

**UNITED NATIONS COMMISSION ON SCIENCE AND TECHNOLOGY  
FOR DEVELOPMENT**

**Working Group on Enhanced Cooperation**

**Compilation of recommendations contained in contributions from WGEC  
members and observers to the two questions agreed during the first  
meeting of the WGEC**

26 April 2017

*Document revised according to the inputs received as a follow-up to second WGEC meeting*

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## **I. Proposals of recommendations addressing specific existent institutions/processes/fora**

### **Recommendation 1. Richard Hill, APIG**

It is proposed to recommend that ICANN provide to all governments the same treatment that it has given to the USA.

It is proposed to recommend that ICANN exchange letters with any country that so requests, stating that it will not take any action to re-delegate the country's ccTLD without first obtaining express written approval from the government of the country in question.

It is proposed to recommend that ICANN delegate to any country that so requests up to three additional ccTLDs, with names of the form "ccXYZ", where "cc" is the two-letter country code, and "XYZ" are strings chosen by the country, for example "gov", "mil", "edu", or "01", "02", "03". Thus, if "rt" were a valid country code (which it is not), the corresponding country could request delegation of "rtgov" or "rt01"m etc.

### **Recommendation 2. Richard Hill, APIG**

1. Consequently, it is proposed to recommend that UNCTAD and UNCITRAL be mandated to study the issues related to the economic and social value or data, in particular "big data" and the increasing use of algorithms (including artificial intelligence) to make decisions, which issues include economic and legal aspects. In particular, UNCITRAL should be mandated to develop a model law, and possibly a treaty, on personal data protection, and UNCTAD should be mandated to develop a study on the taxation of robots.

### **Recommendation 3. Richard Hill, APIG**

2. Since the right of the public to correspond by telecommunications is guaranteed by Article 33 of the ITU Constitution (within the limits outlined in Article 34), it is proposed to recommend that IETF, ITU, OHCHR, and UNESCO be mandated jointly to study the issue of takedown, filtering, and blocking, which includes technical, legal, and ethical aspects.

### **Recommendation 4. Richard Hill, APIG**

3. Consequently, it is proposed to recommend that UNCITRAL be mandated to study the issue of intermediary liability, with a view to proposing a model law on the matter.

### **Recommendation 5. Richard Hill, APIG**

4. Consequently, it is proposed to recommend that IETF, ISOC, ITU, and OHCHR be mandated to study the issues of privacy, encryption and prevention of inappropriate mass surveillance, which include technical, user education, and legal aspects.

**Recommendation 6. Richard Hill, APIG**

5. Consequently, it is proposed to recommend that ITU, UNCITRAL and UNESCO be mandated to study issues related to IoT (including security of IoT devices, use of data from IoT devices, decisions made by IoT devices, etc.), which include technical, legal, and ethical aspects (for a partial list of such aspects, see Recommendation ITU-T Y.3001: Future networks: Objectives and design goals<sup>1</sup>). The studies should take into account Recommendation ITU-T Y.3013: Socio-economic assessment of future networks by tussle analysis<sup>2</sup>.

**Recommendation 7. Richard Hill, APIG**

6. Consequently, it is proposed to recommend that IETF, ISOC, ITU, UNCITRAL, and UNCTAD be mandated to study the issue of externalities arising from lack of security, which has technical, economic, and legal aspects. In particular, UNCITRAL should be mandated to develop a model law on the matter.

**Recommendation 8. Richard Hill, APIG**

7. Consequently, it is proposed to recommend that UNESCO and UNICTRAL be mandated to study the ethical issues of networked automation, including driverless cars, which include ethical and legal aspects.

**Recommendation 9. Richard Hill, APIG**

8. Consequently, it is proposed to recommend that ILO and UNCTAD be mandated to study the issues of induced job destruction, wealth concentration, and the impact of algorithms on social justice and that UNCTAD compile, and coordinate the studies made by other agencies such as OECD, World Bank, IMF.

**Recommendation 10. Richard Hill, APIG**

<sup>1</sup> <https://www.itu.int/rec/T-REC-Y.3001-201105-I>

<sup>2</sup> <http://www.itu.int/rec/T-REC-Y.3013-201408-I/en>

9.1 Consequently, it is proposed that UNCTAD be mandated to study the economic and market issues related to platform dominance, and to facilitate the exchange of information on national experiences, and that the ILO be mandated to study the worker protection issues related to platform dominance and the so-called “sharing economy”.

**Recommendation 11. Richard Hill, APIG**

9.2 Consequently, it is proposed to recommend that the Inter-Parliamentary Union (IPU) and the UN HCHR be mandated to study the potential effects of platform dominance on elections and democracy.

**Recommendation 12. Richard Hill, APIG**

10. Consequently, it is proposed to recommend that UNCTAD and WIPO be mandated to study the issues related to embedded software, which include economic and legal issues.

**Recommendation 13. Richard Hill, APIG**

To recommend that the USA make a binding agreement with other states to the effect that it would not exercise its jurisdiction over ICANN in ways that would violate the principles of equal footing and equal roles and responsibilities of all governments.

**Recommendation 14. Richard Hill, APIG**

to recommend that concerned states consider the matter and consider inviting the USA to convene a treaty negotiation on this matter.

**Recommendation 15. Richard Hill, APIG**

to recommend that the USA make a binding agreement with other states to the effect that it would not exercise its jurisdiction over Verisign (or any future operator of the authoritative root zone file) in ways that would violate the principles of equal footing and equal roles and responsibilities of all governments.

**Recommendation 16. Richard Hill, APIG**

to recommend that the USA, Japan, the Netherlands, and Sweden make a binding agreement with other states to the effect that they would not exercise their jurisdiction or operational

control over any root server in ways that would violate the principles of equal footing and equal roles and responsibilities of all governments.

**Recommendation 17. Richard Hill, APIG**

It is proposed to recommend that the USA agree to transpose into its national law the WIPO recommendations cited above regarding protection of country names, so that they could be enforced in the US courts that have jurisdiction over ICANN.

**Recommendation 18. Richard Hill, APIG**

We are of the view that the roles and responsibilities of the several stakeholders outlined in paragraph 35 of the Tunis Agenda should be revisited in light of developments and discussions that have taken place over the past 10 years. Therefore, we propose the following revisions to paragraph 35 of the Tunis agenda:

**35. We reaffirm** that the management of the Internet encompasses both technical and public policy issues, which may be inter-related, and should involve all stakeholders and relevant intergovernmental and international organizations. Decisions should always be informed as appropriate by inputs from stakeholders. In this respect it is recognized that:

- a) Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for ~~international~~ Internet-related public policy issues, and in particular for the protection of all human rights. Decisions should be informed by inputs from other stakeholders as appropriate.
- b) The private sector has had, and should continue to have, an important role in the development of the Internet, both in the technical and economic fields, and in providing objective factual information to policy decision-makers, so as to further the public interest and to achieve the shared goal of an equitable information society.
- c) Civil society has also played an important role on Internet matters, especially at community level at both the national and international levels, and should continue to play such a role. Further, it should provide views, opinions, and information to policy decision-makers and should be invited to comment, as appropriate, regarding public policy issues at both the national and international levels. Representatives, if representation is needed, should be selected through open, democratic, and transparent processes. Internal processes should be based on inclusive, publicly known, well defined and accountable mechanisms.
- d) Intergovernmental organizations have had, and should continue to have, a facilitating role in the coordination of Internet-related public policy issues and in the harmonization of national laws and practices.
- e) International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

The respective roles and responsibilities of stakeholders should be interpreted in a flexible manner with reference to the issue under discussion.

**Recommendation 19. Richard Hill, APIG**

Consequently, we recommend that ICANN consider taking the following actions:

1. Request a general OFAC waiver from the U.S. Commerce Department
2. Contractually oblige registrars to investigate the possibility of receiving an OFAC license for providing services to sanctioned countries
3. Prohibit registrars from arbitrarily cancelling domain names without notice
4. Obtain a legal opinion regarding whether registrars based in other countries need to comply with OFAC and US laws in general
5. Take any other actions which may alleviate the problem

**Recommendation 20. Richard Hill, APIG**

Consequently, it is proposed to recommend that the UN General Assembly be invited to consider the appropriate ways and means to convene a treaty-making conference to develop and adopt a binding treaty on norms to protect civilians on the Internet in times of peace, and to consider whether to develop a new treaty, or whether to invite the ITU to integrate such norms into its own instruments, for example the International Telecommunication Regulations.

