Comments on Recommendation 5A/B of the UN High Level Panel on Digital Cooperation

How to Build an Enhanced Mechanism for Digital Cooperation

A Multistakeholder Statement from Germany

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Executive Summary

The German Multistakeholder Statement reflects on options how to enhance the mechanisms for digital cooperation in the global Internet Governance ecosystem. It argues that in the age of cyberinterdependence not only technical devices but also Internet-related public policy issues are interconnected. It concludes that a holistic, multidisciplinary, multilateral and multistakeholder approach is needed to find solutions for the emerging digital problems in a growing cyberspace. The authors of the Statement share the idea of UN Secretary-General António Guterres that „the United Nations is a tailor-made platform for governments, business, civil society and others to come together to formulate new protocols and norms, to define red-lines, and to build agile and flexible regulatory frameworks.“[1] To have the appropriate mechanisms for such a digital cooperation in place is crucial to manage the new challenges of the 2020s.

Based on the three HLP proposals for new digital cooperation mechanisms, the Statement takes a pragmatic approach by proposing to use existing structures, combine them in an innovative way, fill gaps in the present system and levave room for future enhancements. It combines various elements into a mix and proposes the introduction of an additional new layer which would liaise existing multistakeholder mechanisms – such as the IGF and ICANN – stronger with existing intergovernmental negotiations platforms within the UN system and other inter-state organizations at the regional and global levels.

Through this liaising, a decentralized, layered but interconnected mechanism could emerge to develop a regulatory framework of interrelated norms and principles which would include legally binding conventions and political non-binding recommendations as well as best practice proposals. Such an informal mechanism of

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[1]   UN-Secretary-General's remarks to the General Assembly on his priorities for 2020, New York, 22. Januar 2020, see: https://www.un.org/sg/en/content/sg/statement/2020-01-22/secretary-generals-remarks-the-general-assembly-his-priorities-for-2020-bilingual-delivered-scroll-down-for-all-english-version.

enhanced communication, coordination and collaboration (EC³-Mechanism) would bridge the existing gap between the "discussion layer" – such as the IGF – and the "decision layer" – e.g. in intergovernmental negotiations. The innovation would be the introduction of a new "distribution layer". This new mechanism would send messages from the IGF discussions to the decision making bodies, with an invitation to report back. In effect, it would be a clearing house which would promote cross-pollination among the various discussion and negotiations strings to make tangible output more efficient and solution oriented.

The proposal has four celements:

1. Cooperation Accelarator: The basic idea is to introduce a new „distribution layer" in the Internet Governance Ecosystem which would liaise the existing „discussion layer" (primarily the IGF) and the emerging „decision layer" (the various intergovernmental Internet-related negotiatons within the UN system and other IGOs; see Annex 1). Such an Cooperation Accelarator could be constituted both by the MAG of the IGF (representing the multistakeholder community) and the UNGIS (representing the multilateral community of the UIN system).

2. Policy Incubator: The basic idea is to specifiy the mandate and to enhance the resources of existing multistakeholder issue groups, which has emerged in the context of the IGF as Dynamic Coalitions (DCs) and Best Practice Fora (BPF) and to offer a procedure for the establishment and authorization of new „issue groups", which would be linked to the Cooperation Accelarator;

3. Observatory: The basic idea is to link existing databanks and information gathering initiatives (from the Geneva Internet Platform and DENICs Internet Governance Radar via the data collection work of ITU, UNCTAD und UNESCO to the reports of various NGOs as APC, ISOC, Reporter without Frontiers etc.) and to offer a Help Desk which could function like a Call Center to respond to queries from stakeholders;

4. Leadership Structure: The existing leadership structure of the IGF should be reformed by the establishment of an additional leadership layer in the MAG in form of an "Executive Committee" (EC) or a "High Level Group" (HLG) of no more than 10 representatives (four stakeholder groups with one from the "Global North" and one from the "Global South" from each stakeholder group plusthe MAG Chair and the IGF Executive Secretary). The MAG would continue to function like a plenary. The EC/HLG would have to report back to MAG plenary. Further, financial and operational strengthening of the Secretariat in particular for the interessional work, which would enable Secretariat support for Dynamic Coalitions, Best Practice Fora and the NRI network, is needed. The MAG should also evolve its mechanisms to survey the community in terms of expectations (before the annual meeting) and impact of the IGF work (after the annual Forum).

In Annex 2, published in the „Digital Society Blog" (Berlin, January 2020) the authors offer also ideas for a „Global Commitment on Digital Cooperation". Such a global Commitment should include the following three elements.

1. A Digital Peace Plan
2. A Digital Marshal Plan
3. A Human Rights Agenda for the Digital Age[2]

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[2] Ideas for a „New Digital Deal" and a holistic, multidisciplinary and multistakeholder approach were presented at the IGF 2018 in Paris and are published in Kettemann/Kleinwächter/Senges, The time is right for Europe to take the lead in global internet governance: background report for the UN Secretary General's High-level Panel on Digital Cooperation, Normative Orders Working Paper 02/2018, http://publikationen.ub.uni-frankfurt.de/files/48008/Governance_Kettemann_Kleinwaechter_Senges.pdf; and as Kleinwächter/Kettemann/Senges, „IGF 13 & Paris Peace Forum: Europe Should Take Lead in Shaping a "New Deal" on Internet Governance", http://www.circleid.com/posts/20181109_igf_13_paris_peace_forum_europe_should_take_lead); and in the Frankfurter Allgemeine Zeitung, November 9, 2018, Kettemann/Kleinwächter/Senges, „Wir brauchen einen „New Deal" für das globale Netz" https://www.faz.net/aktuell/feuilleton/medien/vorschlag-fuer-einen-new-deal-fuer-das-globale-internet-15880751.html). The various papers constituted the background for Kleinwächter/Kettemann/Senges (eds.), Towards a Global Framework for Cyber Peace and Digital Cooperation. An Agenda for the 2020s (Hamburg: Hans-Bredow-Institut, 2019), which was published at the eve of the IGF 2019 in Berlin, https://www.hans-bredow-institut.de/de/publikationen/towards-a-global-framework-for-cyber-peace-and-digital-cooperation.

