

Internet Governance Arrangements: Questionnaire

Comments from the WSIS Gender Caucus

Process/Function 1: “Forum function”

1. Is there need for an additional arrangement or body?
Yes. As mentioned in the introduction to the questionnaire, there “is no existing forum in which the global community as a whole can address broad public policy issues or emerging issues that are cross-cutting or multidimensional and affect more than one institution”. Internet Governance has become too important a global issue, affecting practically everyone in important ways, and its governance cannot simply remain distributed among only ‘technical organizations’ despite their claims of legitimacy and representativeness. While these organizations may continue to have important activities to manage, an appropriate global public organization, with sufficient access to and equal representation of all people, communities and groups, including women, must take up the overall Internet Governance function.

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 direction¹? *Yes. All issues of Internet Governance must essentially be decided at the level of this new body.*
 - (c) Any other function? *It should also maintain structured liaison with regional and national bodies connected with managing Internet resources. This body must develop appropriate relationship with UN bodies connected with development (like UNDP), with culture and education (UNESCO) and with those dealing with special needs and interests of groups like women (UNIFEM) so that Internet Governance is managed not only from a governmental and market interest point of view but for the rights of people, including the right to development, the plurality of cultures and the protection of the interest of disadvantaged sections including women.*
 - (d) Be a combination of the above? *Yes*
3. What kind of public policy issues should it address?
 - (a) All issues related to the Internet? *Yes. Issues as included in the widest definition of IG proposed in the WGIG, especially including development aspects, IPR, access, infrastructure etc*
 - (b) Only issues outside the scope of existing organizations and institutions²? *No*

¹ Clarification is needed for what is meant by "policy direction". Is it the same as “give recommendations”? It can either give recommendations on the overall direction, or it can get down to the nitty-gritty and give detailed direction.

² What are those issues? The document on the WGIG site says - issues outside the current scope include Competition policy, liberalization, privatization, regulations [Cluster 3], E-Commerce, Taxation, Trade [Cluster 3], Intellectual Property Rights [Cluster 3], Developmental Aspects of Internet Governance-.

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

To an appropriate UN body, preferably a specialized body that takes up WSIS implementation and follow-up, with a separate IG section. However, if ITU is to be the institution that this body is anchored to, the ITU must transform itself adequately in keeping with the letter and spirit of the WSIS principles. It should adhere to principles of civil society stakeholder-ship of and participation in all its processes. It needs also to change its policies in many other areas like open access to information etc. In essence, it will have to tone down its private sector orientation, and improve its orientation to civil society, in recognition of the fact that the telecom infrastructure that it hitherto managed was of a completely different nature (more competitive and plural in nature, therefore often privately owned) than the shared, common and non-competitive global resource that the Internet is (more in tune of civil society notions of sharing and collaboration).

5. How should it be financed?

It can be funded through the UN system, but should also explore employing the present Internet resources distribution based funding strategies of ICANN.

6. How should it be structured?

- *As mentioned above, it should be a part of, or anchored to, the specialized body within the UN system that will lead WSIS implementation and follow-up. However this body dealing with IG has to be sufficiently strong and elaborate to deal with responsibilities that are expected to keep increasing for quite some time to come.*
- *The body should have strong representation from civil society and the academia*
- *It should be responsible to the UN General Assembly through the UN Secretary General*
- *Have oversight responsibility for fair distribution of Internet resources.*

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

- *Existing organizations associated with technical matters of IG may carry on their activities but should be under the governance of this body for policy and other important matters.*
- *Similar relationship, with due regard to national authorities, should be established with regional and national bodies involved with governing Internet resources at present.*
- *As stated earlier, since IG is connected with all aspects of societal functioning, this body should develop appropriate relationships with other UN bodies like the UNDP, UNESCO, UNIFEM etc.*

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?

Public oversight has to extend to all functions of IG. However these oversight mechanisms need not be too invasive – i.e. into routine activities carried out by various bodies on different aspects of IG. Obviously, policy direction and audit fall under expected functions of a public over-sight arrangement; in addition it should also be

able to intervene in all areas and situations requiring urgent response and intervention to uphold public interest. Fairness and equitability of distribution of internet resources, localization/ multilingualism, and developmental aspects of IG would especially be covered in the mandate for such an oversight mechanism.

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

Yes. While effective participation of a body like GAC with governmental representation in IG processes has certainly to improve and get structured better, it should not be allowed to develop into a situation where routinely one veto by any one government holds up everything, and we are left with the lowest common denominator based functioning. Such a situation will be highly detrimental to governance needs for healthy development of the Internet. For this purpose, innovative governance mechanisms, using the overall governance body described in Process/function 1 above, will have to be developed.

GAC must also be made more inclusive and participative.

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

GAC, or a GAC like body, should be expanded bringing on board other interest groups, like women. Such a body must have a public global mandate and accountability.

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

Yes, as described in Process 1 above, such oversight mechanisms must be made more inclusive of all sectors of society, taking on board the gender dimensions. There is no other way to get global public legitimacy, than to include governmental oversight in some effective form. However innovative mechanisms within the UN framework need to be worked out so that routine IG issues are able to be carried out without frequent ad-hoc interference from governments.

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?

The existing institutions should review all their policies and activities to conform to the WSIS principles – especially in regard to development functions, IPR, access to information, multilingualism and cultural plurality, multistakeholderism, centrality of governmental role, special needs to LDCs, special interest groups like women etc. They should also defer on policy and governance issues to the overall governance body that is set up in the UN framework.

2. How can their activities be better coordinated?

- *By putting them in a clear policy framework and under the overall governance of the main IG body described above.*
- *With proper structures for monitoring and evaluation*

- *With representation and inclusiveness in key decision making structures/ institutions*
- *Clear definition of roles and responsibilities*
- *Effective information sharing*

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

It will not serve the purpose of effective IG to adopt conventional inter-agency cooperation models. All these different existing institutions concerned with different aspects of IG need to have a clearly structured relationship under the overall IG body described above, but in a manner that protects the relative autonomy of the functional areas of each existing institution.

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

No, a new body as described in function/process 1 above is necessary.

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?

- *Develop a clear IG related decision making process that is independent of the executive, and has multi-stakeholder participation*
- *Involve adequate representation of special interest groups, like women*
- *Develop closer connection with international policy making forums especially those connected with IG*
- *Develop internal and civil society capacities to deal effectively with Information Society issues in general, and IG in particular*
- *Connect the IG issue to other issues like of development, access to information, IPR, infrastructure, cultural plurality, localization/multilingualism etc*

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