**Recommendation 21. Richard Hill, APIG**

Consequently, we recommend that Internet governance matters not be discussed in WTO and related multi-party trade negotiations.

**Recommendation 22. Richard Hill, APIG**

We recommend that all entities involved in Internet governance discussions, including civil society entities, be transparent with respect to their funding sources.

**Recommendation 23. Richard Hill, APIG**

We recommend that a general provision on price transparency be included in a future international instrument, for example in a future version of the International Telecommunication Regulations (ITRs).

**Recommendation 24. Parminder Jeet Singh, IT for Change, and Richard Hill, APIG**

Below are some options, and there could be others, that are available for ICANN to transit from US jurisdiction.

1. ICANN can get incorporated under international law;
2. ICANN can move core internet operators among multiple jurisdictions,

3. ICANN can institute a fundamental bylaw that its global governance processes will brook no interference from US jurisdiction. If any such interference is encountered, parameters of which can be clearly pre-defined, a process of shifting of ICANN to another jurisdiction will automatically set in.
4. The US government can give ICANN jurisdictional immunity under the [United States International Organisations Immunities Act](#)

**Recommendation 25. Anriette Esterhuysen, APC**

- How the IGF, the primary UN-based forum for discussion of internet-related public policy, can be a more effective platform for enhanced cooperation among governments? It is already an effective platform for other stakeholder groups.

**Recommendation 26. Anriette Esterhuysen, APC**

- How resolutions relating to internet policy from the Human Rights Council and General Assembly, as well as recommendations from human rights treaty bodies and Special Procedures, can inform policy processes elsewhere in the UN system.

**Recommendation 27. Anriette Esterhuysen, APC**

- How bodies such as the ITU, UNESCO and UNDP and others who play a role in the WSIS follow up make linkages with the implementation and follow up of the Sustainable Development Goals (SDGs).

**Recommendation 28. Anriette Esterhuysen, APC**

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

**Recommendation 29. Parminder Jeet Singh, IT for Change**

3.2 The Technical Oversight and Advisory Board will advice on public policy perspectives to various technical standards bodies, and in this regard be the link between public policy bodies and these standards bodies.

### **Recommendation 30. Timea Suto, ICC Basis**

Existing, well-established processes for enhanced cooperation initiated since WSIS through outreach to relevant UN agencies as well as multistakeholder and technical organizations, including all stakeholders (such as those identified by WGEC1 and those that emerged since), should be recognized by the WGEC2 and widely shared across all stakeholders and geographies with the aim of encouraging all stakeholders to partake in and further shape and develop these processes.

22. a. In order to raise awareness among all stakeholders and encourage their participation in these processes, actions such as, but not limited to the below suggestions, could be considered:

- Continue to foster national IGF initiatives and promote the contributions they are willing to make into to regional IGF initiatives as well as into the annual global IGF.
- Stakeholders should continue working together to raise awareness across all relevant actors about the important Internet governance processes and forums at the national, regional and global levels.
- Foster mutual reinforcement of efforts by continuing to connect national and regional stakeholders at IGF initiatives, ICANN global and regional meetings, Internet Society and other Internet technical community events, as well as business community meetings such as ICC events and others.
- Fellowship and ambassador programmes sponsored by many stakeholders to help support developing country governments and other stakeholders with travel costs as well as youth outreach programmes to encourage awareness and participation of local or regional youth when in developing countries help fuel future participation. There is a need to continue building on and raising awareness of these opportunities
- Remote participation opportunities, webcasting, transcripts, and translation are extremely important today and need to be ensured where possible.

### **Recommendation 31. UNESCO**

- Recommendations for improving the IGF, particularly to ensure sustainable funding;

### **Recommendation 32. UNESCO**

- Recommendations for how enhanced cooperation can contribute to the 2030 Agenda for Sustainable Development and the creation of inclusive Knowledge Societies;

### **Recommendation 33. Constance Bommelaer, ISOC**

Strengthening the IGF model, at both the global and regional and national level, would therefore also enhance cooperation.

**Recommendation 34. India**

(viii) There is a need to empower Government Advisory Committee (GAC) of ICANN to play a meaningful and substantial role in international public policy issues relating to management of critical internet resources and security in the use of ICTs.

(ix) An institutional mechanism need to be created for Government Advisory Committee (GAC) to report to ECOSOC through CSTD WG on an annual basis on the public policy issues relating to internet.

**Recommendation 35. Iran (Islamic Republic of)**

- It should attend only to international public policy issues pertaining to the Internet and not in the day-to-day technical and operational matters. (Para. 69 Tunis Agenda)

- Governments should be enabled to carry out their roles and responsibilities in international public policy issues pertaining to the Internet. (Para. 69 Tunis Agenda)

**Recommendation 36. Canada**

The last WGEC had intended to look at barriers for participation in Enhanced Cooperation. In our view, this remains a problem and a report explaining these barriers and how to overcome them would be a successful outcome.

**Recommendation 37. Jimson Olufuye, AfICTA**

That all governments on equal footing should participate in the work of the Government Advisory Committee of Internet Corporation for Assigned Names and Numbers in the management of the Critical Internet Resources (CIR)

## **II. Recommendations on the follow-up to the previous WGEC working group**

### **Recommendation 38. Richard Hill, APIG**

0. We concur with the findings of the document E/CN.16/2015/CRP.2, Mapping of international Internet public policy issues, 17 April 2015, and propose to recommend that all the recommendations for further study in the cited document be endorsed.

### **Recommendation 39. Richard Hill, APIG**

Many sections of the cited document identify areas where further study would be appropriate, in particular 2.7 Net neutrality; 2.8 Cloud; 2.10 Internet of Things (IoT); 3.1 Cybersecurity; 3.2 Cybercrime; 3.4 Cyber conflict; 3.6 Encryption; 3.7 Spam; 4.1 Freedom of expression; 4.2 Privacy and data protection; 5.3 Copyright; 5.5 Labour law; 5.6 Intermediaries

## **III. Recommendations of priority of focus areas for future work**

### **Recommendation 40. Richard Hill, APIG**

We have identified some additional areas where further studies would be appropriate:

We submit specific proposals regarding the following international Internet public policy issues that require more study than is taking place at present:

1. The economic and social value of data and its processing
2. Takedown, filtering and blocking
3. Intermediary liability
4. Privacy, encryption and prevention of inappropriate mass surveillance
5. How to deal with the Internet of Things (IoT)
6. Externalities arising from lack of security and how to internalize such externalities
7. Ethical issues of networked automation, including driverless cars
8. How to deal with the job destruction and wealth concentration induced by ICTs in general and the Internet in particular
9. How to deal with platform dominance
10. How to deal with the increasing importance of embedded software

### **Recommendation 41. European Union**

We suggest that WGEC recommendations could include:

- Promote best practice in **consultation and engagement**, including how stakeholders can reach out proactively to one another in an informative and easily understandable way

- Consider how stakeholders can **make information and evidence available** in an open, accessible and timely way in order to support meaningful participation and engagement
- Develop principles on how stakeholders can **open up their policy-making processes** to input and scrutiny from other stakeholders
- Make practical suggestions for enabling **participation of stakeholders from developing countries**, taking into account cultural and linguistic diversity and the capacity constraints faced by least developed countries
- Consider how stakeholder representatives are chosen, including best practice in ensuring a **balance of stakeholder representatives** in multi-stakeholder forums
- Support **sustainable development**, particularly in terms of capacity-building, education and skills, in order to help bridge the digital divide
- Promote an **enabling environment for investment**, in particular promoting cooperation and partnership between governments, the private sector and other stakeholders which promotes investment in infrastructure and increases affordable connectivity in developing countries
- Promote an **enabling environment for innovation**, in particular ensuring that the Internet remains an open environment which facilitates innovation and encouraging cooperation between stakeholders to this end
- Avoid **duplicating existing work** but instead seek to develop existing forums, including building understanding of multi-stakeholder enhanced cooperation processes in the full range of existing international organisations
- Consider how best to **build cooperation on emerging topics**, particularly new issues presented by newly emerging technology, in a way which allows all stakeholders to participate.

#### **Recommendation 42. Constance Bommelaer, ISOC**

We see three priority areas to create an enabling environment for access:

- Expanding Infrastructure
- Fostering Skills and Entrepreneurship
- Supportive Governance.

