Comments of the Government of India on the 'Initial Draft Proposal of the Cross Community Working Group on ICANN Accountability'

Noting the efforts, progress and status of Cross Community Working Group on ICANN Accountability (CCWG Accountability); *India* acknowledges and recognises community's involvement that contributed to the shaping of the Initial Draft Proposal within a challenging timeline.

Following are the India's Initial Comments on ICANN Accountability:

Comments on – *Accountability of ICANN as an IANA Functions Operator***:** As the IANA functions have global significance and implications, any entity(s) entrusted with IANA functions must be accountable, and as ICANN is the current IANA operator, it must demonstrate accountability in its approach.

Comments on – *Accountability of ICANN as an Entity Involved in Policy Development***:** Besides being the IANA functions operator, ICANN is responsible for global naming policy development, thus subsequent to the IANA Transition irrespective of ICANN's role and degree of involvement with operational aspects of the IANA functions, ICANN must have improved robust accountability and transparency mechanisms.

Comments on – *Ambit of ICANN Accountability*: At this juncture ICANN's exact future role in respect of IANA functions cannot be presumed. Post the IANA transition, regardless of ICANN's role and responsibilities, stronger accountability mechanisms are of paramount importance, specifically, in terms of operations relating to naming policy development and gTLDs.

Comments on – *Issue of Nature of Accountability:* Considering that the IANA Stewardship Transition Process is underway and NTIA oversight is likely to end, in addition to strengthened internal community oversight and accountability, the accountability review must endeavour to incorporate external accountability and checks and balances in respect of the functions exercised by ICANN.

Comments on – *Issue of Accountability and Community Empowerment:* Community empowerment is a quintessential part of ICANN Accountability, and it is appreciated that the CCWG Accountability's current proposal has identified community empowerment as an essential building block.

Comments on – *Issue of 'Accountability towards Whom':*
- There must be robust oversight mechanisms, under which ICANN should be accountable to the global multistakeholder community, with adequate representation of geographical and linguistic diversity.

- ICANN's accountability to various stakeholders may be calibrated in the context of the different roles played by stakeholders on various issues. In particular, a higher level of accountability towards Governments is required in areas where Governments have primary responsibility, such as security and similar public policy concerns.
- In addition, ICANN must make efforts to broaden participation in the Government Advisory Committee (GAC), to take into account the views and concerns of Governments currently not having representatives on the GAC.

Comments on – *Accountability Discussion and Definitions:* Currently there is a lack of clarity as to the interpretation of crucial terms such as 'community', 'public' and 'public interest'. Further clarity on these terms would assist in determining who ICANN is accountable to.

Comments on – *ICANN's Organisational DNA:* It is appreciated that the current proposal suggests that fundamental bylaws should stay intact unless change is called for by the community. It is important for ICANN to have a well defined mission, commitments and core values that should be reflected in its organisational DNA, objectives and prioritisation approach.

Comments on – *ICANN Transparency and Processes:*

- ICANN must be clear and transparent, particularly about its structure, mission, operations, staff, elections, collaborations, decision-making processes, plans, and budget, finances and earnings;

- ICANN must have fair, strong and easily accessible freedom of information standards and mechanisms, to enable stakeholders to request and avail adequate and timely information without incurring undue expense.

- ICANN should have simplified and user friendly information platforms.

Comments on – *ICANN Jurisdiction:* There is currently a lack of clarity on the effect of ICANN's jurisdiction of incorporation on ICANN Accountability, and this is an issue that requires further discussion.

Comments on – *ICANN Accountability and Stress Tests:* It is noted that the stress test regarding appeals of ccTLD revocations and assignments (ST 21) has not been adequately addressed as the CCWG-Accountability awaits policy development from the ccNSO. Any subsequent accountability architecture should also take into account the results from this stress test.