

Coordination of Names and Numbers functions

The allocation of Names and Numbers are functions best performed unseparated. Any structural separation, if required, could be internal and nominal (superficial). -With both Names and Numbers in its sphere of responsibilities, a corporate structure is neither sufficient nor appropriate for ICANN to carry out these global responsibilities in an Internet with 3 billion users and a thousand TLDs. The Internet is soon to expand for Universal connectivity for the entire global population, combined with the expansion of the Internet of Things, so ICANN needs to strengthen itself into a global governance organization.

The IANA Transition process creates an opportunity for the ICANN community to reflect upon the need for significant changes in the overall structure of ICANN as a global multi stakeholder organization.. Though not required to meet the conditions of the Transition, the Community could commit to examine the need to strengthen the foundation and reinforce the structure of ICANN, which could largely happen post-transition. With a view to ensure that the long term improvements are not rushed into, but decided and implemented in a failsafe and thorough manner, it is proposed to keep the immediate Transition process minimal and simple.

Transition specific Changes could be minimal

The NTIA oversight provided political stability to IANA than technical expertise. ICANN performed the operational role for this to continue without NTIA oversight, ICANN's focus needs to be mostly on building global trust in the multi-stakeholder processes.

Minimal new structures or Changes before Transition:

It does not *require* newer structures to be created to continue to perform the same functions . The transition could be a very smooth and simple process, with the bare

minimal changes required. ICANN could constitute a layer of customer oversight (CSC by any name) as also a Standing Cross-Community Working Group by any name for another level of IANA functions coordination and review; IANA topics could be discussed during ICANN meetings on a track parallel to the sessions on Names, and important issues could be escalated for cross community, ICANN-wide discussions. These changes before and at the time of transition need to be only to the extent necessary to fill up the void created by the absence of NTIA oversight.

The transition proposal could be unconstrained by the implied template:

There are more effective ways of addressing the larger concerns that lie beneath the NTIA stipulations, than to create unnecessary and artificial bodies such as a Contract Co.. ICANN may not hesitate to ask for waivers of any procedural components so as to furnish a suitable and appropriate transition proposal.

In place of a Contract, which is out of place in the context of global Internet Governance, ICANN could offer an expanded AoC that could include aspects of the Contract, to the Internet / Internet Community: without NTIA, there is no Contracting Party, so the Community need not invent one to sign an unnecessary document. Any stipulations that NTIA might have laid down in its present contract could be transferred to a document similar to the Affirmation of Commitments which could enumerate immediate IANA specific commitments and in particular, long term commitments related to overall ICANN governance. These long term commitments could include a timeline with an outline of commitments to improvements to the Organizational Structure with specific commitments related to the expansion of the ICANN Accountability process.

Accountability Improvements / Commitments before Transition:

NTIA is very specific in that it requires ICANN to specify to whom it would be

accountable. While the ICANN Community is the immediate sphere, it is to the whole universe of Internet Users to whom ICANN might be deemed to be accountable. The users interests are best represented by the ICANN Community and by the Internet Community; ICANN demonstrates that it conformed to the standards laid down by the Accountability process to the Community, which is deemed to act in the best interests of the Internet Users.

For ICANN to continue operating the IANA functions, internal processes with some finer changes provides the required basic framework for Accountability. Most of the work related to Accountability improvements could happen as a continuous process, largely post-transition.

Post Transition, ICANN could strengthen the foundation of the entire organization, by building higher standards of governance into every component of the organization and into every process, so as to make Accountability an inherent process. ICANN could draw from the notions of Higher Governance from cross cultural history, partially from earlier times, as also bring in aspects of responsible governance from global non-profit organizations, from the constitution of evolved governments and from fresh thoughts original to this unprecedented global responsibility.

Such a process could result in Layers of Accountability Oversight and establish global trust. As part of its Transition Commitments, ICANN could commit to set in motion such a process for strengthening the organization and enhancing Accountability, with a timeline, while carrying out minimal changes to existing processes before transition, possibly in the direction of the overall plan for a stronger and more accountable ICANN.

Post Transition Work

ICANN needs to be strengthened as a globally neutral organization with an expanded

Accountability framework that could make the ICANN processes inherently fair for the whole world.

