Department of Policy and Business Practices

Commission on E-Business, IT and Telecoms

ICC response to WGIG questionnaire
Internet Governance Mechanisms: Questionnaire

ICC general comments regarding questionnaire

The WGIG questionnaire's format and approach implies a need for an additional forum, which is not necessarily a correct assumption.

The questionnaire is too heavily focused on cluster 1 of the WGIG clusters and papers.

Process/Function 1: "Forum function"

1. Is there need for an additional arrangement or body?

    - There are a variety of existing organizations addressing issues related to the evolution of the Internet which are responsive to its dynamic needs and its applications. All institutions need to constantly seek to improve, and those associated with the Internet are no exception. Each has processes in place toward this objective. The Internet was designed to be managed/coordinated in a decentralized fashion without any need for "centralized" control. Certainly, it has worked that way for many years and today is the foundation of many business models in the commercial world. The WGIG has recognized and ICC members agree the Internet itself has been functioning well. Given its history and its stability to date, it is not clear that there is a "need" for an additional arrangement or body.

    - Nonetheless, there may be a "need" for a "forum function" that could offer a discussion body so that the public policy issues and concerns of any stakeholder can be heard, discussed openly, and responded to as appropriate by the responsible entity or entities. Thus, ICC members have responded with a conditional 'yes' to the need for a discussion forum function. This may not require an additional body.

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If the answer to question 1 is yes:

2.	What functions should it exercise?
	(a)	Create a space for a multi-stakeholder discussion forum?
	•	Yes, however, the discussion forum would only provide for and promote a multi-stakeholder exchange of information for any issue brought before it– see above. The multi-stakeholder discussion would take place in a neutral forum in which all stakeholders are allowed and encouraged to participate equally.
	(b)	Give policy direction?
	•	A multi-stakeholder forum could put forth summaries from the discussions to assist either particular organizations or fora in taking the issue to the next level. This may give policy direction, though it would not have decision-making authority or operational responsibility.
	(c)	Any other function?
	•	No
	(d)	Be a combination of the above?
	•	Yes, with the qualifications outlined in response to (b)

3.	What kind of public policy issues should it address?
	•	Any public policy issues brought before it that are considered to be related to the Internet and Internet governance– see above and below.
	(a)	All issues related to the Internet?
	•	It could consider Internet governance issues as they require attention. However, in relation to certain issues, any such forum should recognize and where appropriate, defer, to existing expert bodies.
	(b)	Only issues outside the scope of existing organizations and institutions?
	•	No. The WGIG has demonstrated the overlapping involvement of many entities and stakeholders in most issues related to the Internet. It is important that any forum be flexible enough to serve to encourage greater information exchange across organizations and stakeholders on issues that may be addressed by existing organizations but that have a horizontal cross-cutting nature. This could actually promote cooperation and collaboration and thus promote greater efficiency.

4.	Where should it be anchored? (to what institution should it be linked)?
	•	Anchored is not the appropriate term. It would need a 'seat' or 'host'.
	•	If it is felt that the forum must be within the United Nations structure (to enhance credibility/legitimacy), such positioning is acceptable only if it is within the purview of the Secretary General and not positioned within a subordinate existing body as the forum should serve to facilitate discussions across different bodies and among all stakeholders.

5.	How should it be financed?
	•	Funding should be on a voluntary contribution basis.
	•	It should be open and financially self-sufficient.

6. How should it be structured?
   - An equal partnership of all stakeholders at all levels.
   - An open forum component that involves all stakeholders even if they are not regular participants or stakeholders in the existing mechanism that addresses issues being discussed.
   - Such a forum could have a very small secretariat capable of convening/organizing periodic meetings and maintaining a web site documenting the results and participant lists.

7. What would be its relationship with existing organizations and institutions?
   - It would be a neutral forum that could facilitate bringing all the stakeholders and existing institutions and organizations together to promote cooperation and information sharing. It could be a convenor for meetings that include representatives of existing organizations and institutions in this way.

