internet (WGEC)

Prepared by Sunil Abraham and Vidushi Marda, with inputs from Pranesh Prakash.

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

    a. The Tunis Agenda leaves the term "enhanced cooperation" unclearly defined. What is clear, however, is that enhanced cooperation is distinct from the Internet Governance Forum.

    b. According to Paragraph 69 of the Tunis Agenda, enhanced cooperation will enable
    "governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues." In other words enhanced cooperation should result in in the development and enforcement of international public policy and only " *day-to-day technical and operational matters"* with no public policy impact and national public policy is exempt from government-to-government enhanced cooperation.

    c. According to Paragraph 70, enhanced cooperation includes *"development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources."* According to the paragraph, *"organizations responsible for essential tasks associated with the Internet"* should create an environment that facilitates this development of these principles using *"relevant international organizations"*. In other words, both Internet institutions [ICANN, ISOC and RIRs] and multilateral organisations [WIPO, ITU, UNESCO etc] should be used to develop principles.

    d. Paragraph 71 gives some further clarity. According to this paragraph, the process for enhanced cooperation should 1) be *"started by the UN Secretary General"* 2) *"involve all stakeholders in their respective roles"* 3) *"proceed as quickly as possible"* 4) be *"consistent with legal process"* 5) *"be responsive to innovation".*

    e. Again according to Paragraph 71, enhanced cooperation should be commenced by "relevant organisations" and should involve "all stakeholders". But only the *"relevant organisations shall be requested to provide annual performance reports."* Enhanced cooperation as envisioned in the Tunis Agenda, therefore, calls for a multistakeholder model where each constituency leads the process of developing principles and self-regulatory mechanisms that does involve *all* stakeholders at all stages, but rather, one that requires participation from *relevant* stakeholders in accordance with the issue at hand at the relevant stage.

f. For government-to-government enhanced cooperation, governments need to agree on what is within the exclusive realm of "national public policy" for ex. national security, intellectual property policy, and protection of children online. Governments also need to agree on what is within the remit of "international public policy" for ex. cross border taxation, cross border criminal investigations, cross border hate speech. Once this is done, the governments of the world should pursue the development and enforcement of international law and norms at the appropriate forums if they exist or alternatively they must create new forums that are appropriate.

g. For enhanced cooperation with respect to non-government "relevant organisations" [different sub-groups within the private sector, technical community and civil society], we believe that the requirements of Paragraph 71 can be understood to mean that enhanced cooperation is the "development of self regulatory norms" as a complement to traditional multilateral norm setting and international law making envisioned in Paragraph 69. In other words, the real utility of the multi-stakeholder model is self-regulation by the private sector. Besides the government, it is the private sector that has the greatest capacity for harm and therefore is in urgent need of regulation. The multistakeholder model will best serve its purpose if the end result is that the private sector self-regulates. Most of the harm emerging from large corporations can only be addressed if they agree amongst themselves. Having a centralised or homogenous model of enhanced cooperation will not suffice, the model of cooperation should be flexible in accordance with the issue being brought to the table.

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?

a. The previous work of the WGEC is useful as a mapping exercise. However, the working group was unable to agree on a definition of Enhanced Cooperation. In our previous response we have clearly indicated that enhanced cooperation is 1) development of international law and norms by governments at appropriate international/multilateral fora 2) articulation of principles by *"organizations responsible for essential tasks associated with the Internet"* and *"relevant international organizations"* and 3) development of self-regulatory norms and enforcement mechanisms by private sector, technical community and civil society with a priority for the private sector because they have the greatest potential after government for harms. To repeat, the Tunis Agenda makes it very clear that enhanced cooperation is distinct from the IGF. If the IGF is only the learning forum, we need a governance forum like ICANN so that different constituencies can develop self regulatory norms and enforcement mechanisms with inputs from other stakeholder constituencies and the public at large.

5. Contribution from Observer, DENIC (German ccTLD Registry, .de)

Comments by DENIC (German ccTLD Registry, .de)

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

DENIC is the registry for .de, one of the world's largest TLDs with more than 16 million registered domain names. DENIC is an active member within the ICANN community and its ccNSO. DENIC was involved from the very beginning in both the WSIS and IGF processes. DENIC is also a key supporter of the emerging network of schools on Internet Governance (SIG), as we demonstrated recently at the 11th Internet Governance Forum held in Guadalajara.

