WGIG Questionnaire

Responses from Nominet UK

Process/Function 1: "Forum function"

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

No. We do not believe that such a body is necessary. The Internet is distributed and decentralized in nature, and is not amenable to centralized control. Moreover, we believe that the existing institutions which variously carry out Internet governance functions are sufficient, albeit that no institution is perfect, and all could benefit from improvement.

We note, however, that the questionnaire seems to assume that such a body will be formed. We have therefore answered the remaining questions.

2. What functions should it exercise?

(a) create a space for a multi-stakeholder discussion forum?

If an additional body or arrangement were created, it should be a very loosely structured discussion forum, with an open and inclusive membership, in which multi-stakeholders can participate on an equal footing.

It should be a forum for exchange of best practice advice, and make non-binding recommendations.

We would also recommend that, given the fast changing nature of the Internet, any solution created as a result of the WGIG process ought to have a "sunset" provision for no more than 5 years' time, to enable review and/or replacement in the light of changes in the external environment.

(b) Give policy direction?

Given the distributed and decentralized nature of the Internet, and the wide variety of regimes in different countries, we believe that the overriding policy principle should be of subsidiarity.

If an additional body or arrangement were created, it should not give policy direction.

(c) Any other function?

If an additional body or arrangement were created, it should give non-directive advice on best practice.

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

(a) All issues related to the Internet?

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

We do not believe that the creation of an additional body or arrangement is necessary.

If an additional body or arrangement were created in the form we have described above, it should deal with policy, and not operational issues, but should not otherwise be restricted in what it could discuss.

We agree with the points made by the ICC, that it should be flexible enough to encourage greater information exchange across organisations and stakeholders.

4. Where should it be anchored?

We agree with the comments of the ICC: it should be within the United Nations structure, but not positioned within a subordinate existing body.

5. How should it be financed?

We believe if an additional body or arrangement were created, it should have a "lean", "low-cost model". We suggest that it be funded through voluntary donations.

We fundamentally disagree with the suggestion of the Internet Mark 2 project that it should be funded through a domain name tax. Proposals of a similar nature have been widely criticised by the industry in the past. We would be concerned if the outcome of the WGIG/WSIS process led to an additional layer of administration or oversight, whose costs would ultimately be borne by the end user.

In particular, a domain name tax would most adversely affect the poorest, both in developing and developed nations. We have no wish to see a solution which in practice raises barriers to participation in the Internet, and reverses the current trends of reducing costs, and increasing accessibility. Moreoever, raising costs in this way is likely to restrict competition, and inhibit innovation to the detriment of end users.

6. How should it be structured?

A one layer, multi-stakeholder structure, with a small secretariat.

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

If an additional body or arrangement were created, it should be advisory, and complementary to existing institutions. Its overriding purpose should be to exchange information.

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?

Like the ICC, we question the need for any new oversight function. Rather, we believe it would be more valuable to have a forum for discussion, information exchange and the development of non-binding best practice.

For example, if the IANA function becomes properly automated and responsibility for changes rests with the incumbent registry, a possible function of an additional body could be to ensure that processes are working fairly, and to provide a dispute resolution mechanism (such as mediation) to assist in the event of contentious redelegation requests.

2. Should the GAC be transformed and take on some oversight functions?

In our view, this is not necessary. In fact, the GAC as an advisory body exerts great influence (eg the revised GAC Principles 2005) without the responsibility or liability that a formal oversight function would involve.

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

No. However, like the ICC, we would encourage participation in the GAC by more governments, and with higher-level participation.

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

No.

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?

We would encourage the use of technologies to assist lower cost participation by all stakeholders, including those from developing countries.

2. How can their activities be better coordinated?

A multistakeholder forum could be an effective means for better coordination.

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

4. Should any existing institution be given the role of lead agency?
We do not believe it appropriate for any existing institution to be given the role of lead agency.

In our view, rather than seeking to control and manage existing bodies, any additional body or arrangement should work in partnership in an enabling, coordinating capacity. We would recommend the latter.

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

We would encourage the WGIG to look closely at successful models of multi-stakeholder participation at the national level, for example .uk's Policy Advisory Board model.