Process/Function 2: "Oversight function"

1. When talking about oversight, what functions do you envisage (simple audit function, arbitration, policy direction or any other function) and over what areas of activities?
   - ICC questions the need for any new oversight function.
   - While some of the existing mechanisms/organizations that deal with issues related to the Internet could be improved in line with the Geneva principles, oversight of them is not needed, rather discussion and information exchange between and among these organizations should be promoted.

2. Should the ICANN's Government Advisory Committee (GAC) be transformed and take on some oversight functions?
   - While it may be appropriate for the GAC to be more fully integrated into the ICANN structure and decision-making process on issues with public policy implications, oversight per se is not needed.
   - The current processes and procedures are established in an open and transparent manner available to any interested party. However, the possibility of an audit and reporting function that the agreed to processes and procedures are being followed could be explored.
   - Some option needs to be created to address the concerns that are the basis for this question. An independent auditor for the administration of the DNS and root server may be a solution.
   - However, any oversight or audit must be non-intrusive and minimalist, with narrow objectives, so as not to adversely affect existing processes and functions.
   - The GAC is involved in discussions regarding its own role within ICANN, and ICC supports this effort and encourages that it be with the full involvement of all ICANN stakeholders.

3. Should the GAC be replaced by another body and what functions should such a body take on?
   - The GAC should be retained and strengthened by more active, broader, and higher-level participation by governments. Participation by more governments and by more senior representatives would likely strengthen the GAC.
   - Additionally, the GAC is not being fully utilized by some governments. Many of the governmental entities that are most vocal about the need for change and additional governmental oversight do not participate actively in the GAC or participate with only lower-level officials. Full advantage of existing mechanisms need to be exploited before creating new ones.
   - Perhaps, with some strengthening of the GAC's mandate/mission/scope, within the ICANN structure, and improved member participation, it could perform a more robust audit role within ICANN decision-making processes.

4. Should any post 2006 governmental oversight be exercised within the UN framework?
   - No.
   - The role of the GAC needs to be revisited and perhaps a reformed GAC could provide the necessary diversification of governmental input to ICANN as detailed in response to question 3.

Process/Function 3: Functioning / coordination of existing institutions

1. What improvements in their functioning should existing institutions make to bring them more in line with the WSIS principles?
   - Involve all stakeholders consistent with the mandate of the organization. Some organizations are not meant to have all stakeholders from all regions of the world involved and thus this may not be possible in all cases. Outreach and information exchange between all stakeholders and regions of the world should be made to the extent possible.
   - ICC encourages the use of innovative and collaborative technologies to improve multi-stakeholder participation as appropriate.

2. How can their activities be better coordinated?
   - A multi-stakeholder forum, as mentioned in section one, could be an effective means of encouraging coordination and exchange of information where appropriate and needed.

3. Are there existing models of inter-agency cooperation that could be followed?
   - Inter-agency cooperation benefited from the UN ICT Task Force structure of equal partners from all stakeholder groups. Among other things, this encouraged cooperation, information exchange and collaboration between various international organizations and UN agencies.

4. Should any existing institution be given the role of lead agency?
   - The range of issues, their dynamics/evolving nature and existing mechanisms that handle these issues means that no existing institution should be given the role of lead agency, however, there may be a convenor as specified above.

Each institution or organization has an appropriate role to play and needs to continue that role. Most of the issues do not have a simple solution but require the actions of many stakeholder groups and organizations to resolve. Each has a specific part to play.

Process Function 4: Functioning / coordination at the national level

1. How should Governments bring their national decision-making process in line with international Internet governance arrangements?
   - Consult with all stakeholders in national policy, legal and regulatory decisions on a permanent basis.

2. What successful multi-stakeholder models could be recommended as an approach to be followed?
   - The UN ICT TF, WGIG, and G8 Dot Force offer experiences that should be drawn upon in building the approach.
   - Participation in periodic forums with all participants may be helpful.

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