Based on the working definition of Internet Governance, as laid down in paragraph 34 of the Tunis Agenda (November 2005) and as reiterated in the Final Document of the High Level WSIS +10 Meeting of the United Nations General Assembly (December 2015), DENIC understands the concept of enhanced cooperation in Internet Governance as a broad concept, which includes various interlinked and interconnected components.

We strongly support the approach proposed by a group of high-level experts at a multistakeholder Internet Governance Symposium in July 2008 in Meissen, which defined enhanced cooperation in Internet Governance as "enhanced communication, coordination and informal as well as formal collaboration among governmental and non-governmental stakeholders in open, transparent and inclusive bottom-up policy development processes (PDP), in shared decision making and in implementation with the aim to achieve a sustainable framework for the evolution und the use of the Internet (EC³)."

DENIC further considers "enhanced cooperation" a distributed and layered mechanism, where, on the one hand, each stakeholder group is challenged to promote enhanced cooperation among its own members and where, on the other hand, all stakeholders are invited to enhance cooperation across stakeholder silos and barriers with other stakeholders and across regions.

As a member of the technical community, DENIC sees a need to enhance cooperation both among the ccTLD community and with our partners in the technical community, such as gTLD registries, registrars, ISPs, Regional Internet Registries (RIRs) and Internet Protocol Standardisation Development bodies, like the IETF, W3C, and others. At the same time we have a natural interest in enhancing our cooperation with governments, the business sector and civil society organisations, including user groups, which comprise, inter alia, the registrants of .de domains.

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?

The IANA transition being successfully completed, DENIC considers one of
the most controversial paragraphs of the Tunis Agenda as successfully
addressed. Paragraph 69 recognised "the need for enhanced cooperation in
the future, to enable governments, on an equal footing, to carry out their
roles and responsibilities, in international public policy issues
pertaining to the Internet, but not in the day-to-day technical and
operational matters, that do not impact on international public policy
issues".

With the IANA transition being implemented, all governments within ICANN
can now carry out their roles and responsibilities on an equal footing.
There is no government anymore that is seen to have a "special role or
responsibility" within ICANN's context. Within the GAC, each government
has a potential veto right to block any consensus advice to the ICANN
Board. Insofar, the principle of sovereign equality among states, which
guides UN organisations dealing with Internet issues, such as UNGA,
UNESCO, UNCSTD, WIPO and others, is now applied in the GAC. The GAC – with
currently more than 170 members - has grown into an important Internet
body and has become a key part of the empowered ICANN community. This
development is welcomed by DENIC.

Paragraph 70 of the Tunis Agenda refers, inter alia, to general principles
of enhanced cooperation. In this context, DENIC supports the NetMundial
Principles of the Sao Paulo Declaration from April 2014. Those principles
were drafted in a truly bottom-up, open and transparent multistakeholder
process and supported by a great majority of governments, private sector
corporations, civil society groups and technical organisations.
We would welcome more reports on how the Sao Paulo principles are being
implemented and how the multistakeholder model is being further enhanced.
Paragraph 71 of the Tunis Agenda proposes such reports to be submitted
annually. DENIC would support any recommendation by the WGEC to produce
such an annual report.

As to the WGEC, we primarily expect it to give recommendations how to
further enhance cooperation on Internet governance both within and among
the stakeholder groups. DENIC understands that there is no "one size fits
all" solution for Internet related public policy issues. We consider the
publication of best practices as a good instrument to enhance issue-based
cooperation among governmental and non-governmental stakeholders.
One good example is the policy development processes (PDPs) that have been
worked out during the IANA Transition, where cross constituency working
groups (CCWG) used an iterative process with public comment periods and
involved representatives from all constituencies concerned. Such
experiences, even though they are very specific, can be an interesting

source of inspiration to develop innovative procedures for dealing with other Internet related public policy issues.

DENIC is aware that there are substantial differences in the political and legal nature of issues related to the "evolution" of the Internet on the one hand and issues related to the "use" of the Internet on the other. However, both layers are – as it was agreed in the working definition of the Tunis Agenda - interlinked and can neither be separated nor negotiated in isolation.

