



**International Chamber of Commerce**

*The world business organization*

An ICC initiative  
**BASIS**  
Business Action to Support  
the Information Society

## **Additional ICC/BASIS Comments on Enhanced Cooperation**

The International Chamber of Commerce (ICC) and its initiative Business Action in Support of the Information Society (BASIS) welcome the opportunity to continue contributing to a development-oriented, people-centric and increasingly inclusive Information Society by supplementing our input to the ECOSOC open consultation on “enhanced cooperation” with these additional comments.

In particular, we would like to comment on the proposals put forward by some governments to address enhanced cooperation through an inter-governmental framework such as the ITU or a CSTD governments-only working group. These proposals raise the important issues of which stakeholder groups should participate in the process of “enhanced cooperation” and how the enhanced cooperation process should be structured. We have serious concerns that these proposals contravene the wording and the spirit of the WSIS, and subsequent documents and developments.

The enhanced cooperation process must continue to be guided by the principles and provisions adopted in the WSIS Tunis Agenda. The ICC’S members and other businesses and associations participating in BASIS believe that the record, both from the provisions of the Tunis Agenda and from practice over the past five years, is very clear with respect to requirement for the multistakeholder nature of the enhanced cooperation process, as is explained in more detail below. Moreover, enhanced cooperation initiatives should be structured to include existing multistakeholder, inter-governmental and private-sector led

organizations, not create an entirely new process or institution. In particular, further enhanced cooperation processes should be conducted in a manner that is complementary to the successful Internet Governance Forum (“IGF”).

1. **The WSIS Tunis Agenda provides that enhanced cooperation should be a multistakeholder process, not a governments-only process.**

- The WSIS Tunis Agenda identifies “enhanced cooperation” as a multistakeholder process that should include governments:
  - Paragraph 71 states: “The process towards **enhanced cooperation**, to be started by the UN Secretary-General, involving all relevant organizations by the end of the first quarter of 2006, **will involve all stakeholders in their respective roles**, will proceed as quickly as possible consistent with legal process, and will be responsive to innovation. **Relevant organizations should commence a process towards enhanced cooperation involving all stakeholders**, proceeding as quickly as possible and responsive to innovation. **The same relevant organizations shall be requested to provide annual performance reports.**” [emphasis added]
  - Paragraph 69, which is cited by a number of governments, recognizes the 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.”
  - **ICC/BASIS Comment:** Paragraph 69 indicates that the enhanced cooperation process described above (clearly a multistakeholder process) can be helpful to governments in fulfilling their roles. But this paragraph must be read in the broader context of enhanced cooperation as a multistakeholder process, as clearly stated in Paragraph 71.

- **ECOSOC Resolution 2010/2<sup>1</sup>** calls for ongoing efforts related to enhanced cooperation to be based on multistakeholder participation:
  - Paragraph 20 on Internet Governance reaffirms paragraph 35 of the Tunis Agenda, “which states that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations”.
  - Paragraph 24 clearly “[i]nvites the Secretary-General to convene open and inclusive consultations involving all Member States **and all other stakeholders** with a view to assisting the process towards enhanced cooperation in order to enable Governments on an equal footing to carry out their roles and responsibilities in respect of international public policy issues pertaining to the Internet but not in respect of the day-to-day technical and operational matters that do not impact upon those issues, through a **balanced participation of all stakeholders** in their respective roles and responsibilities, as stated in paragraph 35 of the Tunis Agenda”. [emphasis added]
- **ICC/BASIS Comment:** Paragraph 24 recognizes the roles and responsibilities of each stakeholder group, but makes it clear that the open consultation on enhanced cooperation called for by ECOSOC also must be a multistakeholder process. Stakeholders have consistently contributed to and engaged in the processes around enhanced cooperation to date.

## 2. The WSIS Tunis Agenda directs that the enhanced cooperation process should include participation by relevant international organizations, including inter-governmental, multistakeholder and

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<sup>1</sup> ECOSOC Resolution 2010/2: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan041407.pdf>

private-sector led organizations. Accordingly, the established practice of the UN Secretary General and UN DESA in promoting enhanced cooperation and conducting surveys has been to include multistakeholder and private-sector led organizations, thereby setting an important precedent.