All stakeholders have a role in shaping this environment, and facilitating multistakeholder dialogues and mechanisms at the national and regional levels is essential to ensure that the right policies are adopted.

#### **Recommendation 43. Nick Ashton Hart, technical community**

We 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.  
Examples: efforts to combat transboundary crime online.

#### **Recommendation 44. India**

(xi) With regard to the relevant international Public policy issues which may be considered by the WGEC, we propose that issues related to Internet Infrastructure and management of critical Internet resources, use of Internet including spam, network security and cybercrime, issues related to developmental aspects of Internet Governance, in particular capacity building in developing countries and issues relating to interconnection costs, meaningful participation in global policy development, data access and jurisdiction, trade and e commerce, cloud computing, big data mining and analytics, artificial intelligence and next generation networks may be included.

#### **Recommendation 45. Iran (Islamic Republic of)**

The WGEC should pave the way to materialize the access to technology by developing countries in order to play their role on equal basis.

- It should cover the concept of coordination and management of critical Internet resources.  
(Para. 70 Tunis Agenda)

#### **Recommendation 46. Pakistan**

- E-Governance. Roles, shared principles, norms, rules, decision-making procedures and programs of governments, private sector and civil society, in their respective areas, in Internet-related public policy issues;
- Cross-cutting international public policy issues that require attention at international for effective functioning of Internet resources
- Agreements on Technology Transfer
- Strategic Technology Planning
- Regional Backbone Infrastructure
- Capacity Building and Knowledge Sharing to bridge the development divide
- Strengthening Cyber Security
- Development of ICT Infrastructure and ICT Enabled Services
- Development and Adoption of Technical Standards
- Strengthening of cooperation in ICT matters such as promotion of Open Source Software Applications in the member countries and focus on software products and ICT Education
- Deployment of safe and secure ICT infrastructure including data centers & IT parks and sharing of countries experiences

- Capacity Building programs through exchange of technical & skilled human resource, IT Training & Education
- Entrepreneurship, Research and Innovation

**Recommendation 47. Asia-Pacific Regional Group, Pakistan**

- Recommendations on enhancing/improving e-Governance
- Recommendations on Internet Governance (International Internet Connectivity)
- Recommendations on universal access and connectivity (national, regional and international levels)
- Recommendations on the use of ICTs for socio-economic uplift
- Recommendations on cyber security standards/practices and their adoption
- Recommendations on capacity building programs
- Recommendations on assistance to developing countries including Least Developed for local development and manufacturing of ICT applications, equipment and technologies

**Recommendation 48. Hungary**

Special attention should be given to capacity-building, skills and education and also policy making in regions that need help and advices.

**Recommendation 49. Russian Federation**

**II Format of Enhanced cooperation**

Enhanced cooperation might have two formats based on the relevant roles and responsibilities of governments and other stakeholders.

<b>Format</b>	<b>Entity</b>	<b>Role of governments</b>	<b>Role of stakeholders</b>
<b>Intergovernmental</b> Between governments (para 69 TA)	<ul style="list-style-type: none"> <li>• UN separate body/frameworks/mechanisms</li> <li>• UN agencies</li> <li>• International and regional intergovernmental organizations</li> </ul>	Equal footing among governments	Consulting
<b>Multi-stakeholder</b> between governments and all other stakeholders (para 69)	<ul style="list-style-type: none"> <li>• Intergovernmental organizations with nongovernmental membership</li> <li>• International and regional</li> </ul>	Equal footing	Equal footing

and 71 TA)	organizations, forums etc.		
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### III Scope and Focus areas of Enhanced cooperation

Levels	Focus area
<b>Infrastructural</b>	<ul style="list-style-type: none"> <li>• Ensuring connectivity, stability, continuity, integrity and sustainability of the network</li> <li>• Coordination and management of critical Internet resources but not in the day-to-day technical and operational matters</li> <li>• Affordability and universal access</li> <li>• Security, safety, COP and combating spam and cybercrime at the infrastructural level</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Freedom of expression, privacy,</li> <li>• Ethics in Internet</li> <li>• Information Security</li> <li>• Confidentiality</li> <li>• Combating spam and cybercrime at the content level</li> <li>• Protecting children and vulnerable people from abuse and exploitation.</li> <li>• Intellectual Property Rights</li> <li>• Protection of personal data and information</li> <li>• Multilingualism and heritage</li> <li>• Capacity building</li> </ul>
<b>Social-economic development</b>	<ul style="list-style-type: none"> <li>• Digital transformation and SDGs</li> <li>• Bridging digital and gender divide</li> <li>• Enhanced involvement of developing countries in Internet governance</li> <li>• Human rights in cyberspace</li> <li>• Consumer protection</li> <li>• ICT applications, including international e-commerce, e-business, e-environment, e-health, e-agriculture</li> <li>• Elimination of ICT illiteracy</li> <li>• Etc.</li> </ul>

### V International organizations to be involved to Enhanced cooperation

Relevant international organizations responsible for essential tasks associated with the Internet should create an environment that facilitates this development of public policy principles.

HLPF, WSIS Forum, IGF could provide necessary platform for regular wide multi-stakeholder discussions.

International public policy issues	UN agencies	Forums
Infrastructural level	ITU, UNDP	WSIS Forum, IGF
Content level	UNESCO, UNCTAD,	WSIS Forum, IGF, HLPF

Social-economic development level	UNGIS,UNCTAD, UNDP, ITU, UNESCO, WIPO, WTO, UNDECA, WHO, FAO, WBG, UN Women	HLPF, WSIS Forum, IGF
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## VI Recommendations

- To include this material as an Annex to 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, that 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.
- To invite UN GA to consider reasonability of establishing UN separate body/frameworks/mechanisms for intergovernmental format of continuation of Enhanced cooperation in international public policy issues pertaining to the Internet.
- To invite relevant UN agencies, intergovernmental and international and regional organization responsible for essential tasks associated with the Internet to create and support an environment that facilitates this development of public policy principles.
- To recommend governments and all other stakeholders to use the Annex to WGEC 2 Report in their activities on continuation of Enhanced cooperation in international public policy issues pertaining to the Internet.

### **Recommendation 50. Prof. em. Wolfgang Kleinwächter, University of Aarhus**

@ Para 70: This paragraph calls for “the development of globally-applicable principles on public policy issues”. It would be good if the WGEC would express support to those principles and recommends procedures how those principles should be further implemented.

### **Recommendation 51. Jimson Olufuye, AfICTA**

Recognizing capacity gap in addressing Internet public policy matters in developing and least developed countries appropriate support mechanism should be enabled to bridge the gap.

## **IV. Recommendations addressing on coordination aspects**

### **Recommendation 52. Anriette Esterhuysen, APC**

we see the value of mapping of ongoing policy spaces and the creation of a mechanism for information sharing with these spaces to ensure interaction between content and outcomes of discussions at policymaking spaces.

**Recommendation 53. Anriette Esterhuysen, APC**

Enhanced cooperation requires sharing information among stakeholders and between policy spaces. In order for this to happen, information, including working documents, agendas, draft inputs and outputs, and outcomes must be easily accessible to all interested stakeholders

**Recommendation 54. Jimson Olufuye, AfICTA**

2. That on need basis, government, business, civil society, technical and academic community should evolve and engage on processes of inclusive cooperation on diverse global public policy matters pertaining to the Internet

**Recommendation 55. Jimson Olufuye, AfICTA**

3. That efforts be made to increase awareness of diverse global public policy matters pertaining to the Internet especially in the developing and least developed nations

**Recommendation 56. Janvier Ngnoulaye, University of Yaoundé**

Development of a Standard Layer Model of the Internet Ecosystem (SLMIE) for enhanced and stabilized cooperation.

**Recommendation 57. Nick Ashton Hart, technical community**

Are there areas where member-states' national legal frameworks ought to be interoperable – not harmonized, but interoperable – to facilitate sustainable development and bridging of the digital divide? The answer is clearly yes. We should try and list a few areas, such as safe harbours for platforms, data protection laws (more than 100 countries don't have any data protection law at all), and consumer protection frameworks.

**Recommendation 58. India**

The WGEC should encourage all stakeholders to come forward, participate and make their voices be heard in the formulation of public policies pertaining to the internet.

**Recommendation 59. Bill Graham, Centre for International Governance Innovation (CIGI)**

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.