How to Build an Enhanced Mechanism for Digital Cooperation

A Multistakeholder Statement from Germany

1. Introduction

The authors of this input paper have followed the process of increasing digital policy cooperation among various stakeholders over many years. More recently we have called on Europe to take on a more active role in implementing innovations in digital cooperation. In a series of publications on the occasion of the 2019 Internet Governance Forum in Berlin we have also developed an agenda for the next decade of Internet governance towards "next generation Internet Governance" tailored towards implementable, sustainable, digital cooperation, ensuring an Internet by the people and for the people within a new and deeper understanding of the intricate processes of developing, adopting and contesting transnational, normative orders for the Internet.

In the contribution at hand we bring this approach to the deliberation about the evolution of internet governance mechanisms and the IGF in particular in the context of the 2019 report The Age of Digital Interdependence by the UN Secretary-General's High-Level Panel on Digital Cooperation. After a comprehensive multi-stakeholder consultation process lasting nine months, the panel, chaired by Jack Ma and Melinda Gates, published five sets of recommendations to strengthen international cooperation with the goal of "ensuring a safe and inclusive digital future for all, taking into account relevant human rights standards". These include building an inclusive digital economy and society; developing human and institutional capacity; protecting human rights and human agency; promoting digital trust, security and stability; and fostering global digital cooperation.

In this submission, we focus on the fifth set of recommendations, on developing updated multi-stakeholder mechanisms for global digital cooperation that are, inter alia, adaptive, inclusive and fit for the purpose. Specifically, in Recommendations 5 A and 5 B of the Report the High-level Panel urgently recommends that the UN Secretary-General facilitates processes to update "global digital cooperation" mechanisms, pass a "Global Commitment for Digital Cooperation" on the occasion of the UN's 75th anniversary in 2020 to enshrine the values underlying an improved global digital cooperation architecture and to appoint a Technology Envoy (5A). The High-level Panel also recommends an adaptive and agile, inclusive and purpose-suitable "multi-stakeholder 'systems' approach for cooperation".

The Report proposed three models for better digital cooperation as starting points for further discussion: a Digital Commons Architecture (DC), a Distributed Co-Governance Architecture (COGOV) and a reformed Internet Governance Forum (IGF+). We see the way forward to be a mix of elements of the three proposals which are based on the mutual goals of ensuring better cooperation and more effective policy-making.

2. Making Existing Architectures More Effective

The three HLP proposals for the development of digital cooperation mechanisms include a number of elements, which can be seen as an enhancement to the existing intergovernmental and multistakeholder mechanisms in the global Internet Governance Ecosystem. A number of key ideas like a Cooperation Accelerator, a Policy Incubator or an Observatory/Help Desk can be combined in a "mix" and constituted as an additional new layer which would link existing multistakeholder mechanisms - such as the IGF and ICANN - with the existing intergovernmental negotiations platforms within the UN system and other inter-state organizations at the regional and global levels. Among the existing mechanisms, the IGF is recognized as the most representative platform. It has enjoyed a UN mandate since 2005 as the main space for all stakeholders to address Internet governance issues. It enjoys multi-stakeholder and multilateral legitimacy by increasing inclusive representativity, enhancing normative outputs and stabilizing the IGF's institutional anchor within the UN systems.

3. Cooperation Accelerator

The original mandate of the IGF (Para. 72, Tunis Agenda) includes two paragraphs which are related to "digital cooperation":

> 72b. Facilitate discourse between bodies dealing with different cross-cutting international public policies regarding the Internet and discuss issues that do not fall within the scope of any existing body.

> 72c. Interface with appropriate intergovernmental organizations and other institutions on matters under their purview.[3]

The idea behind the two paragraphs was to link the spaces of "discussion" in a multistakeholder environment to the places where "decisions" are made. It did not specify how the cooperation between the two layers should be organized. Given that in Tunis, governments were unable to agree on a mechanism. The compromise was to start – in parallel to the IGF but interlinked - an undefined "process of enhanced cooperation".

The reason why the IGF was designed for "discussion only" was, inter alia, the fear that an IGF with a decision making capacity would turn the platform into an intergovernmental battlefield. Such battles would block any solution oriented towards neutral debates and the ability to find compromises, based on fact and figures. The hope was that a discussion-only platform would open minds and allow all voices and arguments to be heard. It would stimulate a free and frank dialogue among all stakeholders that further promotes creativity and innovation. The expectation was that knowledge and wisdom, produced in the IGF-discussion, would enable decision-makers to find well informed and hence balanced solutions. Those decisions should not be made inside but outside the IGF, by mandated policy organizations, businesses and civil society ventures (e.g. Creative Commons).

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[3] Tunis Agenda for the Information Society, November 18, 2005, https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html.

