**电信研究院关于加强ICANN问责制的评议意见**

ICANN进一步加强问责制与透明度，是有效履行ICANN协调全球互联网关键资源职责的基础，也是ICANN国际化的必经之路。ICANN在问责制方面已经做出了不少努力，我们欢迎ICANN就加强问责制开启新的进程，组建新的工作组。

具体评议如下：

**问题一：ICANN与美政府合同到期后，社群认为加强全面问责制的核心事宜是什么？**

* ICANN应该真正建立接受全球多利益相关方问责的有效机制

ICANN作为全球互联网的技术协调机构，负责互联网关键资源的日常管理，对互联网的安全稳定运行负有重大责任。因此，ICANN应接受全球多利益相关方问责，这也是其未来得到国际社会认可的关键。但是，ICANN现行的问责机制不能保证其合法性，全球各利益相关方并未建立对ICANN的充分信任和长久信心。这一情况并不因为美国将移交IANA职能管理权而消失。

ICANN在问责方面存在的主要问题有：一是，ICANN仅与美国政府签订AOC，ATRT按照AOC的条款开展问责制和透明度审查。该问责机制表明，ICANN是按照美国政府的要求进行问责审查，而非按照全球多利益相关方的要求进行问责审查。二是，ICANN受美国加州法律管辖也制约了ICANN的合法地位，成为ICANN国际化的主要障碍。三是，ICANN的问责与透明度并未包含其履行IANA职能的问责与透明，这是严重的内容缺失。

针对上述三个问题，ICANN未来的问责与透明机制应作出如下改进：一是，实现AOC的国际化，明确界定在IANA职能管理权移交后ICANN所应履行的职责和义务；二是，ICANN应逐步从一国的私营机构向获得国际社会一致认可的独立组织转变，为其获得信任与信心奠定坚实的法律基石；三是，将根区管理等IANA职能的问责与透明作为ICANN未来问责制的核心要素，确保IANA职能的运作置于全球各利益相关方的监督之下。

**问题二：为确保全球理解和接受，加强ICANN问责制的指导原则是什么？**

* 维护公共利益，发挥政府对ICANN的监督作用

ICANN加强问责制的原则应该考虑发挥政府监督ICANN的重要作用。因为ICANN管辖的职能牵涉到各国公共利益，政府是公共利益的代表，是维护各国公共利益不受损害的主要监督方。有效加强政府的作用，此需要对ICANN的公众方式、工作流程、决策机制进行必要的调整。

* 增加发展中国家参与的积极性，保障ICANN对各利益相关方同样履行问责

ICANN加强问责制的另一原则应该考虑加强发展中国家积极对ICANN问责制的监督。与发达国家相比，互联网的发展对于广大发展中国家和不发达国家来说，目前都还处在起步阶段，ICANN在制定相关政策时应考虑到发达国家与发展中国家之间的不平衡性，应采取有效措施提高发展中国家和不发达国家参与ICANN事务的积极性，统筹互联网发展的区域协调性。

**问题三：采用什么方式让社群确信ICANN履行问责制承诺？**

为赢得全球对ICANN的接受和支持，ICANN应该召集全球多利益相关方，由ICANN正式的利益相关方（管理层、董事会、AC/SO）和ICANN非正式的利益相关方（不是ICANN社群的成员，但受ICANN工作的影响的所有其他利益相关方）推荐成员，组成对ICANN形成监督的机构，监督ICANN是否履行问责制承诺。

**问题四：工作组还需增加什么任务？**

工作组应当提出问责机制的整体方案建议，整体方案建议要具有创新精神，符合全球多利益相关方问责的总要求，不应局限于现有ICANN框架，不应受限于AOC提出的问责机制。

根据整体方案应重新设计ICANN组织架构，必要时要打破现有协议框架。各方在问责机制当中的作用应当合理界定，国家政府的定位应当找准，确保全球公共利益。

ICANN问责制工作组成员不应仅局限于ICANN的内部圈子，为增强全球对ICANN的认可度，工作组应当广泛纳入各个领域的人员，应当向联合国及各国政府代表开放。

**问题五：其他愿意分享有助于ICANN问责工作组的评议**

* 加强ICANN问责制与IANA职能管理权移交两个进程共同推进

加强ICANN问责制进程和IANA职能管理权移交进程两者有着密切相关的关系。IANA职能管理权的移交是加强ICANN问责制的一个方面，加强ICANN问责制对促进IANA职能管理权移交有着重要作用。我们希望ICANN能将两者结合起来，共同推进。

**电信研究院介绍**

电信研究院秉持“政府智库 行业平台”的职责定位以及“厚德实学 兴业致远”的文化理念，以倾力服务国家信息化和信息通信业发展为己任，主要从事信息通信业的发展战略、自主创新、产业政策、行业管理、规划设计、技术标准、测试认证等工作，在政府和行业决策、创新与发展中起到关键支撑和推动作用。电信研究院是中国互联网社群的重要一员，在网络、资源、业务、技术标准等方面为中国互联网的发展和安全做出了贡献，并积极参与国际互联网治理，促进全球互联网的合作和交流。

**Comments on Enhancing ICANN Accountability by CATR**

**(Reference Translation)**

Enhancing ICANN accountability and transparency is the basis on which ICANN could effectively perform the duty of coordinating Internet critical resource and a necessary process into globalization of ICANN. We have noticed that ICANN has already made some efforts on its accountability. We welcome ICANN to open a new process and to establish a new working group for enhancing its accountability.