**Recommendation 60. Réseaux IP Européens Network Coordination Centre (RIPE NCC)**

Establish information-sharing relationships between governments and network operators for developing strategies to improve network operation in a given location.

**Recommendation 61. Prof. em. Wolfgang Kleinwächter, University of Aarhus**

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“.

**V. Recommendations addressed to national governments**

**Recommendation 62. Anriette Esterhuysen, APC**

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

**Recommendation 63. Jimson Olufuye, AfICTA**

All countries including developing and least developed are encouraged to evolve national multi-stakeholder mechanism to address current and emerging regulatory and policy issues pertaining to the Internet.

**Recommendation 64. Timea Suto, ICC Basis**

Governments acting in a multistakeholder environment should contribute according to their mandates and competencies. However, when it comes to implementing policy, it is counterproductive to act alone. Multistakeholder processes create procedures whereby there is automatic consultation with all stakeholders on Internet-related public policy issues, in particular entities impacted by the results, responsible for the implementation, or part of what the policy impacts. Whether at the national or international level, any policy issue that impacts stakeholders needs to engage those stakeholders for the appropriate policy. To this end actions such as, but not limited to the following, might prove helpful:

- Continue to foster national IGF initiatives and promote the contributions they are willing to make into regional IGF initiatives as well as into the annual global IGF.
- From a practical point of view, a single national governmental point of contact or ambassador for Internet-related issues would help.
- Create national-level policy dialogue and consultation processes with all stakeholders, various countries already have different models of this to offer as examples.

**Recommendation 65. UNESCO**

- Recommendations for how to support Member States in ensuring that their Internet-related laws, policies and regulations involve the participation of all stakeholders and are aligned with international human rights and the principles of openness and accessibility.

**Recommendation 66. Nick Ashton Hart, technical community**

- Avoid actions that impede or distort basic functions such as addressing and traffic routing.

**Recommendation 67. Nick Ashton Hart, technical community**

- Avoid actions that might impact upon "transit traffic"

**Recommendation 68. Nick Ashton Hart, technical community**

- 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.

**Recommendation 69. India**

The working group should look into capacity building programmes for such nations so as to ensure that the next billion users. Hence the working group may look into avenues to increase

participation such as fellowships, remote participation etc.

**Recommendation 70. India**

(xii) The WGEC may also consider on priority ways and means to develop national capacities, particularly in developing countries, through setting up of Centres of Excellence on Internet Governance and related issues, establishment of R&D Centres in the area of Internet related public policy, introduction of formal courses on Internet Governance in premier educational institutions for Industries, academia and civil society and creation of online knowledge Repository Portal on Internet Governance.

**Recommendation 71. Iran (Islamic Republic of)**

7. To this end, the national efforts of the developing countries for creating, improving, and expanding capacities to allow their involvement in all aspects of the global information society should be facilitated by other governments and institutions. This could be done through, inter alia, sharing knowledge and experiences, enhancing capacity building, creating an enabling global environment, and transfer of technology.

**VI. Recommendations on the creation of new institutional mechanisms/instruments**

**Recommendation 72. Parminder Jeet Singh, IT for Change**

- Recommend a new UN based mechanism/body that enables all governments, on an equal footing, to develop international public policies pertaining to the Internet, and its associated digital phenomenon. (This would be similar to how there is WHO for health, UNESCO for education, FAO for food and agriculture, and so on.)
- This new 'body' will establish appropriate relationships with relevant existing policy bodies inside and outside the UN – in non-technical and technical areas; direct relevant public policy issues to them, receive their inputs and comments, and itself contribute Internet public policy perspectives to issues under their purview.
- It will keep itself abreast of global Internet-related issues; undertaken discussions; develop international norms and public policies; seek appropriate harmonization of national level policies; and, where necessary, facilitate required treaties, conventions and agreements.
- It will have sufficient resources and specialisation to regularly undertake studies and present analyses in different policy areas, especially from a developing countries standpoint.

- It can be modelled on the OECD's Committee on Digital Economy Policy, where decisions are taken in an inter-governmental manner, but with extensive inputs from and discussions with all stakeholders. It has three advisory committees, respectively of civil society, business, and technical community. (OECD, technical community, business, and many civil society groups have all described this to be a multi-stakeholder model of policy development.)
- It will inter alia develop "globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources" (para 70 of the Tunis Agenda).
- It will maintain an organic relationship with the IGF, as a primary arena for stakeholder participation in Internet public policy development.

**Recommendation 73. Parminder Jeet Singh, IT for Change**

***Development of a Convention on the Internet.*** Such a Framework Convention can initially introduce a series of principles, protocols and processes that can then frame further treaties, agreements, etc. on more specific issues. It will also formalise the basic architecture of the global governance of the Internet; *inter alia* recognising and legitimising the existing roles and functions of the various bodies currently involved with managing the technical and logical infrastructure of the Internet, including the ICANN, Regional Internet Registries, Internet technical standards bodies and so on. There will also be a need for the development of institutional mechanisms for crisis response and dispute resolution in relation to the global Internet, and the social activities that depend on it.

**Recommendation 74. European Union**

Recommendations should be technologically neutral while being sufficiently flexible and "future-proof" to withstand technological change and development. Recommendations should also ensure that inclusive and sustainable development goals are incorporated.

**Recommendation 75. India**

Absence of a suitable forum or a body or a mechanism by which the stakeholders have the opportunity to sit together at the table, exchange views on various aspects of the use of ICTs in a transparent and democratic manner and develop convergence of views on cyber issues. Any attempt at enhanced cooperation therefore needs to take into account these critical factors and deliberate around ways and means to find solutions to the issues of coordination among the various forums dealing with the subject, preferably through the creation of a centralized body under the aegis of UN to guide the activities.

(vii) There is a need to create new institutional mechanism to enable governments to carry out their roles and responsibility in international public policy issues.

**Recommendation 76. Iran (Islamic Republic of)**

To consider the establishment of a mechanism which will be conducive to the implementation of enhanced cooperation.

**Recommendation 77. Iran (Islamic Republic of)**

- Develop globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources.
- Establish an intergovernmental mechanism to regulate and coordinate the relations of governments on international Internet governance.

**Recommendation 78. Iran (Islamic Republic of)**

- Equal footing: No discrimination among governments in carrying out their roles and responsibilities. (Para. 69 Tunis Agenda)

**Recommendation 79. Cuba**

- The end result should be the establishment of a mechanism that allows:
  - that all governments have an equal role and responsibility for international Internet governance. (para.68)
  - the development of public policy by governments in consultation with all stakeholders. (para.68)
  - governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet. (para.69)
  - the development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources. (para.70)
- Such a mechanism should not replace any existing organization, but rather be a coordination mechanism that call upon the organizations responsible for essential tasks associated with the Internet to contribute to creating an environment that facilitates this development of public policy principles. (para.70)
- This mechanism should be an intergovernmental mechanism based on the United Nations and with formal links with other stakeholder’s organizations.

**Recommendation 80. Cuba**

*Unofficial translation  
Original in Spanish*

**Contribution of the Cuban expert to the Working Group on Enhanced Cooperation on Public Policy Issues Pertaining to the Internet of the United Nations Commission on Science and Technology for Development**

In relation to public policies in the field of information and telecommunications technologies, it is important to comply with the provisions of the Tunis Agenda for the Information Society or “Tunis Agenda”, including its paragraph 35 a ). This paragraph states that *Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues.*

On that basis, the following is proposed:

1. Create an intergovernmental mechanism 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. The above-mentioned Working Group may suggest this issue as part of a resolution to be adopted by the General Assembly of the United Nations at its next session.

It is proposed to consider the following variants for the intergovernmental mechanism:

- a) Creation of a new international organization related to the United Nations system.
  - b) Creation of a permanent and open working group with a specialized support structure in the United Nations Secretariat.
  - c) Establishment of an intergovernmental mechanism in the Internet Governance Forum.
2. To debate every year on the international public policy issues pertaining to the Internet, in the General Assembly, as part of the general debate under the agenda item entitled “*Information and communications technologies for development*”, of the heading “*A. Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences*”.

It is important to reiterate that these proposals are in line with the agreements of the World Summit on the Information Society where the roles of governments and non-state actors were defined with regard to the public policy issues related to the ICT.

**Recommendation 81. DENIC (German ccTLD Registry, .de)**

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".