This approach was pragmatic. And indeed, the IGF has evolved into a big annual marketplace for information and ideas around Internet related technical and political issues. However, this mechanism has its weaknesses. There is no procedure in place which channels the insights and "theoretical formal messages" from the IGF into "practical negotiations". There is no "landing place" for the multistakeholder knowledge and wisdom.

In the 2010s, two "UNCSTD Working Groups on Enhanced Cooperation" (WGEC1 & WGEC2) tried to find a solution, but failed. However, in the shadow of the controversial WGEC-debates, a new landscape of Internet related intergovernmental and multistakeholder negotiation- and discussion-platforms emerged outside the IGF. This new Internet Governance landscape reflected also the change of the "Zeitgeist" with regard to policy making "regulation". In the 2000s, global regulation in cyberspace was seen by many stakeholders as a barrier for innovation and a vehicle for censorship and protectionism. At the end of the 2010s, regulation is seen more as an instrument to enhance cybersecurity, promote fair digital competition, protect human rights and combat Internet misuse. 20 years ago Internet Governance was a technical issue with some political implications. Today, it is a political issue with a technical component.

The problem with this landscape is that the new intergovernmental and multistakeholder processes are disconnected. We see new political "silos", where special constituencies are trying to find solutions for special issues, ignoring similar efforts by other constituencies in other silos. Such a diversified and disconnected conglomerate of mechanisms and platforms contradicts the nature of the global Internet, where not only devices and computers, but also political and technical problems are interconnected.

The "silo approach" includes the risk that outcomes of negotiations will not be compatible with the realities of a fast changing environment in an interconnected world, have unintended side effects, can be counterproductive and lead to conflicting and contradicting regulations. To find sustainable and workable solutions, a „holistic approach" is needed.

Such a „holistic approach" does not mean that all negotiation and discussion platforms have to be united under one umbrella. There is no need for a "Global Cyberspace Convention", similar to the "UN Convention of the Law of the Sea" or the "Paris Climate Pact". But there is a need for a higher level of enhanced communication, coordination and collaboration (EC³) among the various groups.

In cyberspace, "the left hand" should know what "the right hand" is doing. One possibility could be to liaise the various platforms and mechanisms informally. Via liaisons a decentralized, layered but interconnected mechanism could emerge to develop a regulatory framework of interrelated norms and principles which would include both legally binding conventions and political non-binding recommendations as well as best practice proposals. The whole mechanism would look like a "Spaghetti-Ball", where the individual issues are like "single spaghettis", connected by "cheese" and "tomato sauce", that is the common philosophy of the multistakeholder cooperation model. (See Annex 1: The Internet Governance Ecosystem Map).

On practical terms, such a dynamic mechanism would be based in the first place on "enhanced communication" among the various platforms by liaisons (as mentioned above

and as we know it from the cross constituency working groups /CCWGs/ within iCANN). Liaisons could recommend, where needed, "enhanced coordination" in fields where two platforms deal with the same issues. If such an "enhanced coordination" identifies issues which are not yet covered or where duplication and overlapping leads to conflicts, informal or formal enhanced collaboration among different units could be introduced. Such intergovernmental agreements and multistakeholder arrangements would complement each other in a fruitful process of "Cross Pollination". Progress within one group would trigger progress within another group and vice versa.

Such an informal "EC³ Mechanism" would bridge the existing gap between the "discussion layer" – as we have it with the IGF – and the "decision taking layer" – as we have it with the intergovernmental negotiations. The innovation would be the introduction of a new "distribution layer". This new mechanism would "send messages" from the IGF discussions to the decision making bodies, with an invitation to "report back". De facto, it would be a "clearinghouse".

Recently, we saw already two good examples:

1. During the IGF in Berlin (November 2019), the Japanese government (holding the 2019 G20 presidency) were looking for multistakeholder input into the intergovernmental "Free Flow for Trusted Data"-initiative, adopted by the G20 summit in Osaka (June 2019), to enrich the forthcoming intergovernmental negotiations within the World Trade Organisation (WTO).

2. The IGF Best Practice Forum on Cybersecurity (BPF CyberSec) presented its report from the Berlin IGF at the informal intersessional meeting of the "Open Ended Working Group" (OEWG) in New York (December 2019) to contribute to the intergovernmental negotiations on cybersecurity under the 1st Committee of the UN General Assembly .

These examples of "enhanced communication" could be taken as a source of inspiration on how to formalize procedures to accelerate cross-stakeholder collaboration. The HLP proposed that a "Cooperation Accelerator could consist of members selected for their multi-disciplinary experience and expertise. Membership would include civil society, businesses and governments and representation from major digital events such as the Web Summit, Mobile World Congress, Lift:Lab, Shift, LaWeb, and Telecom World." [4]

One option could be that the existing United Nations Group for the Information Society (UNGIS/a platform of 28 UN organization plus the OECD) and the IGF Multistakeholder Advisory Group (MAG/which includes about 60 representatives from all stakeholder groups) constitute a body, "Joint Unit" (composed of four stakeholder groups from five regions) as the "Cooperation Accelerator" (CA@IGF). The CA@IGF would operate independently but under the guidance of UNGIS and MAG. It would function like a clearing house "post office". It would send IGF messages to the intergovernmental bodies and report from the intergovernmental negotiations to the IGF. It could also

      a.   invite governments to the multistakeholder discussions at the annual IGF;

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[4] The Age of Digital Interdependence", Report of the High-level Panel on Digital Cooperation, New York, June 10, 2019, https://digitalcooperation.org/report.

b.	organize multistakeholder side events during intergovernmental, International Organization (e.g. WTO,) and regional meetings;

c.	facilitate the nomination of liaisons between IGF bodies (as BPFs and DCs) and UN bodies;

d.	develop norms and principles regarding digital cooperation with a view on iterative optimization aimed to allow stakeholders to build on best practices but adapt to unique circumstances.