CATR comments are as follows:

**Question1： What issues does the community identify as being core to strengthening ICANN's overall accountability in the absence of its historical contractual relationship to the U.S. Government?**

* **ICANN should truly establish effective mechanisms to receive accountability from global multi-stakeholder.**

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. Therefore, ICANN should be accountable to global multi-stakeholder, which is the essential step for ICANN to be accepted by the international community in the future. However, ICANN’s existing accountability mechanism has a certain distance from the legitimacy. All stakeholders have not established the full trust and long-term confidence to ICANN yet. This kind of atmosphere will not disappear as the announcement made by NTIA to intent to transition of IANA function.

The following problems are related to ICANN’s accountability: First, in terms of AOC, which is signed between ICANN and U.S. government, Accountability and Transparency Review Team (ATRT) has been conducting review to ICANN, while the requirements of AOC does not represent the requirements proposed by global multi-stakeholder. Second, ICANN's Articles establish it as a private non-profit entity under California law, which severely restricts the globalization of ICANN from the aspect of law. Third, accountability and transparency of IANA functions, as an important part of contents, is not included into enhancing ICANN accountability and transparency.

**Question2：What should be the guiding principles to ensure that the notion of accountability is understood and accepted globally?**

* **Ensuring the public interest, government plays a role of supervision to ICANN**

One of the principles of Enhancing ICANN accountability should consider government’s role of supervision to ICANN. Because the functions of ICANN are related to the public interest of all countries, government, as the representative of the public interest, could be the main supervisor to prevent the public interest from violation. Effectively strengthening the role of government is needed by the necessary adjustment of ICANN's operation, workflow and decision making mechanisms.

* **Increase the active participation of developing countries, equally accountable to all stakeholders**

Another principle to enhance ICANN accountability should consider strengthening developing countries' active supervision to ICANN accountability. Compared with developed countries, the development of the Internet for the majority of developing countries and undeveloped countries is currently still in its initial stage. ICANN should take into account of the imbalance between developed and developing countries, should take effective measures to improve the participation of developing countries and undeveloped countries, and should maintain regional coordination of overall development of the Internet.

**Question3: What are the means by which the Community is assured that ICANN is meeting its accountability commitments?**

To win the acceptance and support of global communities to ICANN, a supervision organization should be established, members of which should be recommended by formal stakeholders (staff, board, AC / SO) and informal stakeholders (not ICANN community members, but affected by the work of ICANN). The organization could oversight whether ICANN is meeting its accountability commitments.

**Question4: Are there other mechanisms that would better ensure that ICANN lives up to its commitments?**

The Working Group should propose an overall scheme of accountability mechanisms with the spirit of innovation and in line with the general requirements of the global multi-stakeholder. ICANN should not be confined to the existing framework and should not be limited by the accountability mechanisms defined in the AOC.

According to the overall scheme developed, ICANN’s organization should be redesigned. If necessary, the framework of the existing agreement should be abandoned. The role of each stakeholder in the accountability mechanism should be defined reasonably. In order to ensure the public interest, the nation states should havea position in the mechanism.

It should be avoided that the members of working group are mainly from ICANN's inner circle. In order to increase global acceptance to ICANN, the working group should be widely incorporated into all areas of personnel, and should be open to UN and government representatives.

**Question5: What additional comments would you like to share that could be of use to the ICANN Accountability Working Group?**

**The process of enhancement of ICANN accountability and the process of transition of the IANA functions should be combined and promoted together**

The process of enhancing ICANN accountability and the process of transition of the IANA functions are closely related with each other. The transition of IANA function is an important part of enhancing ICANN accountability. At the same time, enhancing ICANN accountability plays an important role to promote the transition of IANA function. It is expected that ICANN could combine and promote the two processes together.

**Introduction of CATR**

China Academy of Telecommunication Research (CATR), with its predecessor being China Academy of Posts and Telecommunications established in the mid-1950s, has become the pillar unit in the ICT field in China and a major advisory unit for government in comprehensive policies.

Fulfilling its role of supporting the government and serving the industry and cherishing the philosophy of boosting prosperity with virtues and expertise, CATR is committed to the development of strategic, innovation, industrial policy, industry management, planning and design, technical standards, testing and certification in ICT industry. Meanwhile, CATR plays a key role in supporting and promoting the decision-making of government and the innovation and development of ICT industry.

CATR, as an important part in China Internet community, has contributed a lot for the development of network, resources, business, technical standard and other aspect of Internet in China. CATR actively participate in Internet governance issues and would like to promote the exchange and cooperation of global Internet communities.