

Comments of the Government of India on the Draft RIR Governance Document (ICP-2 Replacement, April 2025)

Preamble

Comment: While the consolidation effort is timely, the Government of India (GoI) emphasizes that the intent of the governance document should be from the perspective of global capacity building by empowering developing and underserved regions including the global south through decentralizing resource management, enabling local policy-making, and ensuring fair and equitable allocation of IP addresses and ASNs. The document should therefore enable greater participation of marginalised regions and communities in global internet governance, enhance regional technical capacity, and supports tailored policies that reflect local development needs. In addition, the foundational principles of the multistakeholder model must be embedded throughout the document. The current preamble omits references to inclusive participation and oversight, essential to ensure neutrality, transparency, and trust in decision-making. GoI recommends that the preamble should acknowledge the role of the Address Supporting Organization (ASO) Address Council and ICANN community in initiating or reviewing proposals under a defined Policy Development Process (PDP). Unlike the governance document published for public comment, the 2001 ICP-2 document was developed and recommended by ICANN's Address Supporting Organization (ASO) with the assistance of APNIC, ARIN, and RIPE NCC. GoI supports adopting a similar approach for the present document as well. This addition would reflect ICANN's longstanding commitment to inclusivity and decentralized internet governance.

ICP-2 Governance Articles and Sections	GoI Comments
Article 1: Definitions and Interpretation	Comment: GoI appreciates the inclusion of terms like "Numbering Community," which appropriately captures a broad range of stakeholders. However, the definitions of "Control" and "Member" should be refined to avoid ambiguity and ensure inclusive representation. In addition, GoI recommends that a definition for an "Independent Review Mechanism" be introduced to support due process in the event of disputes concerning recognition or derecognition. This term should be operationalized in relevant procedural sections to reinforce accountability and fairness.

Article 2: Internet Numbers Registry System

Section 2.1 – Roles and Responsibilities

Comment: GoI strongly objects to the overconcentration of decision-making authority in the hands of incumbent RIRs and the NRO Executive Council. This structure creates a material conflict of interest, particularly in matters involving recognition or derecognition of RIRs. Existing RIRs have operational and territorial interests which could bias their decisions. GoI therefore recommends that an independent and neutral evaluation body, jointly appointed by ICANN and the ASO Council, be vested with the authority to assess such proposals. The role of existing RIRs should be strictly advisory, to ensure decisions are impartial, equitable, and free from institutional gatekeeping.

Section 2.2 – Service Region

Comment: It is suggested that in the interest of an inclusive, equitable, accessible and neutral internet, a new metric should be developed for the definition. This is because majority of continents are already served by existing RIRs, which renders the proposed language for the creation of new RIRs redundant as creation of a new RIR will most often result in overlap with atleast one RIR.

GoI recommends that the new metric may include internet population, cultural ties, socio-economic connectedness, etc as valid criteria for defining service regions. This would reflect the Internet's real-world usage patterns and socio-cultural contexts.

Section 2.3 – Change to RIR Status (Recognition/Derecognition)	Comment: GoI expresses strong concern that the recognition and derecognition process is dominated by incumbent RIRs, without meaningful checks, balances, appeals, or transparency. This contradicts basic principles of due process and natural justice. Recognition: Evaluation by existing RIRs, particularly under a unanimity requirement, introduces a high risk of denial and conflict of interest. GoI emphasises its position that an independent review panel must conduct evaluations, with the RIRs restricted to technical advisory input. This is all the more important in the context of carving out new RIRs from existing registries, as denial of such request by the existing registry may almost be a certain/definite scenario which will result in rendering the entire process redundant. As per the existing ICANN Board ASO AC MoU as amended on 7th November, 2019, ASO AC’s responsibility in the context of Recognition of new RIRs is limited to <i>“providing recommendations to the Board of ICANN concerning the recognition of new RIRs, according to agreed requirements and policies as currently described in the document [ICP-2]”</i>. Thus, the final power to recognise RIRs should vest with the ICANN and ASO AC may only “recommend” it to do so as per the ICANN-ASO AC MoU. The existing ICP-2 Criteria document of 2001 also unequivocally recognises that <i>“According to the Address Supporting Organisation Memorandum of Understanding (ASO MoU) it is the responsibility of ICANN to approve the establishment of new RIR”</i>. GoI therefore reiterates its position that an independent review panel must conduct evaluations, with the RIRs restricted to technical advisory input. In case of rejection of a proposal for creation of new RIR, Section 2 (3) (a) (iv) allows the candidate RIR to petition ICANN to review the proposal. While ICANN is allowed to refuse unanimous acceptance from existing RIRs for creation of new RIR provided fulfilment of the due process, ICANN is only allowed to give recommendations to overturn existing RIR’s decision to reject creation of new RIR which may or may not be accepted by the existing RIRs. In the interest of fairness, transparency and non arbitrary decision making, candidates should be allowed to appeal before ICANN and decision of ICANN should be final and binding on all parties instead of having a review process. It is also reiterated that the initial acceptance/ rejection should be carried out by an independent review panel instead of RIRs and the final decision to recognise should be with ICANN. Derecognition: GoI emphasizes the need for a structured appeals mechanism, with access to legal support and recourse to an external review entity. The absence of such mechanisms contravenes the principles of fairness and procedural justice. The process must include opportunity for remediation, written explanation of decisions, and public transparency to guard
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against politicized or retaliatory derecognition. Since neither the ASO AC MoU dated as amended on 7th November, 2019 and the NRO MoU dated 24.10.2003 specify power to derecognise an existing RIR, suitable governance actions will be required before any such power can reflect in the governance document.