4. Policy Incubator

The IGF was designed neither as a policy development nor a negotiation mechanism. However, the Tunis IGF mandate included a number of paragraphs which gave the IGF de facto a function to contribute to policy development in the Internet Governance Ecosystem through

72a: Discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet.

72g: Identify emerging issues, bring them to the attention of the relevant bodies and the general public, and, where appropriate, make recommendations.

72i: Promote and assess, on an ongoing basis, the embodiment of WSIS principles in Internet governance processes.

72k: Help to find solutions to the issues arising from the use and misuse of the Internet that are of particular concern to everyday users.[5]

It was unclear how the IGF could fulfill this mandate. In a certain sense, one could see the discussion in IGF plenaries and workshops as an indirect contribution to a policy development process which would have to be continued and translated into decisions elsewhere. However, this practice did not produce any "tangible output" for the IGF itself. Over the years, it triggered the criticism that the IGF is nothing more than a „talking shop".

On the other hand, within the IGF a sub-structure for self-mandated policy making emerged. Engaged stakeholders – in an open and bottom up process – created mechanisms like "Dynamic Coalitions" (DCs) and "Best Practice Fora" (BPFs), which organized intersessional work and produced concrete output as recommendations, best practice proposals or reports. This happened in particular in new areas which were not covered by the Tunis Agenda as Internet of Things, Blockchain, Big Data and Artificial Intelligence but also for Internet Core Values, DNS Issues, Access and Cybersecurity.

Over the years, DC/BPFs became de facto multistakeholder policy development platforms. Insofar, the HLP-idea for a policy incubator[6] is not really new. The missing link so far is the

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[5] Tunis Agenda for the Information Society, November 18, 2005, https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html.
[6] The Age of Digital Interdependence", Report of the High-level Panel on Digital Cooperation, New York, June 10, 2019, „The Policy Incubator would incubate policies and norms for public discussion and adoption. In response to requests to look at a perceived regulatory

non-existing direct connection between the DC/BPFs (inside the IGF) and the negotiation bodies (outside the IGF). To establish and formalize such a link – by a "Cooperation Accelerator" described above – would need a review of mandate and procedures for DC/BPFs, including the further enhancement of professionalism, efficiency and legitimacy. There is no need to reinvent the wheel. DC/BPFs are de facto already existing policy incubators inside the IGF.

That said, the Policy Incubator (which should include the existing structures, i.e. DCs/BPFs) would benefit greatly from the following improvements:

A dedicated Policy Incubator Manager to bootstrap and orchestrate collaboration and help to involve knowledgeable and relevant stakeholders.

Funding for administrative support as well as community building and mailing list facilitation

All DC/BPFs need a formal constitutional process and esp. a charter (describing scope and mission). Ideally the mandate is reviewed and authorized by the MAG to ensure the work is framed within the IGF mandate and principles and that duplication of work and mandates is avoided.

5. Observatory

The IGF Mandate includes already the function to collect, analyze and distribute information about the development of the global Internet Governance Ecosystem:

> 72d. Facilitate the exchange of information and best practices, and in this regard make full use of the expertise of the academic, scientific and technical communities.[7]

The IGF and its secretariat never had the capacity to build a databank and to facilitate "the exchange of information and best practice". Over the years a number of institutions introduced their own mechanisms, as the ITU with its "Measuring the Information Society" reports[8], the Geneva Internet Platform[9] or DENICs "Internet Governance Radar"[10], the Friends of the IGF archive of videos or the IGF Wiki, which also set out to facilitate collaboration between the annual meetings. There are issue based databanks and observatories such as the Cybersecurity Portal of the UN Institute for Disarmament Research (UNIDIR)[11] or the surveys and statistics collected by UNESCO[12]. The "Global Internet Policy Observatory" (GIPO) of the European Commission[13], initiated in 2013 with great ambitions, tried to create a universal platform. Unfortunately, the project was not sustainable. There

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gap, it would examine if existing norms and regulations could fill the gap and, if not, form a policy group consisting of interested stakeholders to make proposals to governments and other decision-making bodies. It would monitor policies and norms through feedback from the bodies that adopt and implement them. The Policy Incubator could provide the currently missing link between dialogue platforms identifying regulatory gaps and existing decision-making bodies by maintaining momentum in discussions without making legally binding decisions. It should have a flexible and dynamic composition involving all stakeholders concerned by a specific policy issue." In: https://digitalcooperation.org/report.

[7] Tunis Agenda for the Information Society, November 18, 2005, https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html.

[8] https://www.itu.int/en/ITU-D/Statistics/Pages/publications/mis2016.aspx.

[9] https://www.giplatform.org.

[10] https://internet-governance-radar.de.

[11] https://cyberpolicyportal.org/en/about.

[12] http://data.uis.unesco.org.

[13] https://ec.europa.eu/digital-single-market/en/global-internet-policy-observatory-gipo.

are numerous other databanks and surveys, created and managed by a broad range of different institutions, as Freedom Forum, Reporters without Borders, Freedom Online Coalition and others.

