

Internet Governance Arrangements:

Indian responses to the questionnaire

Process/Function 1 : “Forum function”

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

Yes

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

(b) Give policy direction?

YES

(c) Any other function?

Please refer to our response at (d)

(d) Be a combination of the above?

Yes, : As per our understanding the Internet Governance consists of the collective rules, procedures, processes, and related programs that incorporates all stake holder's expectations, practices & interactions resulting in practices and operations that are consistent with the sovereign rights of states and the social and market interests of end-users and operators. It includes agreements including international agreements about standards, policies, rules, and enforcement and dispute resolution procedures.

3. What kind of public policy issues should it address?

(a) All issues related to the Internet?

Definitely not all the issues.

(b) Only issues outside the scope of existing organizations and institutions?

Yes, the issues, which are handled by the existing organizations viz. ITU, IETF etc. on standards
UNESCO etc. on contents
WIPO on IPR
may not be dealt by the proposed body.

4. Where should it be anchored (to what institution should it be linked)?

It may be anchored with existing UN Organization like ITU, UNESCO, UNDP etc

5. How should it be financed?

It should be financed within the existing financial management mechanism of the UN Body to which it anchored. We do not envisage creation of a separate body with Independent Financing and Administrative setup, which may entail setup delays of the order of one to two years.

6. How should it be structured?

At this stage we feel that there can be a separate entity under the existing appropriate UN Body which can be charged with the management of Public Policy issues related to Internet Governance. The rules of the procedure for the discussions and the overall conduct of the meeting can be suitably framed to facilitate discussion in a transparent, democratic, multilateral manner and based on the full involvement of the Governments, the Private Sector, Civil Society and International Organizations.

Accordingly We would like to propose that the new arrangement/body should be multilateral, Multi stakeholder, Intergovernmental under the aegis of UN Framework

7. What would be its relationship with existing organizations and institutions?

We feel that existing organizations and Institutions should function within the administrative framework of the new entity described above.

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?

We envisage the following functions should come under the oversight of the new body.

i. Framing collective rules, procedures, processes, and related programs that incorporates all stake holder’s expectations, practices & interactions resulting in practices and operations that are consistent with the sovereign rights of states and the social and market interests of end-users and operators Including international agreements about standards, policies, rules, and enforcement and dispute resolution procedures.

Issues of the specific users interest include containing the menace of Spam, phishing, pornography cyber crime and other related matters. These are the policy issues having national as well as global bearings.

2. Should the ICANN’s Government Advisory Committee (GAC) be transformed and take on some oversight functions?

Our response to question No.6 in the process function 1 refers.

In the proposed changed scenario, the function of GAC will get subsumed in the new entity. We therefore do not envisage any oversight function to be assumed by GAC at this stage.

3. Should the GAC be replaced by another body and what functions should such a body take on?

In our view the advisory functions of the GAC would be assumed by the new proposed entity discussed above.

4. Should any post 2006 governmental oversight be exercised within the UN framework?

We are of the opinion that the new mechanism for control of the Internet Governance as discussed above should become functional even before 2006

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

In line with the WSIS principles, we feel that existing organizations and Institutions should function within the administrative framework of the new entity described in para 6 of process 1 above.

2. How can their activities be better coordinated?

Our reply in 1 above refers.

3. Are there existing models of inter-agency cooperation that could be followed?

This needs further discussion. First the scope of inter-agency co-operation need to be defined and formal mechanism established

4. Should any existing institution be given the role of lead agency?

Yes, UN –Bodies like UNDP, UNESCO or ITU can be considered.

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?

By consultation with the different stakeholders and thereafter framing the policy directions.

2. What successful multi-stakeholder models could be recommended as an approach to be followed?

Our Recommendations:

It can be structured in the following manner.

- i. Initially a consultation /working paper may drafted and put on the public domain for comments/discussion.
- ii. Several rounds of open discussions may be held at geographical dispersed sites to evince wider participation of different stakeholders.
- iii. Based on the consensus the recommendations are finalized for submission to National Policy making body.
- iv. The body taking the overall national interest takes a final view.

