

**Comments from CATR on
The Second Accountability and Transparency Review Process**

General Comments

In recent years, China has witnessed rapid development on Internet. China, not in name only, is a real big Internet country. Until December of 2012, Internet users reached 564 million, including 420 million mobile Internet users. China has 2.68 million websites with 13.41 million domain names and the biggest IPv6 network. There are two Internet companies which are among the top ten of the most valuable Internet companies around the global. As Internet becomes the Critical Infrastructure for China's economic and social development, the security and stability of the Internet, stake the interests of Chinese Internet community and hundreds of millions of Chinese Internet users. As the technical coordination entity of the Internet, ICANN, which conducts day-to-day management of the Internet critical resource, is responsible for security and stable operation of the Internet at a large extent. However, there is no any root server being deployed in China, which will be coming to be a great challenge and threat for the nearly 600 million Chinese Internet users. The substantive improvement of the accountability and transparency is the basis that

ICANN can rely on to effectively carry out duties of coordinating the global critical Internet resource. So in the important issues of such as Root server deployment, ICANN should pay more attention and continue to optimize the distribution of the critical resources with consideration about the user and geographical factors. Therefore, all related efforts of the ongoing review regarding accountability and transparency of ICANN are welcomed.

It is known to all that many countries still have doubt and divergences about ICANN`s legitimacy. They though it is difficult for governments to play an effective role in Internet-related public policy issues. During the review, both the ATRT2 and ICANN should give understanding and serious consideration to this matter. As the technical coordinator of the global Internet, ICANN has to improve the accountability and transparency of its decision-making and execution. In particular, it is crucial to strengthen the working mechanism between GAC, ICANN and other AC / SOs, which will allow effective interaction among them. At the same time, it is necessary to study in real earnest so as to define, as appropriate, the respective role and responsibilities of the GAC, ICANN Board and the other AC / SOs. Moreover, in order to enhance the role of government, GAC needs to set up and ongoing improve its working mechanism, so that governments can be involved effectively in ICANN`s decision-making process and to play its unique role through the channel

of GAC. ATRT2 should listen to and take into account of the opinions and suggestions expressed by all governments; then ATRT2 is supposed to take appropriate action to address their major concerns and build bridges. Additionally, ICANN should devote the necessary resources to facilitate the participation of developing countries and regions in ICANN activities.

Comments for ATRT2

It's been three years since the ATRT1 put forward 27 recommendations. However, the implementation of these recommendations is not that satisfactory. ICANN is also unable to prove obvious progress that has been achieved with regard to accountability and transparency. Particularly some important recommendations on GAC have not been fully implemented. Since ATRT1 completed its work, WHOIS review team and DNS SSR review team finished its work respectively. ICANN has begun the New gTLD program and completed the renewal of IANA contract. All of these could be taken as input to ATRT2 in terms of case studies or review areas. ICANN plays such a role in day-to-day management for global Internet. Therefore ICANN should take the corresponding responsibilities on the other side. Although ICANN has done its work and made progress in some extent, the Governments' and the Internet community's opinions are not fully reflected in the policy

development process, financial operation, personnel arrangements etc., which mirrors the condition of lack of transparency and accountability.

Consequently, we recommend that ATRT2 should focus on the following three areas during the review:

1) Review the implementation of ATRT1 recommendations, urging ICANN to take action on recommendations which haven't been implemented, in particular, the implementation of the recommendations regarding GAC. Specific plans should be developed to solicit the views of Governments in the implementation process. 2) Establish metrics and quantitative assessment model to evaluate improvements of ICANN after the implementation of the recommendations and the overall status of ICANN's accountability and transparency, such as whether the ICANN's decision processes reflect public interest. 3) Based on the extensive collection of opinions broadly, the review team should identify the fields which ATRT1 did not cover or the fields which deserve an in-depth review and put forward concrete recommendations that may include:

- accountability and transparency regarding procedure, process and results of critical resource operation, specially principles of root server expansion and deployment in IPv6 times;
- the execution by ICANN on recommendations from GAC regarding public policy on DNS technical coordination;
- the transparency of finance operation about New gTLD plan and

related decisions concerning accountability and transparency to reflect public interest and community interests;

- accountability and transparency regarding the process through which ICANN Board Members and senior staffs are selected.

Limitation of the Accountability and Transparency Review

As a platform, ICANN plays a role in the Internet Governance around the globe. But ICANN's legitimacy is at question in a larger extent. It is welcomed that ICANN improve its accountability and transparency with efforts by all parties, which would promote the legitimacy of ICANN as an organization engaged in the allocation of Internet resources. To strengthen the governments' role in Internet-related public policy is a very important aspect for ICANN to enhance its legitimacy. In terms of the strengthening of governments' role, there should be regulations and rules in place to provide assurance. Hence, necessary adjustments need to be made on ICANN's organization of work, working processes and decision-making mechanism. Since ATRT2 undertake its work based on AOC 9.1, its functions and scope of work are limited correspondingly. While whether the legitimacy of ICANN can be fully dealt with properly is still a question mark. The global Internet community will wait and see.