The HLP-proposal for an "Observatory and Help Desk" is a good one.[14] However, it would make little sense if an IGF++ tried to establish another databank. It would make more sense to build an "observatory of observatories", that is to start a website where all the different initiatives, databases and observatories are aggregated and where data standardization as well as best practices and open standards are listed. The IGF+ could introduce an accreditation mechanism where individual databases could be recognized as part of an virtual IGF+ Observatory, which would guarantee a certain high level of quality. Such an umbrella would also help to broaden the visibility and to promote the exchange of experiences among the providers of the many individual services. The Help Desk could function like an "IGF-Call Center" and offer a "Hotline," where requestors would be advised on good practice for the development of national Internet Governance, digital and cyber policies as well as information about ongoing and forthcoming intergovernmental and multistakeholder processes and negotiations.

6. IGF+ Leadership

The Tunis Agenda did not specify how an IGF should be organized. There is no special provision with regard to a leadership mechanism. However, there are two paragraphs which were used as a guideline to establish a general structure for the IGF process:

> 73: The Internet Governance Forum, in its working and function, will be multilateral, multi-stakeholder, democratic and transparent. To that end, the proposed IGF could: a. Build on the existing structures of Internet governance, with special emphasis on the complementarity between all stakeholders involved in this process – governments, business entities, civil society and intergovernmental organizations, b. Have a lightweight and decentralized structure and

> 78: The UN Secretary-General should also … establish an effective and cost-efficient bureau to support the IGF, ensuring multi-stakeholder participation.[15]

As a result, two structures emerged: the "Multistakeholder Advisory Group" (MAG) with a broad stakeholder membership and a chair and a UN Secretariat, chaired by an Executive Director. The MAG and its chair was appointed by the UN Secretary General. The Secretariat was funded by voluntary contributions from stakeholders. With Nitin Desai as MAG Chair and Markus Kummer as Executive Director, the leadership structure did have a good start for the first phase (2006 – 2010)[16]. Later – as a result of a lack of funding for the secretariat,

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[14] The Age of Digital Interdependence", Report of the High-level Panel on Digital Cooperation, New York, June 10, 2019: „An Observatory and Help Desk" would direct requests for help on digital policy (such as dealing with crisis situations, drafting legislation, or advising on policy) to appropriate entities, including the Help Desks described in Recommendation 2; coordinate capacity development activities provided by other organisations; collect and share best practices; and provide an overview of digital policy issues, including monitoring trends, identifying emerging issues and providing data on digital policy, https://digitalcooperation.org/report.

[15] Tunis Agenda for the Information Society, November 18, 2005, https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html.

[16] The first chair of the MAG was Nitin Desai. Since 2002 Desai was the Special Adviser for the Information Society for UN Secretary General Kof Annan. From 2003 to 2005 he chaired the UN Working Group on Internet Governance (WGIG) which proposed both the Internet Governance Definition as well as the establishment of the Internet Governance Forum. Both proposals were adopted by the 193 UN

growth of the MAG membership and low priority on the agenda of the UN Secretary General – the management of the IGF process became more complicated. Thanks to the voluntary engagement of the MAG Chairs, MAG individual members and the understaffed and underfinanced secretariat, the process produced remarkable results. The MAG can be seen as a good example of a multistakeholder body which represents all stakeholders and regions in a balanced way. Also the procedures for the nomination and selection of MAG members has demonstrated its usefulness.

Nevertheless, the outcome of the IGF process as a whole did not match the growing expectations of the global community, including the UN member states. Moving to the next level in a reformed mechanism for global digital cooperation, the existing structure has to be enhanced and reformed.

On the one hand, the MAG with its nearly 70 participants is too big for a well working and functional decision making body. On the other hand, the secretariat is too small to manage the intersessional work appropriately. Another weakness is the limited decision making capacity of the MAG (which is de facto nothing more than a "Program Committee" to prepare the annual forum).

To overcome the weaknesses the following elements could be useful:

1. Establishment of an additional leadership layer in the MAG in form of an "Executive Committee" (EC) or a "High Level Group" (HIG) of no more than 10 representatives (four stakeholder groups with one from the "Global North" and one from the "Global South" from each stakeholder group plus MAG Chair and Executive Secretary). Such an EC/HIG should also get a specified and probably enhanced mandate. The MAG would continue to function like a "Plenary". The EC/MAG would have to report back to MAG Plenary.

2. Financial and operational strengthening of the Secretariat in particular for the interessional work, which would enable Secretariat support for Dynamic Coalitions, Best Practice Fora and the NRI network.

3. The MAG should also evolve its mechanisms to survey the community esp. in terms of expectations (before the annual meeting) and impact of the IGF work (after the annual Forum).

We appreciate the opportunity to share our perspectives regarding this important evolution which has the potential to pioneer good governance for a global resource - the Internet - with fair representation, transparency and openness for all stakeholders. The authors are committed to further informal collaboration and facilitate deliberation that accompanies the formal UN and governmental process. As such we are available for questions and open to consider opportunities to contribute to the relevant processes.

Member states at the WSIS in the Tunis Agenda. The Executive Directpr of the IGF-Secretariat was Markus Kummer, the Swiss diplomat, who was also the Executive Secretary of the WGIG. The MAG was constituted by the various stakeholders (governments, business, technical community, civil society from developed and developing countries and appointed by the UN Secretary General.

Annex 1: The Internet Governance Ecosystem Map

Over the years, the list of so-called "Internet related public policy issues" (as it was formulated in the WSIS Tunis Agenda from 2005) has grown extra-ordinarily. In 2015 the "Correspondence Group" of the UNCSTD Working Group on Enhanced Cooperation (WGEC1) listed more than 600 single public policy issues as relevant for Internet Governance. To simplify such a complexity, the 600+ issues can be packed into four baskets:

Basket 1.   Cybersecurity,
Basket 2.   Digital economy,
Basket 3.   Human rights,
Basket 4.   Technology.