We expect the WGEC to give recommendations that provide a basis for channelling the various negotiations on Internet related public policy issues into a sustainable and flexible "Framework of Enhanced Cooperation for Internet Governance" (FRECIG), which would allow all stakeholders from government, the business sector, civil society and the technical community - on an equal footing and in their respective roles – to carry out their roles and responsibilities to enhance communication, coordination and collaboration around issues related to the evolution and the use of the Internet. We consider the global Internet Governance Forum (IGF) and the related regional and national IGFs valuable building blocks for such a "Framework of Enhanced Cooperation in Internet Governance".

Dr. Jörg Schweiger

CEO

DENIC eG

Kaiserstraße 75 - 77

60329 Frankfurt

6. Contribution from Observer, Nelly Stoyanova, Bulgaria (in her personal capacity)

What are the high level characteristics of enhanced cooperation?

Dear colleagues

Thank you for this opportunity to share my personal opinion on enhanced cooperation.

I could list some of the main principles for enhanced cooperation, in my personal understanding and experience at the national level to implement an efficient cooperation model for internet governance, which I consider valid at the global level also:

- Multistakeholder governance model
- Inclusion
- Active participation
- Transparency and Accountability
- Willpower and commitment for achievement of common goals for public interest
- Clear roles and responsibilities
- Expertise
- Positive attitude
- Comprehensible language
- Trust
- Empathy

Best regards
Nelly

Nelly Stoyanova
Head of Information Society Policy Department
Ministry of Transport, IT and Communications
Republic of Bulgaria

7. Contribution from Observer, Réseaux IP Européens Network Coordination Centre (RIPE NCC)

Response to the consultation of the Working Group on Enhanced Cooperation for consideration at its second meeting

Submission of the RIPE NCC

15 December 2016

Introductory comments

The RIPE NCC thanks the Chair, and the Working Group, for the inclusive and transparent approach it has taken by accepting comments from all stakeholders at the beginning of its work.

In general, the RIPE NCC would suggest that the Working Group prioritise working on recommendations which are concrete and focus on delivering results related to enhanced cooperation that deliver practical benefits for end users of all kinds, especially those in developing and least-developed countries.

What are the high-level characteristics of enhanced cooperation?

It is our experience that this is one of the most difficult areas to gain consensus on and any consensus result is always a significant compromise. It is therefore hard to see how much value will be gained from focusing on characteristics of enhanced cooperation.

It may be more valuable to simply make clear that this is an area that has been challenging and to point to previous efforts, especially where it is possible to discern some common elements across those efforts.

What kind of recommendations should the Working Group consider?

The RIPE NCC believes the Working Group should focus on a few key areas:

1. It should agree that there are areas where the current level of enhanced cooperation as defined in Tunis have yet to deliver adequate results;
2. It should focus on recommendations that relate to what is communicated, and avoid those related to the network as a shared platform and resource upon which all communications rely – and further explicitly state that intra-national and international activities in relation to online communications should be least distortive or disruptive as possible to that shared platform. We have provided some more information on this concept in the Annex below.

3. It should identify areas where greater cooperation would be of general socioeconomic value, especially to developing and least-developed countries, and prioritize cooperation that is most likely to be effective in practical terms.

About RIPE NCC

The RIPE (Réseaux IP Européens) Network Coordination Centre, or RIPE NCC, is the Regional Internet Registry (RIR) for Europe, the Middle East and parts of Central Asia. As such, we allocate and register blocks of Internet number resources to a membership of around 15,000 organisations, mainly Internet service providers (ISPs), telecommunication operators, government and academic institutions, and corporations.

The RIPE NCC is a not-for-profit, membership-funded organisation that works to support and facilitate the activities of the open RIPE community and the wider Internet community.

www.ripe.net

ANNEX

The difference between the network and the data it carries

The Working Group should agree that the publicly Internet is two separate things:

1. The network that makes communications between any connected devices possible - the "network as a platform" [4];

2. The data and associated services that use that network as a communications platform (or "data carried by the platform").

The Network as a shared platform

The network is an interrelated web of hardware and software that utilize common standards to ensure each component has the common ability to perform certain functions relating to network operation. This concept – referred to as "interoperability" [5] – is important because it allows maximum flexibility in designing networks and related systems.

The grouping of standards that make communications interconnection in the network possible are known as the "Internet protocol (IP) stack." IP-based networks are designed to operate with maximum efficiency, and a continuous process of evolution of these standards responds to the need for greater performance, interoperability, resiliency, trust and security over time.