**Recommendation 82. Saudi Arabia**

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.

**Recommendation 83. Jimson Olufuye, AfICTA**

The CSTD convenes a yearly forum where all governments on equal footing can discuss public policy matters pertaining to the Internet with the participation of the business community, the technical community, the civil society and the academic community.

## **VII. Suggestions regarding characteristics of recommendations**

**Recommendation 84. Timea Suto, ICC Basis**

- **Recommendations should be general**  
recommendations should be developed considering how different stakeholders, in different parts of the world, facing different issues have implemented and will need to implement enhanced cooperation. Therefore any recommendations should have an indicative, high-level character and avoid going into specifics, so that they could easily be adopted and usefully implemented by all stakeholders everywhere.
- **Recommendations should be inclusive**  
recommendations should be based on commitment to openness, inclusivity and outreach so that they encourage all stakeholders to actively participate in discussions that are critical to the responsible development of the Internet, whether speaking of enhanced cooperation in governmental, intergovernmental, non-governmental, or international organizations.
- **Recommendations should be future-proof**  
recommendations should be developed with a mind-set cognizant of the pace at which technology has developed and changed the Internet Governance landscape. Any recommendations considered should be flexible and dynamic enough make sure to endure in time and respond to this fast-paced environment.

**Recommendation 85. Timea Suto, ICC Basis**

Recommendations should consider the benefit of the work of the WGEC2 as it contributes to a collective effort to advance the 2030 agenda and the global goals.

**Recommendation 86. Nigel Hickson, ICANN**

Rather than crafting specific Recommendations at this stage it is probably better to think of broad principles under which future dialogue could take place.

**Recommendation 87. Iran (Islamic Republic of)**

Highlight the need to respect the cultural diversity, local languages, ethical concerns and useful traditions, based on which many societies continue to live and enrich herewith the civilizations across the globe.

**Recommendation 88. Mexico**

The recommendations should have to be flexible and resilient enough to be implemented in different fields at different levels.

**Recommendation 89. Switzerland**

WGEC recommendations should be sufficiently broad as to be capable of implementation by diverse organizations and stakeholders according to their different mandates, roles and responsibilities.

**Recommendation 90. Turkey**

- Be related to the international public policy issues pertaining to the internet identified by the previous WGEC and the CSTD as listed in the document named “*Mapping of international Internet public policy issues*”, but there should be room for adjustments, additions or deletions of those issues considering the fast pace of changes of the internet.
- Describe how better flow of information among relevant actors can be achieved.
- Describe how governments are enabled on equal footing.
- Describe among who and how enhanced cooperation should be furthered.
- Involve indicators to measure whether the objective of the enhanced cooperation is reached where applicable.

- Not duplicate if a certain issue is covered by an international organization in an effective and appropriate manner.
- Focus on the priority areas to be defined by this working group where no action causes immediate negative effects on enjoyment of internet equally and effectively by all humanity.
- Allow flexibility since a “one-size-fits-all” approach may not be suitable for all countries where different cases may be at stake.
- Take into consideration specific needs of developing countries.
- Involve a mechanism to periodically test the validity of each recommendation made by this group so that recommendations are still relevant in future.
- Address national best practices regarding the internet governance to be mapped to the international level.

**Recommendation 91. Bill Graham, CIGI**

advance global efforts in the direction of achieving the necessary shared understanding and agreement on a new social compact.

**Recommendation 92. DENIC (German ccTLD Registry, .de)**

publication of best practices as a good instrument to enhance issue-based cooperation among governmental and non-governmental stakeholders.

**Recommendation 93. Réseaux IP Européens Network Coordination Centre (RIPE NCC)**

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

**Uncategorized inputs/recommendations received as a follow-up to the second WGEC meeting**

**1. Anriette Esterhuysen, APC**

**Platform for Intergovernmental Dialogue on Internet-related Public Policy linked to the Internet Governance Forum**

Working document submitted to the CSTD Working Group on Enhanced Cooperation (WGEC)

Submitted by Anriette Esterhuysen, Association for Progressive Communications, April 2017

## The problem

The number of spaces and processes for discussion of different internet-related public policy issues has proliferated in recent years, yet there is currently no platform or space where governments can meet regularly, and have a broad discussion on internet-related public policy matters informed by their own concerns.<sup>3</sup> At the same time many specialised intergovernmental agencies are dealing with internet-related issues, such as the World Intellectual Property Organization (WIPO), the Human Rights Council (HRC) and UNESCO, to mention a few. Regional intergovernmental bodies also increasingly addresses internet-related issues.

This presents a challenge in particular for governments from developing countries, which have limited resources to engage in multiple fora and have to be selective in where they engage.<sup>4</sup> And it is a challenge that will only grow, because the internet is in fact not a single entity – it is distributed and diverse, touching more and more aspects of daily life. This is reflected in the increasing volume and diversity of emerging internet-related public policy issues.

It is neither possible, or, in our view, advisable for one international body to deal with all internet-related public policy issues. But what is clearly needed is an information-sharing and open discussion platform for governments that responds to their stated needs without undermining respect for an inclusive and multistakeholder approach to internet governance.

Currently the Internet Governance Forum (IGF) could potentially act as this open discussion platform for governments. However, successful as it is, its strengths lie in its multi-stakeholder nature. Governments can benefit enormously from participating in the IGF, but it is not a substitute for a platform where governments can engage with one another as governments. Nor has it successfully attracted a sufficiently high number and diversity of governmental participation.

## The solution

The Association for Progressive Communications (APC) proposes a platform for intergovernmental dialogue on internet-related public policy linked to the IGF. Such a platform can:

- Facilitate government-to-government discussion on internet-related public policy issues;
- Enable governments to have access to cross-cutting internet-related public policy debates, challenges and opportunities;
- Brief them on what issues are being dealt with by various policy fora around the world;
- Support sharing information in a systematic way to ease coordination and collaboration between existing institutions and processes, particularly to link national and global processes; and;
- Strengthen government participation and engagement in the IGF itself.

Such a platform would not:

- Be a policy-making space;
- Constitute a new agency or intergovernmental body;
- Widen the mandate of any existing UN agency or intergovernmental body or process; or,
- Duplicate the work of any existing process.

This platform would enable governments to have future-oriented discussions with one another, and informed by other stakeholders through the link with the IGF, to get a full view of internet-related developments in various fora that have policy implications. It would enable governments to go to one place to get a fuller picture of what internet-related policy discussions are happening, to be briefed on

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<sup>3</sup> Other stakeholder groups face a similar challenges and APC also supports mechanisms that address these, but we have focused this particular contribution on the challenges that developing country governments face.

<sup>4</sup> It is very common to see diplomatic missions in Geneva, especially for LDCs, that have only two or three diplomats to cover the work of 95 UN agencies and related international organizations. There are also key intergovernmental organizations relevant for internet-related public policy outside of Geneva, such as the OECD, the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime.

outcomes of processes, such as, for example, IGF Best Practice Forums. It will make it easier for them to make more informed decisions on where to engage in order to be influential on the issues that matter most to them. It will also help clarify where there are gaps, with important issues not yet being address anywhere. This would build on the work already started by the CSTD Working Group on Enhanced Cooperation (WGEC) and the Commission on Science and Technology for Development (CSTD), specifically its mapping of international internet public policy issues.<sup>5</sup>

### **How the intergovernmental platform would work**

Our proposal is that the platform would consist of an annual dialogue for governments held on an annual basis, back-to-back with the IGF. An intergovernmental working meeting can be convened on the sidelines of each of the IGF's Open Consultations to engage in dialogue on a work programme for the annual meeting. The annual dialogue does not necessarily need to be institutionally attached to the IGF. It could be attached to another UN body such as CSTD but be convened in partnership with IGF secretariat.<sup>6</sup> The institution hosting the platform could also become responsible for facilitating the sharing of information and providing States support on engaging in internet policy spaces. Existing efforts to link an internet governance information clearing house to the IGF secretariat could make this easier and more sustainable.

We see this platform as a discussion space and not a policy-making space. Rather than creating a new institution, we view the forum as a platform that could be convened for governments by governments alongside existing processes and in collaboration with the multistakeholder IGF. This annual forum needs to be open to other stakeholders, but it should primarily be a space for governments, thereby responding to the explicit need that has been expressed by governments throughout the debate on enhanced cooperation.