1.   The Cybersecurity Basket

a.   At the *intergovernmental level* there are four formal and some informal negotiation mechanisms:

i.   The "6th Group of Governmental Experts" (UNGGE6), established in December 2018 under the 1st Committee of the UN General Assembly, negotiates norms for state behavior in cyberspace;

ii.   The "Open Ended Working Group" (OEWG), established in December 2018 under the 1st Committee of the UN General Assembly, has a similar mandate, but deals also with confidence and capacity building measures in cyberspace;

iii.   The "Intergovernmental Committee" against cybercrime, established in December 2019 under the 3rd Committee of the UN General Assembly, will work on a convention against cybercrime;

iv.   The Group of Governmental Experts on Lethal Autonomous Weapon Systems (LAWS), established in 2014 under the UN Convention on Conventional Weapons (CCW), is negotiating an instrument how to deal with LAWS;

v.   Furthermore, both the G7 and the G20 as well as BRICS and the Shanghai Cooperation Organisation (SCO) have established working groups on cybersecurity, organize cybersecurity conferences and adopt documents which define norms;

vi.   A number of regional intergovernmental organizations such as OSCE, ASEAN, the African Union, the European Union, the Council of Europe, the OAS and others are adopting cybersecurity related instruments, e.g. the Council of Europe Convention against Cybercrime or the OSCE Recommendations for Confidence Building Measures in Cyberspace (CBMCs);

b.   At the *multi-stakeholder level* there are three relevant processes:

i.   The "Paris Call for Trust and Security", initiated by the French government in 2018, has now more than 1000 signatures, including 78 governments;

ii.   The "Christchurch Call" against the misuse of the Internet for terrorism, initiated by the governments of New Zealand and France in 2019, is supported by more than 100 state and non-state actors;

iii.   The "Best Practice Forum Cybersecurity" (BPF Cybersecurity) within the IGF adopts annual reports with recommendations for governments, business and civil society,

c.   At the *private sector level* there is a growing number of initiatives and platforms, dealing with cybersecurity issues such as, inter alia,

i.   The "Tech Accord", initiated by Microsoft in 2017, which has around 100 supporters from the private sector;

ii.   The "Charter of Trust", initiated by Siemens in 2018, which has about 30 members;

iii.   The "Global Forum of Cyberexpertise" (GFCE), which came out from the Global Conference on Cybersecurity in The Hague in 2015 (London Process), is moving into something like a "global cybersecurity clearinghouse" and "databank". It remains to be seen which role the newly established "Cyber Peace Institute" (CPI) in Geneva, supported , inter alia, by Microsoft, Mastercard, Facebook, Hewlett Foundation and Ford Foundation, will play in this context ;

iv.   The Munich Security Conference has organized, since 2016, an annual high level "Cyber Security Summit."

2.   *The Digital Economy Basket*

The main issues in the digital economy basket are

a.   eCommerce & digital trade,

b.   digital taxation,

c.   digital divide & sustainable development,

d.   the future of work.

All these issues are mainly negotiated among governments. There is a large number of private sector and industry lobby organizations such as the International Chamber of Commerce (BASIS), the Computer and Communications Industry Association (CCIA), the World Economic Forum (WEF) and others. But the main platforms and mechanisms are intergovernmental organizations such as OECD, WTO, UN, UNCTAD and ILO. A strong input for those intergovernmental negotiations comes from the ministerial and summit meetings of the G7, G20 and BRICS.

i.   For "Digital Trade" the WTO is the leading organization. The so-called "WTO Moratorium on eCommerce" from 1998 expired in summer 2018 and WTO member states will re-negotiate eCommerce related issues at the forthcoming 12th WTO

Ministerial Conference in July 2020 in Nur-Sultan, Kazakhstan. At the G20 meeting in June 2019 Japan pushed for special negotiations (Osaka Fast Track for a Free Flow of Trusted Data).

ii.   A related issue are the negotiations on global digital taxation. These negotiations have taken place within the so-called BEPS Framework since 2015. The BEPS Framework emerged from a cooperation between the G20 and the OECD. In January 2020, 137 countries and jurisdictions of the "G20/OECD Inclusive Framework on BEPS" reaffirmed their commitment to find a consensus-based solution for a global digital tax by the end of 2020.

iii.   E-Commerce is also on the agenda of the UN Conference for Trade and Development (UNCTAD,) which organizes an annual "eCommerce Week" in Geneva (27 April – 1 May 2020). The UNCTAD eCommerce Week deals also with the issue of the "digital divide" and puts the UN Sustainable Development Goals (SDGs) into the center of its debate. The "digital divide" is also discussed in the UN Commission for Science and Technology Development (UNCSTD), which reviews progress in the implementation of the WSIS Action Lines. Reports from UNCTAD and UNCSTD are discussed by the 2nd Committee of the UN General Assembly;

iv.   The future of work in a digitalized world is discussed by the International Labour Organisation (ILO), another UN Specialized Agency. The ILO, established in 1919, has governments, business and trade unions as members. Before its 100th anniversary ILO formed a "Global Commission on the Future of Work" under the co-chairmanship of the Swedish Prime Minister Sven Löfgren und the President of South Africa, Cyril Ramaphosa. The Commission analyzed the consequences of digitalization for the future of work and recommended the ILO Centennial Conference in July 2019 to develop concrete measures to promote "decent work" in the information society.