What we call the public Internet is a "network of networks," the large majority of them privately owned and managed by corporations, whether for the use of their employees or, in the case of Internet service providers (ISPs), for their customers to connect to the rest of the Internet.

Simply put, there are three types of entities that collectively make basic connectivity, and therefore the public Internet, possible:

1. Internet Service Providers (ISPs): entities that provide connectivity for end-users (ranging from single mobile devices to the largest corporations). Most countries have from several to dozens of operating ISPs.

2. Backbone providers: entities that connect ISPs to one another, but that do not have end-users as customers; these entities are often responsible for making connections between countries and continents possible.

3. The processes and institutions that manage those processes by which unique identifiers are allocated, such as IP addressing and the domain name system (DNS). These are analogous to telephone numbers or postal addresses in that they allow any

---

[4] For the technically minded, the network as a platform corresponds to the lowest four layers of the OSI model and the lowest three of the TCP/IP (RFC 1122) model.

[5] For a user-friendly overview of the Internet and the "network of networks" that it is comprised of, the Internet Society's "An Introduction to Internet Interconnection Concepts and Actors" (Internet Society, 2012) is recommended (see www.Internetsociety.org/sites/default/files/bp-interconnection.pdf).

"node" (of which your mobile phone is one, and your desktop PC or laptop is another) of the network to be identified and reached from any other node, and ensure that worldwide every single address is used only once.

Each ISP or backbone provider must do two things (aside from connecting to its customers):

- Connect to other ISPs so the exchange of data between their respective customers is possible, and connect to backbone providers (either directly or indirectly) to allow international traffic exchange. Without these agreements (often known as "peering" or "interconnection" agreements), the Internet would cease to be a global platform and exist solely as ISP-specific "islands" that would only allow users to connect to the other customers of their own ISP.

- Acquire the various types of technical addresses that are used for its equipment and that of its customers to connect to others, and implement the related services (like DNS servers) that allow every single device on the public Internet to have a unique address and to allow its customers to be found and to find all others.

The result of all this is that these networks (if left to themselves and the web of stakeholders who operate and maintain them) can:

- Automatically find the optimal (which is not necessarily the most direct) *route* between any two points at any given time.[6] An important fact to remember is that the route between any two points may traverse third countries, and that route may pass through *different* third countries at different times of the same day. This is especially common in border areas where two countries have dense populations near a shared border.

- Create a communications connection between any two points in a way that optimizes *performance* in the networks through which that communication passes. This can result in a route being taken that is *geographically* complex to ensure the communication "performs" better.

- Ensure that anyone may extend the public Internet simply by connecting a router[7] to the "edge" of the network and applying for a unique address for that router. Acquiring that address is often automatic, though public Internet addresses are ultimately distributed by Regional Internet Registries (RIRs)[8].

---

[6] Throughout this paper illustrations refer to connections between two points ("point to point"), to make key points easy to follow. There certainly are communications where a single origin is connecting to multiple endpoints simultaneously and each of these endpoints may be in different countries from one another.

[7] A router is a device that "talks" to other such devices to figure out how to forward requests from any device connected to it to any other part of the network. The standards used ensure that this can happen automatically, and as the network topology changes in real time these changes are "learnt" by those devices that need to know about them. Pretty much every business and residence has a router, in the latter case generally provided by the Internet service provider.

[8] These organisations are responsible for managing the key forms of addressing on the Internet, which are akin to the various types of addresses in the worldwide postal system in the functions they perform. All of them are ultimately linked to the Internet Assigned Numbers Authority (IANA), managed by the Internet Corporation for

The public Internet as a platform is inherently blind to geography in a way that the "offline" world is not.

How to treat the network as a platform

Looking at the network as a platform suggests several policy objectives that the Working Group could usefully endorse:

- **Avoid actions that impede or distort basic functions such as addressing and traffic routing.** Where a country needs to prevent some communication from taking place, or prevent access to certain information that the network carries for whatever reason (such as to block child pornography), it must do so in a way that does not affect the operation of the network that carries those communications.

- **Avoid actions that might impact upon "transit traffic."** As we have seen, traffic often – for reasons relating to the structure of the Internet – transits a country for which it is neither the destination nor the source. This argues strongly for such transit traffic to remain untouched and unhindered – after all, failing to respect transit traffic of others could lead to reciprocal lack of respect for your own.