### **Possible outputs of this platform**

- Proposals for agenda topics that can be addressed to the CSTD, the IGF MAG, and other spaces where internet-related public policies are discussed.
- Informal feedback on the outputs of IGF Best Practice Forums.
- Identification of areas in which governments feel there is a need for research or capacity development.
- Identification of possible gaps in internet-related public policy making and proposals for where such issues can be discussed.

### **Broader context**

It is APC's view is that enhanced cooperation should aim to improve and democratise the governance of the internet at all levels, not only to establish more equitable influence for and among sovereign states. Our understanding of enhanced cooperation, based on both the Tunis Agenda and the outcome of the 10-year review of the World Summit on Information Society, is that it refers to both governments and other stakeholders.

We feel that there is a need to address the participation of government, because governments have specific responsibilities with regard to public policy, and the current system has gaps, which makes it difficult for some governments, especially those from developing countries, to influence those spaces. Governments certainly do not have the sole responsibility with regard to internet related public policy, which is why we are also actively working to strengthen existing mechanisms, making them more inclusive, transparent, and accessible to all stakeholders.

The IGF has been enormously successful in many respects. But it has not succeeded in providing this type of 'government to government' discussion space. The proposed platform should not detract from important efforts to strengthen the IGF; instead we see it as a response to the gap some governments

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<sup>5</sup> [http://unctad.org/meetings/en/SessionalDocuments/CSTD\\_2014\\_Mapping\\_Internet\\_en.pdf](http://unctad.org/meetings/en/SessionalDocuments/CSTD_2014_Mapping_Internet_en.pdf)

<sup>6</sup> In determining the appropriate institution to house this platform, we refer to the "Characteristics of a Successful Mechanism" that Nick Ashton-Hart identifies in his paper "Solving the International Internet Policy Coordination Problem". (May 2015). Global Commission on Internet Governance, Paper Series: No. 12. [https://www.cigionline.org/sites/default/files/no12\\_0.pdf](https://www.cigionline.org/sites/default/files/no12_0.pdf)

are experiencing in terms of lack of access to and influence in internet-related public policy spaces. We realise that such a platform might not address all the challenges that the WGEC aims to address, and is not a substitution for efforts to enhance the participation of all stakeholders, but we see it as:

- Incremental in that it responds to stated needs by developing country governments while also strengthening an existing UN-based space, the IGF as well as the work of CSTD;
- Laying the groundwork for increased coordination amongst all stakeholders around internet-related public policy; and
- Suitable to the application of the characteristics of enhanced cooperation that the WGEC is trying to build consensus on.

## **2. Nigel Hickson, ICANN**

### **CSTD WORKING GROUP ON ENHANCED COOPERATION; RECOMMENDATIONS**

ICANN is pleased to have this opportunity to contribute to the “Compilation of Recommendations” Document (26<sup>th</sup> January) as outlined in the Chair’s Summary of the Second Meeting of the Enhanced Cooperation Working Group (16<sup>th</sup> February).

In **Summary**, we believe that Recommendations should stem from the High-Level Characteristics defined (at least in draft) at the 2<sup>nd</sup> meeting of the WG and referenced in paragraph 6 of the Chair’s Summary. We do not think it would be appropriate to have free standing Recommendations that bare no relationship to what hopefully will be agreed as the Characteristics of Enhanced Cooperation.

As such ICANN would be in favour of a limited set of Recommendations that might give guidance to Institutions and Organisations (within the scope of their duties and responsibilities) on how they might ensure that a process of enhanced cooperation takes place in the pursuance of policies on Internet Governance. We would not support Recommendations that sought to facilitate the establishment of any new bodies or structures (whether at the UN or elsewhere) to address Internet Governance issues. We do though potentially see the value of CSTD being requested to review the effect of the outcome and effectiveness of any agreed Recommendations (as a result of work of WGEC) in an appropriate time-period. We also see value in the WGEC re-affirming the support of governments for the strengthening of the Internet Governance Forum (IGF).

#### **Detail**

##### Prime Recommendations

That member States and the International Community should, in their deliberations with respect to national, regional and global Internet Governance dialogue give due regard and attention to the agreed High Level Characteristics as outlined in (giving reference);

That ECOSOC should, as appropriate, convey the need for all UN related institutions (dealing with Internet Governance related matters) and affiliated bodies, to take into consideration and incorporate (where appropriate) the High-Level Characteristics in their working practices and procedures;

That member States, should, as appropriate, incorporate the agreed High Level Characteristics, in their national processes with respect to Internet Governance issues;

#### Other Recommendations

That the ECOSOC should, as appropriate, seek a review of the Recommendations from the WGEC in terms of their effectiveness and uptake within 5 years of their adoption;

That (*in line with the draft Recommendation 42*) CSTD should be asked to develop guidance as to how the agreed High Level Characteristics can best be effected in global fora dealing with Internet Governance issues;

That (*in line with Recommendation 25*) member States should be encouraged, in line with giving effect to the agreed High Level Characteristics, to participate in, and champion, the multi-stakeholder dialogue that takes place at the Internet Governance Forum (IGF) and in the associated Regional and National Initiatives.

ICANN; April 2017

#### **4. United Kingdom (recommendations extracted from inputs submitted in response to two questions agreed during the First WGEC meeting)**

##### **Recommendation A:**

In our view it is important to avoid a “shopping list” of specific policy issues

##### **Recommendation B:**

agreement on the characteristics of enhanced cooperation, at a high level, could allow us to make significant progress in identifying shared objectives and finding agreement.

Alt language:

identifying and agreeing a set of high level characteristics of enhanced cooperation will enable us build greater common understanding

##### **Recommendation C:**

7. Recommendations which as far as possible can be useful to different stakeholders, in different circumstances, facing different issues at different times.

8. The WGECC should develop recommendations that as far as possible can be generally applied by all stakeholders, including governments, the private sector, civil society, the technical community and the academic community.
9. Our recommendations should be flexible and recognise that different stakeholders will have different roles in different issues and situations
10. Our recommendations should as much as possible be “future-proof”.

#### **Recommendation D:**

- Promote best practice in **consultation and engagement**, including how stakeholders can reach out proactively to one another in an informative and easily understandable way.
- Consider how stakeholders can **make information and evidence available** in an open, accessible and timely way in order to support meaningful participation and engagement.
- Develop principles on how stakeholders can **open up their policy-making processes** to input and scrutiny from other stakeholders.
- Make practical suggestions for enabling **participation of stakeholders from developing countries**, taking into account cultural and linguistic diversity and the capacity constraints faced by least developed countries.
- Consider how stakeholder representatives are chosen, including best practice in ensuring a **balance of stakeholder representatives** in multi-stakeholder forums.
- Support **sustainable development**, particularly in terms of capacity-building, education and skills, in order to help bridge the digital divide.
- Promote an **enabling environment for investment**, in particular promoting cooperation and partnership between governments, the private sector and other stakeholders which promotes investment in infrastructure and increases affordable connectivity in developing countries.
- Promote an **enabling environment for innovation**, in particular ensuring that the Internet remains an open environment which facilitates innovation and encouraging cooperation between stakeholders to this end.
- Avoid **duplicating existing work** but instead seek to develop existing forums, including building understanding of multi-stakeholder enhanced cooperation processes in the full range of existing international organisations.

- Consider how best to **build cooperation on emerging topics**, particularly new issues presented by newly emerging technology, in a way which allows all stakeholders to participate.

#### 4. United Kingdom (received as a follow-up to the Second WGEC meeting)

##### Recommendations proposed by the UK Government

1. Enhanced cooperation processes should follow and promote best practice in **consultation and engagement**, including reaching out proactively to all stakeholders in an informative and easily understandable way.
2. Stakeholders should consider how they can **make information and evidence available** in an open, accessible and timely way in order to support meaningful participation and engagement.
3. Stakeholders should consider how they can **open up their policy-making processes** to input and scrutiny from other stakeholders.
4. Enhanced cooperation processes should support the **participation of stakeholders from developing countries**, taking into account cultural and linguistic diversity and the capacity constraints faced by least developed countries.
5. Enhanced cooperation processes should seek to ensure a **balance of stakeholder representatives** in multi-stakeholder forums.
6. Enhanced cooperation processes should support **sustainable development**, particularly in terms of capacity-building, education and skills, in order to help bridge the digital divide.
7. Enhanced cooperation processes should promote an **enabling environment for investment**, in particular promoting cooperation and partnership between governments, the private sector and other stakeholders that promotes investment in infrastructure and increases affordable connectivity in developing countries.
8. Enhanced cooperation processes should promote an **enabling environment for innovation**, in particular ensuring that the Internet remains an open

environment that facilitates innovation and encouraging cooperation between stakeholders to this end.