3. The Human Rights Basket

The main issues in the human rights basket are

a.   the right of freedom of expression,

b.   privacy in the digital age,

c.   the rights to freedom of peaceful assembly and of association,

d.   other social and economic rights such as the right to education, the right to culture, the right to work and the right to development.

The main intergovernmental platform is the UN Human Rights Council (HRC, which has three meetings per year and reports annually to the 3rd Committee of the UN General Assembly. The HRC has appointed special rapporteurs for right to freedom of expression (David Kaye), privacy in the digital age (Joe Catanacci) and the rights to freedom of peaceful assembly and of association (Clément Nyaletsossi Voule). The rapporteurs produce reports on a regular basis. The rapporteurs primarily review how existing international human rights instruments

are implemented by member states. Various proposals by the rapporteurs for new legal instruments – such as Joe Catanacci´s idea to draft a new UN Convention against mass surveillance – have so far been widely ignored. UNESCO plays a crucial role in dealing with freedom of expression, privacy, right to culture and education. Regional intergovernmental organizations like the Council of Europe, OAS, but also the European Union and the African Union have adopted legally binding instruments, e.g. the Council of Europe Conventions on Data Protection and Human Rights (with the European Court on Human Rights in Strasbourg) or the EU General Data Protection Regulation (GDPR).

As a new multistakeholder group, the Dutch government initiated in 2014 the "Freedom Online Coalition," which has annual meetings and adopts statements on various issues. The 6th FOC conference took place in February 2020 in Accra/Ghana. There are numerous non-governmental civil society organizations active in this field, such as Amnesty International, Human Rights Watch, Reporters without Borders, Freedom House and others which produce annual reports with recommendations.

4.   The Technology Basket

The main issues in the technology basket are:

a.   Artificial Intelligence (AI)

b.   Internet of Things (IOT) & Standardization

c.   Internet Names and Numbers

20 years ago, technology development was not an issue for intergovernmental negotiations. On the global level, the International Telecommunication Union (ITU) had a mandate to develop standards for telecommunication services. In Europe, the intergovernmental European Technology and Science Institute (ETSI) was also seen as a so-called Standard Development Organisation (SDO). However, the majority of technical issues were discussed and decided by non-governmental bodies which emerged, inter alia, around the development of the Internet such as ICANN, IETF, IAB, W3C, IEEE and others.

During the two phases of the UN World Summit on the Information Society (WSIS) a number of governments challenged the role of the private sector in managing critical technical Internet resources by pointing to the fact that in a digitalized world new technologies have far reaching political implication and affect public policy making, which should be the sovereign right of governments. The compromise in the WSIS process was the support of the multistakeholder model, where the various stakeholders, including the "technical community" should work together in "their respective roles". Nevertheless, the controversy between ITU and ICANN continued. The IANA transition in 2016 ended this debate at least for the time being. The issue of "names and numbers" is no longer in the line of political fire. However, other developments in the field of technology have raised new questions and produced new controversies which are discussed and negotiated now both at the intergovernmental and the non-governmental levels.

i.   Artificial Intelligence is a key issue now at the G7 and G20 summit conferences. The OECD Council Recommendation on Artificial Intelligence (May 2019) is the first intergovernmental document. The OECD Recommendation was formally approved also by the G20 Summit in Osaka in June 2019. Insofar the G20/OECD principles can be seen as the starting point for further discussions around AI. The 41st UNESCO General Conference in November 2019 decided to work on a special normative instrument for AI for adoption in 2021. The ITU organizes an annual "AI for All-Summit" in Geneva. The Council of Europe, the European Union and other organizations have established task forces and expert committees which produce reports with recommendations for further actions.

ii.   Standardization has been a controversial issue for many years. While the IETF, W3C, IEEE and other non-governmental bodies are still seen as the main standard setting bodies for Internet development, the ITU-T, via its Study Groups 20, 17 13 etc. has moved into a central position with regard to standards for a number of applications related to the Internet of Things, such as smart cities, face and voice recognition, new IP and others. The "battle over standards" is becoming increasingly politicized and is being pulled into the Chinese-US technology war.

iii. As said above, the IANA transition ended years of bitter controversies between ICANN and the ITU over the management of the DNS. Nonetheless, there are are two ITU Council Working Groups (ITU-CWG) which continue to investigate the role ITU could play in the future in the management of critical Internet resources such as IP addresses and domain names. Firthermore, debate about 5G, 6G and New IP have also the potential to produce political conflicts. The next ITU Plenipotentiary Conference will take place in Bucharest in 2022.

Annex 2: Let's build a better Internet. An Internet powered by the people and for the people

Matthias C. Kettemann, Wolfgang Kleinwächter und Max Senges, HIIG Berlin, Digital Society Blog, January 16, 2020, https://www.hiig.de/digitale-dekade-die-zukunft-des-internets-steht-auf-dem-spiel

UN Secretary-General António Guterres found clear words to describe the powerful impact of the Internet on society. At the opening of this year's Internet Governance Forum in Berlin, in late November, he confirmed that the future of the Internet is a matter that an organization with a global mandate, like the UN, is deeply interested in. "Digital technology is shaping history", he reminded four thousand listeners in Berlin and at computers worldwide, "but there is also the sense that it is running away with us". The UN's chief representative asked key questions about the Internet: "Where will it take us? Will our dignity and rights be enhanced or diminished? Will our societies become more equal or less equal? Will we become more or less secure and safe?"

These are questions we have to answer. And quickly.