- Paragraph 70 of the Tunis Agenda calls 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”, and Paragraph 71 requests that these same relevant organizations provide annual performance reports.
- Paragraph 105 of the **Tunis Agenda** requests that “ECOSOC oversees the system-wide follow-up of the Geneva and Tunis outcomes of WSIS. To this end, we request that ECOSOC, at its substantive session of 2006, reviews the mandate, agenda and composition of the Commission on Science and Technology for Development (CSTD), including considering the strengthening of the Commission, **taking into account the multistakeholder approach.**” [emphasis added]
- **CSTD document E2009/92/CRP/1<sup>2</sup>, which was** prepared by DPADM and DESA for the May 2010 CSTD meeting, reports on the development of the enhanced cooperation practice as applied to intergovernmental, multistakeholder and private-sector led organizations:

“2. On 12 March 2008, the Under-Secretary-General for Economic and Social Affairs invited ten organizations to provide an annual performance report on the steps they had undertaken towards enhanced cooperation on Internet-related public policy issues pertaining to the Internet. A summary of the responses has been incorporated into the

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<sup>2</sup> CSTD document E2009/92/CRP/1: <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan039046.pdf>

report of the Secretary-General on progress made in the implementation of and follow-up to the World Summit on the Information Society outcomes at the regional and international levels. On 23 December 2008, the Under-Secretary-General for Economic and Social Affairs wrote to the same group of ten institutions, with a further request for their recommendations on how the process towards enhanced cooperation should be pursued.”

**“3. The ten institutions are:**

- a. Internet Corporation for Assigned Names and Numbers (ICANN)
- b. International Telecommunication Union (ITU)
- c. World Wide Web Consortium (W3C)
- d. Council of Europe
- e. Internet Society (ISOC)
- f. Organization for Economic Cooperation and Development (OECD)
- g. United Nations Educational, Scientific and Cultural Organization (UNESCO)
- h. World Intellectual Property Organization (WIPO)
- i. Number Resource Organization (NRO)
- j. Internet Engineering Task Force (IETF) (One additional organization which submitted a contribution of its own accord.)”

“On 19 February 2010, the Department of Economic and Social Affairs through its Division for Public Administration and Development Management requested the same group of ten institutions to submit updates in preparation for the consideration of this report by the Commission on Science and Technology for Development (CSTD) for its thirteenth session on 17-21 May 2010. All ten institutions responded with a written reply.”

- **ICC/BASIS Comment:** The list of organizations surveyed above includes ICANN, W3C, ISOC, the NRO and the IETF. These five groups are multistakeholder or private-sector led organizations.

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Thus, the UN Secretary General and relevant UN Departments have acted with an understanding that enhanced cooperation is indeed a multistakeholder process requiring multistakeholder participation. Certainly, leaving non-governmental stakeholders out of discussions on enhanced cooperation would be neither consistent with the spirit of WSIS nor the letter of the relevant Tunis Agenda. Deviating now from the multistakeholder nature of the process also means a deviation from post-WSIS established practice and precedent. Furthermore, the CSTD in assisting ECOSOC in performing the WSIS follow-up role offers an appropriate forum with a multistakeholder approach for WSIS follow-up discussion on enhanced cooperation along with other topics.

**3. The Tunis Agenda establishes enhanced cooperation and the IGF as complementary processes, which means enhanced cooperation should not compete with the IGF or existing organizations and processes.**

- Paragraph 71 of the Tunis Agenda calls on the UN Secretary-General to start the enhanced cooperation process with the involvement of all relevant organizations and stakeholders. It does **not** specify any new process or organization.
- Paragraph 72, by contrast, **asks the UN Secretary-General**, in an open and inclusive process, to convene a meeting of a new forum for multistakeholder policy dialogue called the IGF.
- Paragraph 21 of the **ECOSOC Resolution 2010/2** “Recognizes that the Internet governance-related outcomes of the World Summit, namely, the process towards enhanced cooperation and the convening of the Internet Governance Forum, are to be pursued by the Secretary-General of the United Nations through two distinct processes, and also recognizes that the two processes may be complementary”
- **ICC/BASIS Comment:** We agree that enhanced cooperation and the IGF are two complementary processes. In this context,

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however, we note that the Tunis Agenda did not establish a new process or organization for enhanced cooperation the way that it did with the IGF. We believe this reflects the clear intention for enhanced cooperation to build on existing organizations and the newly formed IGF.