These ideas are read together with the suggestions contained in :

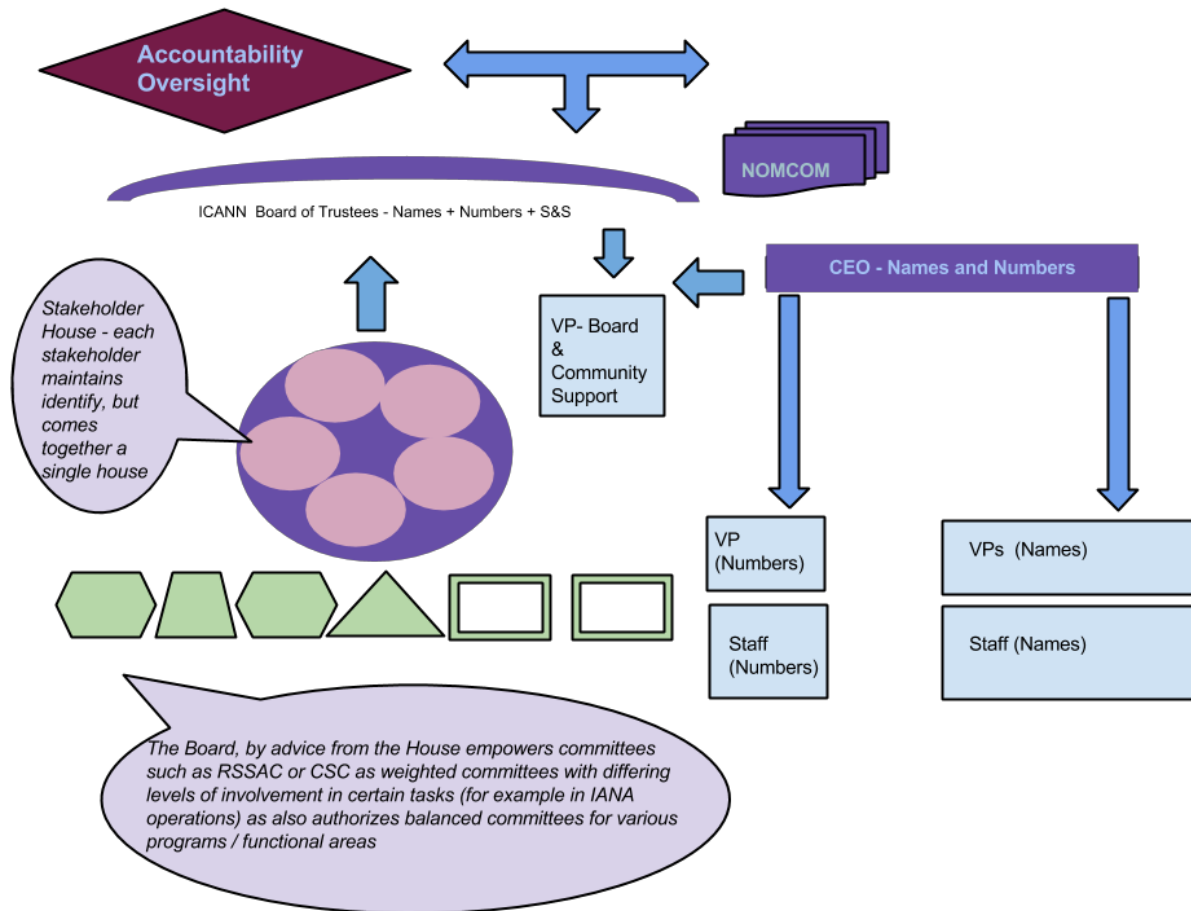
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<http://mm.icann.org/pipermail/ianatransition/attachments/20140509/5342bbfa/NTIACommentfromInternetSocietyIndiaChennai3.pdf>

<http://forum.icann.org/lists/comments-enhancing-accountability-06may14/pdfrBThf5rX8a.pdf>

Though a global multi stakeholder organization, ICANN is managed in the style of a business Corporation. The Corporate Organizational Structure did serve its purpose during the first 15 years but viewed as a global Internet Governance organization, there are severe limitation in this corporate framework. It would be more appropriate to think of strengthening the foundation with the superstructure of a global organization with global responsibilities, even if it takes an elaborate attention to every part of ICANN and every aspect of ICANN governance.

In the long term, ICANN could also think of ways of structurally separating policy from commercial aspects, ways of separating Critical functions from commercial operations.