Technology is neither good nor bad. It is what we make of it. Or as Admiral Rickover, the man who was responsible for building America's nuclear navy operations, put it in 1969 "Humanistically viewed, technology is not an end in itself but a means to an end, the end being to benefit man in general." This humanistic conception of technology holds true particularly for the Internet, which is equally a profoundly human medium and arguably the most transformative technology in the history of mankind. And as digital technologies have become in many respects operating systems of our societies and economies, critical risks and unintended side-effects have become apparent. Yet, the way our societies have reacted, threatens the universal socio-economic innovation machine we built.

The splinternet is real – and with it growing risks for a fragmentation of the Internet, the militarization of cyberspace, digital trade wars and massive conflicts around human rights. A variety of efforts to exert digital control have spread far beyond authoritarian regimes. In many "liberal" societies, it comes in the disguise of digital nationalism or "network sovereignty", with national policy-makers unilaterally legislating – often well intended but nevertheless detrimental – policies e.g. on content, privacy, and copyrights.

We believe these developments not only run counter to the very cosmopolitan philosophy the web was founded upon, but threaten to deprive future generations of the opportunities an open, free and safe Internet has to offer.

They also show that we must move beyond analysis and political promises. It is time to act. It's time for all stakeholders to embrace their responsibilities and collaborate transnationally and across governments, private sector and civil society.

The current debates about data governance, privacy, and even the future of capitalism, while not always constructive, show that care about #ourinternet. Yet they sometimes make it feel as if things could only get worse. We are convinced: It does not have to be like that. However, we cannot simply return to a previous state, to the largely unregulated Internet of the 1990s. And we shouldn't. Because we can build something better together.

Now it is time to reimagine #ourinternet.

Reimagining the Internet starts with asking – and deliberating on – the right questions. In a 2018 interview with David Letterman, Barack Obama put forward one of these questions: How can we make an economy, in this globalized technological environment, that is working for everybody? Another one we believe is central: How do we enable fair democratic elections and governance from the small community to the global level? If the Internet eats the world, governing the Internet is a blueprint for how to govern the world. Or how about this one: How do we design our online identity architecture to allow us to be who we want to be online? And then there is one that Kant famously asked: What can we know and use as common understanding of humanity (facts)? And subsequently, how do we deliberate across cultures and communities? In this case we might already have a lead: Wikipedia is an incredible example of a tool that might hold an important piece of that puzzle.

But where is the right institutional context to get organized?

If we want to shape the next social and technological evolution of the Internet, rather than being shaped by it, we need to reform existing policy frameworks in ways that reflect its growing significance and complexity.

We are at a critical juncture. We know from history that – while they rarely last forever – once built it takes a long time to tear walls down. To preserve the qualities that the Internet's creation was based on, the 2020ies must bring the next generation of Internet Governance (#NextGenIG). This process towards a future-proof, holistic and resilient governance framework for #ourinternet started with the IGF 2019. Further milestones until 2030 will be, inter alia, the 75th Anniversary of the foundation of the United Nations (October 2020), the UN World Summit on the Information Society (WSIS+20) in 2025 and the "goal year" of the UN SDG Agenda in 2030.

#NextGenIG ought to be based on a holistic approach and the multistakeholder model by building on the web's trans-national, decentralized architecture, which has been the very precondition for its empowering effects for people and innovation world-wide, while complementing it with effective governance mechanisms that match the impact of the negative externalities it has brought about.

Governments at local, state, and national levels, industry, academia, and NGOs all have a role to play. And so should the citizens. The present situation is unique in that it affects and involves everyone. Above all, it must promote hope. We believe that we can realize the vision of a global village, that we can reach cosmopolitan, free lives, cultural coexistence even when all tastes and opinions are just one click away.

We conceive of this #NextGenIG to be comprised of interlinked parts, among them:

First, a Digital Peace Plan including norms for good behavior of state and non-state actors in cyberspace and confidence-building measures to counter (neo)nationalist policies that endanger the stability and functionality of the global Internet and its infrastructure, and encompass multilateral and multistakeholder approaches to (1) international security (including military aspects and confidence-building measures), (2) the fight against cybercrime and (3) technical security and network resilience;

Second, a Digital Marshal Plan to promote sustainable (digital) economies based on innovation with freely flowing data and trusted identities, while ensuring decent work and the next billion Internet users are brought online. The UN Sustainable Development Goals, which are set to be reached by 2030, are excellent metrics to see if we are on the right path.

Third, a Digital Human Rights Agenda, providing norms and policies to respect, protect and implement human rights on the Internet, based on existing norms, targeted at all relevant stakeholders, in their respective roles.

As Angela Merkel, Germany's chancellor, reminded participants at the IGF, the key underlying value to protect must be human dignity: "technical innovations have to serve the person, the individual, and not the other way around." This only works by ensuring "digital sovereignty" for individuals and states. As Merkel rightly said, we need individuals and societies capable of "determining the digital development". All actors have to be involved and states have to understand that it is, as Merkel said, an "expression of sovereignty if we

stand up for a free, open, and safe global Internet when we are convinced that isolation is not an expression of sovereignty. But that we all of us together share a treasure of values." These values need to be protected.

The whole stakeholder community and everybody who wants to drive us towards a humanistic conception of technology has to band together and collaborate on the Next Generation Internet. We want an Internet that works for everyone. An Internet that protects and promotes dignity and human rights and that fully realizes its potential for empowerment, innovation and entrepreneurship in fair (digital) markets. In short: A better internet. An Internet powered by the people and for the people.