As others have noted, the multistakeholder IGF is an excellent instantiation of enhanced cooperation and can be taken as an example for its complementary process of enhanced cooperation. In fact, enhanced cooperation has already been a steadily established practice by many stakeholders, including governmental and other stakeholders, throughout the IGF deliberations, discussions, preparations and cooperation.

ICC/BASIS also supports that enhanced cooperation references the importance of existing institutions and organizations engaged in Internet governance to improve their interactions and cooperation across and between such organizations/institutions. We note that such cooperation has in fact been occurring in many instances, and should continue.

In conclusion, we recommend that the above points be carefully considered in developing the report on the open consultation and other inputs received by December 31, 2010 regarding enhanced cooperation. We believe that the report that goes to the May 2011 CSTD meeting on its way to the July 2011 ECOSOC and September 2011 UN General Assembly meetings should highlight these points and acknowledge, the precedence of multistakeholder engagement in the process. We also believe that any recommendations made should ensure the proper and consistent application of the understanding regarding enhanced cooperation as described above. The follow-up on the WSIS decisions, as recognized on an ongoing basis by the UN Secretary General and his staff in activities ever since WSIS, shall continue to be carried out in recognition of this understanding.

Once again, ICC/BASIS appreciates the opportunity to continue to work with other stakeholders in the spirit of enhancing cooperation amongst all relevant actors regardless of their stakeholder composition, in the

IGF, and in other WSIS-related follow-up activities in an effort to bring the benefits of the Information Society to all. In that spirit, we are also glad to offer these comments to build upon the extensive efforts already underway on enhanced cooperation.



## About the International Chamber of Commerce (ICC)

The International Chamber of Commerce is the largest, most representative business organization in the world. Its thousands of member companies in over 120 countries have interests spanning every sector of private enterprise.

A world network of national committees keeps the ICC International Secretariat in Paris informed about national and regional business priorities. More than 2000 experts drawn from ICC's member companies feed their knowledge and experience into crafting the ICC stance on specific business issues.

The United Nations, the World Trade Organization, and many other intergovernmental bodies, both international and regional, are kept in touch with the views of international business through ICC.

For more information please visit: [www.iccwbo.org](http://www.iccwbo.org)

## About BASIS

ICC created BASIS to raise awareness among the public, governments, civil society, intergovernmental organizations and technical community of what business requires to continue contributing to the development of the Information Society. It serves as the voice of business in the global dialogue on the Information Society, following two World Summits on the Information Society (WSIS) held in Geneva (2003) and Tunis (2005).

To promote the environment in which business around the world will continue to thrive as an innovator of information and communication technologies, BASIS participates in UN-linked forums set up to continue the dialogue, such as the Internet Governance Forum (IGF) and the WSIS follow up and implementation processes, and the UN Global Alliance for ICTs and development (GAID).

To help shape the agenda and participate in these global discussions, BASIS relies on the policies developed in the ICC Commission on E-business, IT and Telecoms as the foundation for its efforts. BASIS builds on the activities and network of the Coordinating Committee of Business Interlocutors (CCBI), which ICC formed to coordinate participation by world business in the processes leading up to and at WSIS.

BASIS members include business organizations such as the TechAmerica, World Information Technology and Services Alliance

(WITSA), Africa Investor, Global Information Infrastructure Commission (GIIC), Japan Business Federation (Nippon Keidanren), and the Association for Competitive Technology (ACT) as well as several ICC national committees and companies from across sectors and geographies.

For further information regarding BASIS, the founding partners, members and activities, visit:

[www.iccwbo.org/basis](http://www.iccwbo.org/basis)