

Note for the first meeting of the CSTD Working Group on Enhanced Cooperation (on Internet-related public policy issues), May 30th and 31st, 2013, in Geneva

The chair of the Working Group (WG) on Enhanced Cooperation (on Internet-related public policy issues) has communicated that the purpose of the first meeting will be to “carefully determine the relevant topics on Enhanced Cooperation with the view to create a questionnaire to be sent out to all Member States and all other stakeholder”.

Initial framing of issues is a very significant part of any international governance discussion. Much can be gained or lost at this level in terms of protecting and promoting one's interests. It can set the tone of what follows, and provide or limit possibilities of what can be achieved. It is therefore important that developing countries participate actively in framing of the issues that will be taken up by the WG, and appropriately influence the questionnaire that will go out for seeking wider inputs.

It is important to stay focused on what did the Tunis Agenda mean by 'enhanced cooperation', and on the context of WSIS discussions that produced that text. Developing countries have been quite active during WSIS to seek democratization of global Internet governance and ensure that governments are enabled to fulfill their legitimate role with regard to international Internet-related public policy issues.

Two sections of Tunis Agenda are crucial in terms of 'enhanced cooperation'.

68. We recognize that all governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet. We also recognize the need for development of public policy by governments in consultation with all stakeholders.
69. We further recognize the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues.

What needs to be done on 'enhanced cooperation', and, even, as some claim, what may already have been done, needs to be judged on the following clear parameters of what 'enhanced cooperation' is meant to be, as laid out by the relevant text of the Tunis Agenda.

- (1) equal role of all governments in international internal governance;
- (2) need to enable government, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet; and,
- (3) involvement of all stakeholders in their respective roles.

It will be highly inappropriate to give new meanings to the term 'enhanced cooperation' which do not accord with the specific sense in which the term is used in the 'Tunis Agenda'. The purpose of 'enhanced cooperation' as per Tunis agenda is very clear, even if not so much its form. It is to “enable government, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet”. Only such activities and processes that clearly enable or fulfill this very specific purpose can be called as 'enhanced cooperation'. Nothing else can be called as 'enhanced cooperation' in this particular context. This should be the overriding boundary-marker for the discussions of the Working Group in Enhanced Cooperation.

Therefore, the real and the main question here is: Are there any means or mechanisms that enable governments, on an equal footing, to carry out their roles and responsibilities, in (developing and implementing the full range of) international public policy issues pertaining to the Internet. Members and other stakeholders should be asked to give their views on this particular question. All other issues, however important, for instance, the role of stakeholders in such a process, are secondary to this primary question. Any inquiry into such secondary and dependent issues must follow and not foreclose the primary discussion on the stated main question. A clear hierarchy and logical sequence between *the* primary question and secondary considerations should be clearly maintained. The proceedings of the WG should not become a space for speaking about every possible issue of global Internet governance. If this were to happen, the WG will not be able to work and deliver effectively on the important mandate given to it by the UN GA. The WG on EC is specifically and exclusively about “enhanced cooperation in full consistency with the mandate provided in the Tunis Agenda” and making “recommendations on how to fully implement this mandate” (UN GA resolution of 2012). It is important to ensure that the WG meetings do not stray into off-topic issues which will make them completely ineffectual.

Rather than seeking the views of the respondents on what *they* mean by 'enhanced cooperation', the questionnaire should specifically ask, (1) what do you think did the Tunis Agenda mean by 'enhanced cooperation', and (2) what do you think is the specific purpose of 'enhanced cooperation' as per Tunis Agenda. It is against the definitions provided by the Tunis Agenda that the respondents should be encouraged to submit their views about what may need to be done, or not, about 'enhanced cooperation'. It is not appropriate to open up *ab initio* discussions about the various possible English meanings of the term 'enhanced cooperation'.

Another very important element that can make the discussions much more focused is to separate the two relatively distinct 'enhanced cooperation' tracks of 'CIR oversight' (oversight of critical Internet resources) and 'larger Internet-related public policy issues'. The nature of institutional requirements and the role of different stakeholders may be very different for these two 'tracks'. Tunis Agenda also implicitly recognizes this difference, in sections 69 and 70. There is a considerable cross-talk across what should ideally be two relatively distinct tracks of discussion. This cross talk creates a lot of confusion, for instance, about the role of technical community, and whether there is an attempt to replace ICANN and so on, which unnecessarily eats up much of the discussion time.

Thirdly, as also required by section 65 of the Tunis Agenda, a strong and specific focus should be maintained on participation, or lack of participation, of developing countries in various institutions of international Internet governance.

Some suggested questions for the questionnaire are as follows:

- What do you think did the Tunis Agenda mean by 'enhanced cooperation', and what do you think is the specific purpose of 'enhanced cooperation' as per Tunis Agenda.
- What are the various international public policy issues pertaining to the Internet? Can they be classified in some categories or bunches?
- Are these being (1) at all and (2) adequately addressed at present, if so by whom, if not, how to best address them?”

- Whether any mechanisms that may be indicated above as already addressing such public policy issues meet the Tunis Agenda (TA) requirement of 'equal role of all government', being democratic, transparent and involving 'all stakeholders in their respective roles'?
- Do you suggest any new mechanism to address international public policy issues pertaining to the Internet. Do you know of any other suggestions in this regard? If so, what are your views on these suggestions? Do any new suggested mechanisms fulfill all the required parameters listed in the above question, or not?
- What are the key 'enhanced cooperation' issues on the technical side of IG but which do not involve “day-to-day technical and operational matters, that do not impact on international public policy issues” (TA)?
- Tunis agenda says that process of enhanced cooperation will *not involve* “day-to-day technical and operational matters, that do not impact on international public policy issues” but *will include* “the development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources” (TA). Has any progress been made on this express directive of the Tunis Agenda?
- Is it useful to look at enhanced cooperation in terms of two distinct tracks '*CIR oversight*' and '*larger Internet-related public policies*'? If this is not a good way to split 'enhanced cooperation' discussion, do you have any other suggestion on how to proceed with this discussion in terms of categories and tracks?
- Is the nature of processes and institutions that are most suited, along with the role of stakeholders, different for these two possible tracks of enhanced cooperation – CIR management and larger Internet-related public policies? If so, what is the nature of these differences? If not, why they are similar?
- What is the difference between the enhanced cooperation process and the IGF? What is the relationship between them?
- What, in general, is the role of different stakeholders in different aspects of global Internet governance?
- TA section 65 underlines “the need to maximize the participation of developing countries in decisions regarding Internet governance, which should reflect their interests...”. What has been the role, and the extent of participation, of developing countries in international global governance? Where have they been included and where excluded? How can their participation be made equal to that of developed countries?
- In continuation of the above, what issues and areas of international Internet governance have been of the greatest concern to developing countries? How do these issues and areas connect to 'enhanced cooperation' discussions?