



Representing the ecosystem of Internet -Bharat Model

12th September, 2015

The Chairs
Cross Community Working Group on Enhancing ICANN Accountability

Sub: CCAOI's submission to Cross Community Working Group on Enhancing ICANN Accountability 2nd Draft Report (Work Stream 1)

Dear CCWG Accountability Chairs,

At the outset we wish to thank the Cross Community Working Group (CCWG) on enhancing ICANN Accountability for giving us the opportunity to submit our comments on the recommendations of the Second Draft Report on ICANN Accountability, work stream 1.

Please find enclosed a copy of our comments on the draft report.

Thanking you and looking forward to favorable consideration of suggestions in the interest of growth of internet in the country.

Yours very truly,
for CCAOI

Amrita Choudhury
Director

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CCAOI's comments on 2nd Draft Report (Work Stream 1) of CCWG Accountability

CCAOI is grateful for getting an opportunity to present its views on the second draft report (work stream1) for enhancing ICANN Accountability.

We applaud the efforts being made by the CCWG Accountability group to draft the accountability mechanism of ICANN.

While substantial work has been done, we believe that more work needs to be done to make it acceptable to global communities.

Few areas where the CCWG teams needs to focus and rework on have been shared below.

Improve ICANN Accountability to the global Community.

While the objective of CCWG was to make ICANN accountable to the global community including communities who normally do not participate in ICANN, the **current proposal reduces ICANN's external accountability**, concentrating instead on making ICANN accountable only to the specific chartering organizations involved in developing the accountability proposal. We therefore believe CCWG needs to refocus on the objectives and detail the work which needs to be done to achieve the objectives.

Resolve critical issues before IANA Transition (Work Stream 1)

Though quite a few critical issues such as jurisdiction, establishing procedures for the enhanced Independent Review Process; details on defining modalities of the ICANN Community Forum, etc. have been conceptually described in work stream 1,there operational detailing is being deferred to work stream 2. We are of the opinion that issues which are vital should be detailed or resolved in Work Stream 1 itself, so that the community can decide whether or not to support the changes.

Clearly define Terms

The **definition of the term "the empowered community" is unclear** as there is no definition on who constitute the community, whether they are all Internet users or representatives" of the community, in the form of the SOs and ACs has not been defined. This needs to be clarified.

Detail Processes for better transparency

The **draft lacks details on many aspects**. For example, with respect to the **Community Forum**, who will be the members, how it will operate; how it will be convened; what outcomes it may arrive at etc. are still unclear.

The proposed **Membership Model** needs further detailing such as the issue on how members would arrive at decision. Also the changing role of advisory committees and the extent to which groups may be gaining power disproportionately to other AC's or SO's are worth considering. Also, to ensure fair representation, the membership model needs to finalize the number of members from each SO and AC and their voting ratios.

The **Independent Review Process (IPR)** needs to be refined. Moreover further information what ICANN would fund for IRPs needs to be shared.

The current proposal is unclear on **the board responsibility to resolve community issues**. Also the report does not describe a process with clear guidelines and thresholds for the boards mediator or panel to determine whether complaints are spurious repetitive or anti competitive. Moreover, there is no avenue to expedite or dismiss complaints early in process. The timelines are vague, non binding or have been extended. For example there is a broadened disclosure process and a 6 months reconsideration process. Moreover the proposed mechanism is not end to end

Simplify Processes

The IANA Functions Review process is quite complicated. For example in the current model, the process to remove IANA from ICANN involves several steps and involvement of seven different communities. Out of this two communities would have to be created and the process requires super majority votes from the two main supporting organizations, twice. Apart from that, the ICANN board has a say in this process too.