Accountability Oversight: A form of higher oversight could be visualized as ICANN-wide oversight for the long term, which would make the Accountability an inherent process. The “Accountability Oversight” could be a higher Board / Judicial Organ or as a Long term Standing Committee, independent of the cycle of Board / Executive Terms of Office, composed of eminent community leaders who might have held positions in the past with known commitment to the Internet, appointed by a process that goes beyond Board processes, that would advise the Board / Executive / Community when required, resolve issues that are otherwise complex, and serve as an internal Appeals mechanism. Such an oversight body could be so placed as to balance the power structures within the organization without overwhelming the Board or Executive, more along the lines of the concept of balance of powers as conceived by the 18th century American Leaders and European philosophers as also by bringing in

higher thoughts and Cross Cultural insights from the present and past. There could be layers of Balance and layers of Accountability Oversight.

ICANN Board: The ICANN Board of Directors are more appropriately a Board of Governors or a Board of Trustees. The Board could be constituted with a greater balance, with particular emphasis by NomCom on finding candidates brought up on a high ethical foundation.

Board / Community affairs, especially compensation or perquisites could be handled are to be handled by a stream of process that is not subservient to the Executive

Stakeholder House : Each Stakeholder maintains Community identify, but comes together as a single house. Each stakeholder group would pay attention to include those in pursuit of the group's interest to be seated among the group and not placed elsewhere. The stakeholder groups would come together as a cross-community Stakeholder House, that could be constituted with attention to balance between stakeholder groups. The Board, by advice from the House could empower Committees such as RSSAC or CSC as weighted committees with differing levels of involvement in certain tasks (for example in IANA operations) as also authorizes balanced committees for various programs / functional areas, while preserving the overall balance

ICANN Executive ICANN Executive Review to be modified from being a Board only process. NomCom could be involved in the appointed of the most senior staff positions.

NomCom Nomcom could work on a certain degree of continuity in the way it is constituted and engage the expertise of past Chairs / Members / Community Leaders to be in a position to find committed people for various roles.

Expanded Accountability

Internet Society India Chennai Chapter organized a Round Table discussion, in a largely undefined **endeavor to bring up higher thoughts on ways of strengthening Internet Governance**. This was to MAKE A START of a process of generating broad thinking on positive ways by which different cultures could broadly contribute to further the evolution of the Free and Open Internet.

Internet is Global and the process of Internet Governance has enormous responsibilities as it has the well being of all the people of the world at stake. This makes it necessary for the Internet Governance Institutions to look beyond the existing models that happen to be more based on corporate governance models and strengthen it further as a larger and higher governance framework for universal good, broadened with values that are far more profound.

The first Round Table in India Chennai was a Start for the process of bringing up higher thoughts. The Chennai table brought up the idea of "*Vasu Deva Kudumbakam*" - the world as one family - any notion of separation is superficial, but on a deeper level the whole world is an undivided unity. The Round Table brought up thoughts that included ideas drawn from the Constitution of India-the Indian concept of a "*Guru*" or "*RajaGuru*" and possible modernization of such a concept into that of an enhanced Advisory Body so as to keep Governance on the path of broader justice. Participants also sought to explore the Indian concept of "Dharma" and its relevance as a component of the existing foundation of Internet Governance.

bit.ly/aischennai

<http://isocindiachennai.org/?p=1915>)

Follow up on the Round Table exercise

As the Chennai Round Table brought up Indian ideas, other cultures from other parts of the world could bring up thoughts from from their respective cultures. There is a plan to organize a larger Round Table with expert participation, possibly with the participation of some Internet Community leaders.

Some of the ideas - many more to be identified - to be explored in this follow up meeting in Chennai and possibly in certain other parts of the world are:

- concepts from business including the ISO model of creating an overall propensity to standards across the organization, rather than by inspection of individual products or service components;
- governance models from large, global Charitable or Non-Governmental or Regional Organizations such as the Tata Trust, Virgin Atlantic, various Foundations or the Council of Europe.
- concept of Trusteeship as conceived in India.
- concept of Non-confrontational conflict resolution
- notions of Commitment and Justice from earlier cultures
- North African cross cultural notions of do's and don'ts, right and wrong.
- notions on various advisory / governance bodies such as the Council of Elders or the seat of a RajaGuru, placed on par or above the Seat of Governance
- notions of division of powers/ balance in governance from earlier governance models or from National constitutions.
- ideas on common good by fair governance from Eastern and Western philosophers

This exercise could be seen as an effort that could eventually take shape to be of relevance to working groups such as Work Stream 2 of the CWG on Accountability (post-transition). --- Sivasubramanian M