

Government of India Comments on Discussion Paper on New gTLD Auction Proceeds

At the outset, the efforts of ICANN staff in coming out with this discussion paper is appreciated. Our comments on some of the specific issues raised in the paper are as follows:

Framework development: Considering the focus of the framework would involve considerable financial planning and management of the new gTLD auction proceeds, it is important to have clear, transparent and accountable financial oversight measures. At the stage of discussions where the foundations of the framework is being developed, it is imperative that the model adopted be grounded in strong principles of accountability.

In this regard, there are many accountability guidelines that are useful for this purpose. Specifically, there needs to be a focus on the components of accountability (such as transparency, compliance and enforcement), as well as on financial accountability guidelines. The accountability discussions in the CCWG-Accountability stream also hold relevance to this work stream. Any decisions on use of funds should keep in mind the public interest, as well as the differentiated requirements and interests of various regions and sub-regions.

Intelligence gathering /Expert involvement: It is essential that experts in both law and finance are consulted/ included. There also needs to be a focused effort to ensure that all relevant intelligence is gathered, including on the possible uses for the proceeds.

ICANN Board involvement: Since the primary aim of any decision making process would be to channel funds from the auction proceeds to appropriate destinations, the

framework developed should aim to limit the role of the Board appropriately and keeping in mind conflict of interest principles.

Conflict of Interest: In addition to ICANN's Conflict of Interest Policy and other corporate governance documents adopted, the framework developed must factor additional safeguards to prevent conflict of interest issues arising. While demarcating conflicts of interest and the types of conflicts that may arise, the practices of global organisations such as the World Bank and the WHO could be useful reference points.

Participation: In terms of process, while the paper discusses the formation of a CCWG to develop proposals for this issue, it may be worth considering if this process should be more broad-based, and go beyond the ICANN SO/ACs. While participation in ICANN is open to all, barriers to participation in such multistakeholder fora do exist. Considering the fact that the use of funds will likely be linked to the public interest, coming up with methods to include perspectives from outside ICANN would enrich the discussion and lead to more sustainable outcomes.

Outreach: The framework developed must compulsorily include methods for outreach, particularly for entities and persons that are unable to be part of the deliberations for various reasons which may be financial, geographical, or others. The inability to participate in the conversation on utilization of auction proceeds should not hinder the potential to receive aid from the proceeds or be represented in the dialogue.

Linkage with other efforts: There are various opportunities to link the work involved in this process with other efforts within ICANN. While the comments with respect to formation of a CCWG made above in the context of 'participation' would still be applicable, lessons may be learnt from the working of the CCWG-Accountability and

its measures. Additionally the work of the CCWG for framework of Cross-Community Working Group Principles is also important to the formation and operation of the proposed CCWG on new gTLD auction proceeds. The output and efforts of the CCWP on CSR and Human Rights in ICANN can also be considered in the development and operation of this CCWG.