- **Avoid national or international policies that distort private-sector choices about how equipment or services integral to the functioning of the network as a platform are made.** Measures of this type – often called "local hosting" obligations – can refer to elements of the network as a platform (like submarine cables, routers or related equipment), but they are most often intended to influence where applications, data and related services are hosted. Obligations that distort investment choices (where those choices would otherwise seek to optimize performance and resilience in the network everyone uses as a platform) should be avoided: aside from anything else, we cannot connect the unconnected four billion-plus people as quickly if individual countries' choices make the network more expensive for everyone. An example from the offline world is roads: we want roads to be well maintained, with enough lanes to handle peak traffic, and ideally to have multiple connections between locations so that when traffic congestion affects one road we can take alternative routes.

At the same time, we believe that there are positive objectives that the Working Group could highlight and build upon:

- **Establish information-sharing relationships between governments and network operators for developng strategies to improve network operation in a given location.** The challenges facing network developers and operators are diverse, and can relate to regulation, geography or commercial issues. There is no "one size fits all" solution, and successful strategies to develop capacity and improve network performance often

Assigned Names and Numbers (ICANN). IANA and the RIRs work together (more information is available at http://www.iana.org/numbers).

need to incorporate a range of considerations. Developing a model in which all stakeholders can effectively contribute is a first step towards this goal.

8. Contribution from Observer, Prof. em. Wolfgang Kleinwächter, University of Aarhus

UNCSTD Working Group on Enhanced Cooperation

Comments by Prof. em. Wolfgang Kleinwächter, University of Aarhus

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

My name is Wolfgang Kleinwächter. I am a Professor Emeritus on Internet Policy and Legislation at the University of Aarhus. From 2003 to 2005 I was a member of the UN Working Group on Internet Governance. Insofar I was deeply involved both in the drafting of the working definition of Internet Governance, as it was adopted by the Tunis Agenda, and in the designing of the different models of the so-called "oversight function" where governments could not agree in the Tunis Agenda.

The language "enhanced cooperation" in the Tunis Agenda represents an agreement on a disagreement among governments how to organize governmental oversight over critical Internet resources. The "diplomatic ambiguity", represented in the unclear and vague language, allowed the two conflicting parties to keep their face and to stick to their different ideas how Internet Governance should be globally organized.

In 2005 one group of governments wanted to see a new intergovernmental body - an Intergovernmental Internet Council (IIC) - to oversee the evolution and the use of the Internet in a more traditional top down policy making process. The other group if of government, supported by the majority of non-governmental stakeholders from the private sector, the technical community and civil society, preferred a multistakeholder model where policy is developed in open and transparent bottom up policy development processes (PDPs) which include all stakeholders in their respective roles on equal footing.

The conflict was further feeded by the fact, that in 2005 the US government played a unique oversight role over ICANN. ICANN is the key manager of the global domain name system, one of the critical Internet resources. In 2005, ICANN operated both under a Memorandum of Understanding (MoU) and the IANA contract with the US Department of Commerce. This US role was seen by many governments as a violation of the principle of sovereign equality of states, as laid down in the UN Charter. In their understanding, the process of enhanced cooperation, as agreed in the Tunis Agenda, was aimed primarily to bring all governments on an equal footing with regard to their involvement in ICANN.

Since 2005 the political and technical environment for the understanding of the concept of enhanced cooperation has changed substantially. The main and fundamental change is the termination of the special oversight and stewardship role of the US government. As a reaction to para. 69 of the Tunis Agenda in September 2006 the US government substituted the MoU by a new Joint Project Agreement (JPA) which reduced the oversight role of the US government over ICANN substantially. In 2009, the Obama Administration terminated formal US oversight and substituted the JPA by an Affirmation of Commitment (AOC) which introduces an innovative decentralized and multistakeholder oversight mechanism in form of periodically reviews in ICANNs Transparency and Accountability, Security and Stability, Competition and Consumer Choice and Whois. Finaly, in September 2016, the US government terminated also its stewardship role over the so-called IANA functions. ICANN is now independent and accountable to the so-called "empowered community" in which the 170+ members of ICANNs Governmental Advisory Committee play an important role and where all governments are treated on equal footing.