2.5. Coordination Limitation

Comment

The Governance Document published for public comments has added a new regulation of coordination limitation with an intent to ensure that the total number of RIRs in the Internet Number Registry System shall remain “small”. This was never envisaged in the existing Criteria for establishing RIR published in 2001. Introducing such restrictive and subjective policy should be avoided as it may cause impediment to capacity building of developing and underserved regions including the global south, the development of the RIR ecosystem and its future evolution for the following reasons:

Internet Growth and Regional Diversity: The global internet landscape has expanded significantly since the original ICP-2 was adopted. New regions and sub-regions now possess distinct internet governance challenges, user bases, and technical capacities that warrant dedicated regional support structures.

Cultural Cohesion: Service regions should not be defined solely by geography. Communities with common cultural and administrative affinities may benefit from localized policy development, capacity building, and resource management through a dedicated RIR.

Digital Inclusion and Underserved Regions: Several countries and sub-regions remain underrepresented or underserved in the current RIR model. Enabling more RIRs allows for greater inclusivity and responsiveness to local needs, especially in rapidly digitizing regions such as parts of Asia, Africa, and the Pacific.

Operational Capacity and Technological Readiness: Advances in infrastructure, human resource capacity, and regulatory maturity mean that several regions now have the operational readiness to manage registry functions independently.

Precedent for Evolution: The historical establishment of new RIRs, such as AFRINIC in the mid-2000s, demonstrates that the system can adapt successfully. No evidence is substantiated to arrive at the conclusion envisaged in this policy and the number of RIRs should be justified by need and evaluated through robust procedures, negatively impacts coordination or stability.

Article 3: Recognition

Section 3.1 – Criteria for Recognition

Comment: GoI supports the inclusion of multiple criteria (regional qualification, community support, capability, impact) but recommends the following improvements:

- **Evaluation Independence:** Evaluations should be carried out by an independent review mechanism appointed by ICANN and ASO AC, not solely by incumbent RIRs.
- **Broader Metrics:** The criteria should include measurable indicators such as internet user population, technical readiness, linguistic and cultural similarity, administrative capacity, and equitable access.

Section 3.2 – Effect of Recognition

Comment: GoI suggests elaborating on the post-recognition phase:

- **Transition Planning:** The Notice of Decision should incorporate a binding implementation framework that includes defined timelines, performance milestones, and deliverables. The scope of services to be provided by the Recognized RIR must be explicitly outlined. To ensure accountability and service continuity, both existing and newly recognized RIRs should enter into a formal Service Level Agreement (SLA) with ICANN and the ASO Address Council.
- **Accountability Commitments:** The Recognized RIR must submit periodic status reports during the transition period.
- **Capacity Support:** ICANN should provide coordination and support during initial capacity building.

Article 4: Ongoing Commitments

Section 4.1 – Operational Requirements	Comment: GoI supports the detailed enumeration of operational standards. Nonetheless, GoI proposes the mandatory adoption of a performance evaluation matrix, developed through regional consultation, that each RIR must submit annually to ICANN. These metrics should include service quality, compliance, financial transparency, and community engagement. The matrix should inform external audits and be subject to public disclosure. RIRs must also be required to prevent any single entity from exercising disproportionate control.
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Article 5: Derecognition

Section 5.1 – Possibility of Derecognition	Comment: The provision lacks adequate due process safeguards. GoI calls for: • Prior written notice; • Defined remediation timelines; • Right to be heard before an independent panel; and • Structured appeal mechanisms, including legal support. Failure to provide these safeguards invites arbitrary decision-making and weakens community confidence in the governance framework.
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Section 5.2 – Rehabilitation	Comment: GoI supports this clause but emphasizes the need for a binding rehabilitation roadmap, with oversight by ICANN and supported by the community.
Section 5.3 – Effect of Derecognition	Comment: GoI recommends incorporating protections for end users and number resource holders during transitions. The framework must ensure service continuity, data integrity, and interim authority designation through an open process. The roles and responsibilities of the successor or interim entity must be clearly defined.
Article 6: Amendment	
Section 6.2 – Rectification	Comment: GoI supports the clause but recommends specifying grace periods and periodic compliance checks to ensure consistency and avoid retroactive penalization.
Section 6.3 – Periodic Review	Comment: GoI recommends reducing the review cycle from 10 years to 5 years, with structured public consultations and regional stakeholder participation to ensure the document remains fit for purpose amid technological and geopolitical change.

Conclusion: The Government of India urges ICANN and the global internet governance community to revise the draft RIR Governance Document to include independent oversight, structured appeals, community-led evaluation processes, and inclusive regional models. These changes are essential to uphold the legitimacy, fairness, and inclusivity of the global number resource management framework.