9. Enhanced cooperation processes should avoid **duplicating existing work** but instead develop existing forums, including building understanding of multi-stakeholder enhanced cooperation processes in the full range of existing international organisations.
10. Stakeholders should consider how best to **build cooperation on emerging topics**, particularly new issues presented by newly emerging technology, in a way which allows all stakeholders to participate.

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## **5. United States of America (recommendations extracted from inputs submitted in response to two questions agreed during the First WGEC meeting)**

### **Recommendation A:**

Enhanced cooperation must recognize that no single institution, arrangement, or instrument can manage the entirety of the Internet's policy demands and infrastructure.

### **Recommendation B:**

- Proposals from all stakeholders, including both members and non-members of the WGEC, that are likely to garner consensus support of the WGEC and broad acceptance by all stakeholders.
- Recommendations that enhance and support the full involvement of all stakeholders in developing Internet public policy, including at the national and local levels.
- Recommendations focused on tangible and non-binding recommendations that improve processes and institutions that are discussing or developing Internet public policy, including at the national and local levels.
- Examples of enhanced cooperation that have already been implemented by institutions and processes, including procedural and participation improvements and best practices.
- Recommendations that enhance the participation of developing countries, women, persons with disabilities, youth, and unaffiliated users in institutions and processes that are developing Internet public policy.
- The previous work of CSTD working groups (but not with absolute deference to them).

### **The WGEC should NOT consider:**

- Policy issues pertaining to day-to-day technical and operational matters of the Internet.
- Recommendations or proposals that have been repeatedly rejected in other fora and are unlikely to garner consensus support now.

- Recommendations that attempt to promote the role or interest of one stakeholder over other stakeholders.
- Recommendations that attempt to adopt binding recommendations that could undermine the voluntary, bottom-up nature of Internet governance.
- Recommendations that undermine or contradict the principles and spirit embodied in the outcome documents of WSIS or UNGA Resolution 70/125.

## **5. United States of America (received as a follow-up to the Second WGEC meeting)**

### **Contribution of the Government of the United States of America to the Working Group on Enhanced Cooperation March 31, 2017**

The United States is pleased to provide the following contribution to the third meeting of the CSTD Working Group on Enhanced Cooperation (WGEC). This contribution builds on our previous contribution to the second meeting. The United States proposes the following recommendations to further implement the process of enhanced cooperation as envisioned by the Tunis Agenda.

- The primary purpose when considering international Internet-related public policy issues is to ensure the Internet remains an open, interoperable, secure, and reliable platform where everyone can create, access, utilize, and share information and knowledge to achieve their full potential, exercise human rights and fundamental freedoms, promote sustainable development, and improve quality of life.
- Institutions and processes should recognize the principles and spirit embodied in the outcome documents of the World Summit on the Information Society, UNGA Resolution 70/125, and the NETmundial principles.
- Institutions and processes dealing with international Internet-related public policy should entertain proposals from all stakeholders related to ensuring the Internet remains an open, interoperable, secure, and reliable platform and strive to reflect areas of consensus.
- Institutions and processes should encourage and facilitate the full participation of all stakeholders when considering international Internet-related public policy issues, including at the national and local levels.
- Institutions and processes should encourage the participation of developing countries, women, persons with disabilities, youth, and unaffiliated users in institutions and processes that are considering international Internet-related public policy issues.
- Institutions and processes should not erect barriers that impede or prohibit the full participation of stakeholders when considering international Internet-related public policy issue, and should try to lower any existing barriers as much as possible.
- Stakeholders should avoid promoting the role or interest of one stakeholder group over other stakeholder groups in international Internet-related public policy discussions wherever they occur.
- Institutions and processes should be open to strengthening and improving their existing structure and processes in order to continually improve Internet-related public policy discussions.

- Institutions and processes should be open to learning from other relevant institutions and adopt successful processes, including procedural and participation improvements, best practices, and lessons learned.
- As appropriate, the participation of all stakeholders should be welcome at the annual Internet Governance Forum, the National and Regional IGF Initiatives (NRI), and other bottom-up multistakeholder fora at the international, regional, national, and local levels.

## **6. Saudi Arabia**

### **Recommendations from Saudi Arabia to the WGEC**

The WGEC is charged with making recommendations on how to further implement enhanced cooperation as envisioned in the Tunis Agenda, taking into consideration the work that has been done on this matter thus far. Some WGEC Members appear more intent on ignoring the Tunis Agenda and developing a new interpretation of enhanced cooperation based on their own ideas and agendas. Saudi Arabia rejects this approach and stresses the need to apply the mandate of the Tunis Agenda as written and agreed and according to the instructions in the UNGA resolution.

#### **A. Recommendations related to the implementation of Tunis Agenda**

The recommendations related to section A are central to the mandate of the WGEC. UNGA has recognized that Art. 69-71 of the Tunis Agenda form the core mandate regarding enhanced cooperation.

A1. From 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.

There is, however, currently no process or mechanism which enables governments, on an equal footing, to carry out their roles and responsibilities regarding policy authority for international public policy issues pertaining to the Internet. We must, therefore, conclude that the process for enhanced cooperation as mandated by the Tunis Agenda has not been implemented.

A2. Since current arrangements have not evolved to support enhanced cooperation as mandated by the Tunis Agenda, there is a need to create a framework and mechanisms as per Art. 61. These should be under the UN umbrella and could be incorporated within the scope of an existing UN organization which has

responsibility and experience with implementation of the WSIS outcomes, such as ITU.

- A3. From Art. 70, it follows that, once the enhanced cooperation mechanism is in place, enhanced cooperation should include the development of globally-applicable principles on international 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.

However, because there is no enhanced cooperation mechanism, globally-applicable principles on international public policy issues associated with the coordination and management of critical Internet resources have not been developed. We must, therefore, conclude that this element, also, of the Tunis Agenda mandate related to enhanced cooperation has not been implemented.

- A4. Once the framework and mechanisms for enhanced cooperation have been established, the agenda should include the development of globally-applicable principles on international public policy issues associated with the coordination and management of critical Internet resources, in consultation with the relevant international organizations responsible for essential tasks associated with the Internet.
- A5. In accordance with Art. 71, a number of relevant organizations were asked by the UN Secretary-General, in 2006, to provide annual reports on the process towards enhanced cooperation. The reports generally focused on the increasing degree of collaboration within the non-governmental multi-stakeholder community. They did not address any coordinated process for enabling 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 for developing such public policy in consultation with all stakeholders in their respective roles. We must, therefore, conclude that this element of the Tunis Agenda mandate related to enhanced cooperation has not been fully implemented.
- A6. The efforts of some Member States, including Saudi Arabia, to point out that enhanced cooperation according to the Tunis Agenda has never been implemented has resulted in three review exercises since 2010 to address the issue, culminating in the WGEC. In spite of the WSIS outcomes, implementing enhanced cooperation has met stiff resistance from some members of the Internet community who support the status quo. These entities have so far blocked any mechanism for the development of international public policy. It is necessary and appropriate for the WGEC to articulate that international public policy is not the antithesis of innovation, openness, organic mechanisms and multi-stakeholder models. Nor is it a bid for government takeover of the Internet or the path to fragmentation of the Internet. Instead, international public policy is intended to

develop coordinated and consistent paths to facilitating the resolution of many of the issues that plague the current Internet (such as those listed in Recommendation B1), to protect against unilateral control of Internet resources, and to ensure that decisions related to the Internet are made for the benefit of all mankind and not for the benefit of a few.

**B. Recommendations related international public policy issues and possible mechanisms**

B1. A number of international public policy issues were identified by WGIG. These and others were reflected in the Tunis Agenda and many were summarized in ITU Council Resolution 1305. Subsequently, transition to IPv6 has emerged as an important issue. It is difficult to prioritize issues, but they can be placed into tiers of roughly comparable priority. The following list is not all-encompassing but can form the basis for the start of an agenda by the enhanced cooperation mechanism once it is established.