In 2005 there was no agreed definition, what "enhanced cooperation" could mean. In 2008 I was involved in a high level expert meeting which discussed the various components of "enhanced cooperation". The expert meeting included former academic members of the WGIG as well as key governmental negotiators, who has

been involved in the drafting of the Tunis Agenda. The meeting proposed a working definition for enhanced cooperation in Internet Governance. According to this proposal, enhanced cooperation in Internet Governance means "enhanced communication, coordination and informal as well as formal collaboration among governmental and non-governmental stakeholders in open, transparent and inclusive bottom-up policy development processes (PDP), in shared decision making and in implementation with the aim to achieve a sustainable framework for the evolution und the use of the Internet (EC³)."

This working definition includes components of enhanced cooperation both within each stakeholder groups, inter alia, within and among governments on equal footing, as well as among all governmental and non-governmental stakeholder groups. This working definition is not an official or worldwide recognized definition. But it has helped to structure a rather vague and complex process.

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?

@ Para 69: With the completed IANA transition all governments are now enabled on an equal footing "to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues". The WGEC could adopt a recommendation to the GAC, where now all governments have the same rights, to enhance the understanding of the role of the GAC in the so-called "empowered community" within ICANN.

@ Para 70: This paragraph calls for "the development of globally-applicable principles on public policy issues". Nine years after the Tunis summit, in April 2014 the Sao Paulo Multistakeholder NetMundial conference adopted a universal declaration of principles on public policy issues which were supported by a great majority of governments, private sector corporations, civil society groups and technical organisations. It would be good if the WGEC would expresses support to those principles and recommends procedures how those principles should be further implemented.

@ Para. 71: This paragraph asks for "annual performance reports." It would be good if the WGEC recommends to all involved governmental and non-governmental organizations to provide input into an annual „Internet Governance Development Report".

See also my Articles in CircleID:

Enhanced Cooperation in Internet Governance: From Mystery to Clarity? September, 12, 2013
http://www.circleid.com/posts/20131112_enhanced_cooperation_in_internet_governance_mystery_to_clarity/

Breaking Nonsense: Ted Cruz, IANA Transition and the Irony of Life, September 21, 2016
http://www.circleid.com/posts/20160921_breaking_nonsense_ted_cruz_iana_transition_and_irony_of_life/

9. Contribution from Observer State, Australia

CSTD Working Group on Enhanced Cooperation (WGEC)

Contribution from the Australian Government

Introduction

1. The Australian Government welcomes the opportunity to contribute to the Working Group's consideration of how to further implement enhanced cooperation as envisaged in the Tunis Agenda of 2005.

2. Australia characterises enhanced cooperation as the continuing ambition to improve collaboration between all stakeholders in internet governance and decision making. Global internet infrastructure is largely owned and operated by the private sector. Australia advocates the multi-stakeholder approach of internet governance that allows governments, the private sector, the technical community and the public to contribute on equal footing to discussions about the management of key internet resources.

3. Governments, industry, civil society, the technical community, academia and international organisations have all played an important role in shaping the evolution and use of the internet and should continue to do so in the future. This will ensure the internet remains a central point for innovation and a driver of global economic growth and socio-economic opportunities.

4. Australia's contribution to the Working Group provides an example of enhanced cooperation in practice, drawing on the development and implementation of Australia's 2016 Cyber Security Strategy. We offer this example to illustrate an open and transparent process which encourages the equal participation of all stakeholders. We also provide a brief overview of Australia's cyber cooperation program which will contribute to enhanced capacity and cooperation in the Indo-Pacific.

Enhanced cooperation in practice - Australia's Cyber Security Strategy

5. Australia's Cyber Security Strategy was launched in April 2016, after 18 months of consultation and preparation. The Strategy sets out a philosophy and program for meeting the dual challenges of the digital age – advancing and protecting Australia's shared interests online. The Strategy is clear that security and online freedoms are self-reinforcing. A secure cyberspace provides trust and confidence for individuals, business, the public sector and ultimately the global community to share ideas and innovate online for the benefit of all.

6. The Strategy was developed by drawing on the views of an Independent Panel of Experts, submissions received during a public consultation process, and one-on-one consultations with more than 180 business leaders, industry experts and

academics. The result is five themes and 33 co-designed cyber security initiatives, all intended to pursue common prosperity and security in the digital age. The development of the Strategy represented a commitment to openness and transparency where the final product is a multi-stakeholder effort—shaped by those who benefit from it.

7. One of the Strategy's five themes is a national cyber partnership between government, academia and industry to strengthen leadership and tackle emerging issues. This partnership involves regular meetings and information sharing initiatives to enhance cooperation between government and industry.

8. Australia's first Joint Cyber Security Centre, to be opened soon, will facilitate the safe sharing of sensitive information between government and the private sector quicker and easier. The Cyber Security Centre will be complemented by a secure online threat sharing network. These initiatives are about promoting greater collaboration, delivering better outcomes, as well as improving the security and performance of the online economy. Australia is also working to co-design with the private sector, practical national voluntary guidelines promoting good practice to improve cyber security resilience.

9. The Strategy also calls for government to partner with industry in building strong cyber defences intended to better detect, deter and respond to threats and anticipate risks. Australian Stock Exchange (ASX) top 100 companies will be able to improve their cyber security through voluntary governance health checks—enabling boards and senior management to better understand their cyber security status and how they compare to similar organisations. In time, these health checks will be available for all public and private organisations—tailored to size and sector. The Strategy also provides for support for some 5000 small businesses to have their cyber security tested by certified practitioners.

Enhanced cooperation in the Indo-Pacific - cyber cooperation program

10. Australia characterises enhanced cooperation as supporting sustainable development which incorporates the participation of multiple stakeholders from developing countries. This is reflected in Australia's approach to cyber capacity building in the Indo-Pacific, in which emphasis is placed on involving civil society, industry and the research community in delivering assistance.

11. Australia is implementing a cyber cooperation program to assist countries in the Indo-Pacific region to develop their institutional capacity to tackle cyber threats, enhance their cyber security and address cybercrime. The funding will be used for activities and initiatives that include helping ODA eligible countries develop Computer Emergency Response Teams, and national cyber security strategies; reform legal frameworks to combat cybercrime; working to raise awareness of cyber security issues and policy makers; and assisting countries to fill gaps in cyber capacity identified in studies such as the *Cybercrime Needs Assessment* conducted for the Pacific Islands Forum or the World Bank study into

Cybersecurity and Legal Frameworks needed to Facilitate the E-Economy in the Pacific or their own cyber security strategies.

10. Contribution from Observer State, Saudi Arabia

Contribution from the Kingdom of Saudi Arabia

Working Group on Enhanced Cooperation (WGEC)

Q1. What are the high-level characteristics of enhanced cooperation

Based on Tunis Agenda, the following serves as high-level characteristics of enhanced cooperation:

- Art. 34, developed a working definition of Internet governance as "the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet".

- Art. 35-36, defined the roles of the stakeholders which recognized policy authority for Internet-related public policy issues is the sovereign right of States as they have rights and responsibilities for international Internet- related public policy issues.

- Art. 60-61, recognized that there are many cross-cutting international public policy issues that require attention and are not adequately addressed by current mechanisms. These articles recognize also that there is a need to initiate a transparent, democratic, and multilateral process with the participation of governments, the private sector, civil society and international organizations, in their respective roles, and that this process could envisage creation of a suitable framework or mechanisms, where justified, thus spurring the ongoing and active evolution of the current arrangements in order to synergize efforts.

- Art. 68, all governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet. It also recognized the need for development of public policy by governments in consultation with all stakeholders.

- Art. 69, there is a need for enhanced cooperation to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet. The Tunis Agenda recognized in Art. 35 that policy authority for Internet-related public policy is the sovereign right of States and that they have rights and responsibilities for international Internet-related public policy issues.

- Art. 70, enhanced cooperation should include the development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources. Relevant international organizations responsible for essential tasks associated with the Internet were called upon to contribute to creating an environment that facilitates this development of public policy principles.

- Art. 71, the process towards enhanced cooperation involves all stakeholders in their respective roles. The UN Secretary-General was to have started the process by 1Q2006 involving all relevant organizations who would involve all stakeholders and provide annual performance reports.

Q2. Taking into consideration the work of the previous Working Group on Enhanced Cooperation and the Tunis Agenda for the Information Society, particularly paragraphs 69-71, what kind of recommendations should be considered?

Since there is no framework or mechanisms which enables all governments, on an equal footing, to carry out their roles and responsibilities regarding policy authority for international public policy issues pertaining to the Internet and to develop international public policy in consultation with all stakeholders; therefore WGEC should concentrate on developing recommendations aiming to operationalizing enhanced cooperation with the creation of the necessary framework and mechanisms in order to enable all governments on an equal footing to carry out their roles and responsibilities.