Tier 1:

- Administration of the root zone files and system.
- Security, safety, continuity, sustainability and robustness of the Internet (including the future internet, which may be an evolutionary or clean slate approach to the development of the Internet).
- Combating cybercrime.
- Dealing effectively with spam.
- Issues pertaining to the use and misuse of the Internet.
- Respect for privacy and protection of personal information and data.
- Protecting children and vulnerable people from abuse and exploitation.

Tier 2:

- Multilingualization of the Internet (including email, search engines and native capability).
- International Internet connectivity.
- IPv6 transition.

Tier 3:

- Contributing to capacity building for Internet governance in developing countries.
- Developmental aspects of the Internet.

B2. Following is a recommendation for implementing 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.

Enable enhanced cooperation via an intergovernmental Body under the UN umbrella and funded by the UN. ITU would be an appropriate host organization for this Body. Final policy decisions would be made by Member States. The Body should meet twice yearly (including remote participation). Standing committees

studying particular issues should meet regularly via electronic means and physically as needed. Support the Body and committees by a permanent secretariat.

There should be balanced representation (by region, developed vs developing countries, and gender) for the vice-chairs, committee chairs and committee members.

There will be a need for a number of very important formal processes and procedures, but these can be defined and addressed once the basic decision has been made to establish the Body.

- B3. Following is a recommendation regarding the relationship between enhanced cooperation and the IGF.

Enhanced cooperation and the IGF have been recognized by CSTD, ECOSOC and UNGA as two distinct processes which may be complementary. Indeed, the Tunis Agenda by deciding to establish the IGF after the enhanced cooperation process, clearly foresaw that an essential element of the IGF mandate is to provide a multi-stakeholder policy dialogue to enhanced cooperation. (See Art. 72)

In practice, the various committees of the enhanced cooperation Body might sponsor IGF discussion, on their particular policy issues under study.

### **C. Recommendations related to the role of stakeholders**

- C1. Following is a recommendation regarding the roles and responsibilities of the different stakeholders, including governments, in implementation of the various aspects of enhanced cooperation. The stakeholder groups and their roles are those defined in the Tunis Agenda (See Art. 35), which is the guiding document in the mandate of the WGEC.

A platform for global public policy and oversight is the responsibility of intergovernmental organizations. We have specifically suggested that this be ITU.

Development of the processes related to the functioning of the enhanced cooperation mechanism is the responsibility of governments.

Final international public policy decisions are the responsibility of governments.

Implementation of international public policy decisions is the responsibility of all stakeholders.

- C2. A recommendation for implementing 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 is provided in Recommendation B2.

C3. Following is a recommendation on how enhanced cooperation can enable stakeholders other than governments to carry out their roles and responsibilities. It should be noted that the WGIG Report gives a fairly comprehensive assessment of the roles of the various stakeholders, many of which are related to supporting international public policy development or being driven by international public policy.

The private sector:

- Research and development of technologies, standards and processes (conforming to international public policy).
- Consultative contribution to the drafting of national laws and participation in national and international policy development.
- Promoting capacity-building.

Civil society:

- Awareness-raising and capacity-building.
- Promoting various public interest objectives.
- Articulating perspectives of marginalized groups.
- Engaging in policy processes.
- Helping to ensure that political and market forces are accountable to the needs of all members of society.

International organizations:

- Development of technical standards and related policies (conforming to international public policy).

The technical community and academia:

- Interaction with and within all stakeholder groups, particularly in the areas of stability, security, functioning and evolution of the Internet.

C4. Following is a recommendation on the role of various stakeholders in promoting the development of local language content. This is related to the issue of multilingualization identified in Recommendation B1. Local language content is a priority for many countries and for civil society in order to achieve universal inclusion in the digital society. These are the key stakeholders and their roles:

Governments:

- Develop international public policy to promote the development of local language content (following establishment of the enhanced cooperation mechanism).
- Provide incentives and funding for research and development and for businesses aimed at local content development and dissemination.
- Collaborate with other countries on regional and common programs.

Civil society:

- Champion the cause of local language content.

- Support and enable widespread access to local language content.

The technical community and academia:

- Research and development related to translation, search engines, multilingual email, and other algorithms to speed, simplify and enable local languages.

The private sector:

- Provide existing content in new languages.
- Develop new content pertinent to the language and the culture of the users.
- Distribute the content.

C5. Following is an observation on the national capacities to be developed and modalities to be considered for national governments to develop international Internet-related public policy. Recommendations C1, C2 and C3 discuss the structure and processes to be developed for enhanced cooperation and consultation with all stakeholders.

It should be noted, first of all, that no matter how efficient any nation is at developing domestic public policy and associated regulations and legislation, at addressing Internet-related issues, and at collaborating among organizations with complementary responsibilities, this will be ineffective in addressing transnational and global issues unless a suitable intergovernmental mechanism exists to bring all nations to the table on an equal footing and unless all parties approach such issues from the perspective of good will and cooperation.

Regarding national capacities, some of the key issues to be addressed (such as security, privacy, cybercrime and spam) will require significant levels of international cooperation.

Art. 35-36 of the Tunis Agenda break down the roles and responsibilities of each stakeholder.

#### **D. Recommendations related to developing countries**

D1. Following is a recommendation on making the role of developing countries more effective in global Internet governance.

The role of developing countries is, in fact, one of the public policy issues reflected in Recommendation B1. It boils down to three critical factors and it is their implementation that will likely be the primary focus of the public policy formulation and debate:

- Providing a platform (the enhanced cooperation mechanism) for developing countries to participate in global Internet governance on an equal footing.
- Capacity building via training, education and technical support.
- Financial support for capacity building, internal development related to the Internet, and participation in Internet governance (including remote participation).

Recommendation B2 has suggested UN funding, remote participation and balanced representation for the vice-chairs, committee chairs and committee members in the enhanced cooperation Body.

D2. Following is a list of international Internet-related public policy issues that are of special relevance to developing countries.

- International Internet connectivity: This includes affordability, mechanisms and strategies to ensure that national traffic remains local or regional, and differences in the cost of carrying traffic.
- Multilingualization: This includes local language content, search engines and multilingual email.
- Spam: Besides its impact on productivity, spam wastes a large percentage of available Internet bandwidth. This can be particularly damaging in countries with limited resources and bandwidth.
- Over-the-top applications: Though OTT provides more choice for consumers, it does syphon revenue from facilities-based service providers. This can be a particular problem in countries with minimal infrastructure and financially struggling service providers, and fair and balanced policies must be developed to ensure continuous and affordable service availability in these countries.
- IPv6 transition: Most developing countries have limited fixed line infrastructure and communication is primarily via wireless technology. IPv6 is much better suited to mobility than IPv4.
- Contributing to capacity building for Internet governance: This includes financing, training and support. Developing countries must be involved in the development of international public policy and must be able to represent their interests in the evolution of the Internet.
- Developmental aspects of the Internet: This includes programs aimed at the populations of the developing countries and improving their quality of life.

#### **E. Recommendations related to the barriers for participation in enhanced cooperation**

E1. Following is a recommendation and observation on overcoming barriers that remain for all stakeholders to fully participate in their respective roles in Internet governance.

Among the various stakeholder groups identified in the Tunis Agenda, it is only governments who are unable to participate in their role in Internet governance. There is currently no mechanism for them to undertake that role on an equal footing, which is the development of international Internet-related public policy. Enhanced cooperation was intended to provide this mechanism and the process toward implementing enhanced cooperation was to have begun by 1Q2006.

So far, implementation of enhanced cooperation has been blocked by a collaboration of entities who want to maintain the status quo in their own interests and who refuse to support the multi-stakeholder model defined in the Tunis Agenda.

The struggle to implement the WSIS outcomes has reached the point of creation of the two WGEC, whose purpose is to make recommendations to implement the mandate of WSIS regarding enhanced cooperation as contained in the Tunis Agenda.

The barrier to implementation of enhanced cooperation may be overcome if the WGEC makes recommendations truly in line with the intent and spirit of WSIS.

E2. Following is a recommendation on how enhanced cooperation can address key issues toward global social and economic sustainable development.

Recommendation B2 describes how enhanced cooperation can be implemented via a Body and indicates that a number of very important formal processes and procedures will need to be developed to manage the functioning of this Body. The processes will address the details of how issues are introduced, studied, debated, agreed, disseminated, adopted and implemented.

The first key step is to establish the Body, its place in the UN family, funding, secretarial support and high-level processes. Additional details will follow from there.