

Comments of the Government of India (GoI) on the Version 2 (Draft) RIR Governance Document for the Recognition, Operation, and Derecognition of Regional Internet Registries (ICP-2 Replacement)

Preamble

Comment: The Government of India appreciates the effort to broaden the Preamble but notes that key themes remain missing. While it recognizes decentralization, it does not explicitly affirm the empowerment of developing and underserved regions or the goal of capacity building. India, therefore, recommends that the Preamble explicitly affirm the goal of empowering underserved regions through capacity building and decentralization.

RIR Governance Document Version 2 Articles and Sections	Government of India (GOI) Comments
Article 1: Definitions, Interpretation, and Implementation	
Section 1.1. Definitions	
Insertion of “Independent Review” definition	a. Proposed Definition: “Independent Review Panel” Independent Review Panel (IRP): A neutral and expert body constituted to conduct impartial evaluations and reviews under this Governance Framework. The Panel shall: 7. be independent of any Regional Internet Registry (RIR), its affiliates, or related entities; 8. consist of members appointed jointly by ICANN’s multistakeholder community, including its Supporting Organizations (SOs) and Advisory Committees (ACs); 9. include individuals possessing subject-matter expertise in Internet governance, technical operations, and institutional accountability; 10. operate in accordance with principles of transparency, fairness, and due process; and 11. provide findings or recommendations that form the basis for ICANN’s final decision in

	recognition, derecognition, or other review processes. The term Independent Review Panel (IRP) shall apply wherever an independent review is contemplated in this document, including but not limited to Sections 2.3(a) (Recognition), 2.3(b) (Derecognition), and Article 6 (Derecognition Procedures). Rationale: This definition is required to ensure that all references to “independent review” in Sections 2.3(a), 2.3(b), and Article 6 are applied consistently, transparently, and free from RIR-related conflicts of interest. Comment: Government Of India seeks clarity on the “Member” Definition due to the following factors:
Section 1.1. Definitions Clarity on “Member” Definition “Member” means a legal or natural person, as applicable, that is entitled to participate in the governance of an RIR by voting for members of the RIR’s Governing Body. Section 2.3 (b)(i)(B) amendment on Derecognition Threshold: A group of Members of the RIR that is the subject of the Proposal, where such group consists of at least 25% of the RIR’s total Members or 2,000 Members, whichever is lesser	b. Clarity on Voting member in the “Member” Definition i. Clarification on Derecognition Threshold (Section 2.3 (b)(i)(B)): The document does not specify how Members are counted. Using APNIC as an example, where voting rights differ by resource-holding size (e.g., one vote per Member in NRO-NC elections vs tier-based votes in EC elections)—clarity is needed on whether: ○ Each Member will be counted as one, regardless of resource size; or Members with larger IP-block holdings will be given proportionally higher weight when calculating the 25 %/2,000 Member threshold. ○ Different RIRs maintain differing categories of membership, creating ambiguity as to which categories qualify

	as “Members” for the purpose of this document. Rationale: The definition of “Member” should explicitly outline membership categories, voting eligibility, and the method for determining vote weight or Member count during derecognition processes to ensure fairness, transparency, and consistency across all RIRs. Therefore, the Government of India recommends that Section 1.1 be expanded to clarify the basis of voting, and Section 2.3(b)(i)(B) be aligned to clearly define who qualifies as a “Member” and whether derecognition initiation follows a <i>one-member-one-vote</i> model or a <i>weighted voting system</i> based on IP block size. Further, since categories of Members vary across RIRs, this lack of harmonization creates ambiguity and risks inequitable application of derecognition initiation thresholds. Accordingly, the 2000-member or 25% threshold must be reviewed and amended to ensure uniform and equitable participation across all RIRs.
Article 2: Internet Number Registry System	
Section 2.1 – Roles and Responsibilities	<i>Proposed Language for new Section 2.1(e):</i> “Decisions concerning the recognition or derecognition of RIRs shall rest with an independent and neutral review body, jointly appointed by ICANN and its multistakeholder community (Supporting Organizations (SOs) and Advisory Committees (ACs)). Existing RIRs shall serve only in an advisory capacity, providing technical or operational inputs.” Rationale: Decisions on recognizing or derecognizing RIRs must rest with multistakeholder body which is independent

	and neutral body to ensure legitimacy and fairness. This aligns with the ASO MoU and ICP-2 (2001), which envisioned ICANN, advised by the ASO AC, as the final authority to prevent regional bias.
Section 2.2	<i>Proposed Language for Service Region:</i> Service Region. In order to preserve the integrity of the Internet Numbers Registry System, each Service Region shall cover a large, multinational area and shall not overlap with that of another RIR, while taking into account measurable regional factors such as Internet-user population, linguistic and cultural cohesion linkages to ensure equitable and needs-based regional representation. Rationale: The inclusion of Internet-user population, linguistic and cultural cohesion, and socio-economic linkages ensures that service regions are defined using objective and inclusive criteria that reflect actual community needs rather than rigid geographic boundaries. These factors enable a fair assessment of regional diversity and service gaps, aligning with the goals of balanced Internet development and capacity-building in underserved areas while maintaining the stability and integrity of the Internet Numbers Registry System.
Derecognition, Recognition and ICANN Decision Recognition: Section 2.3(a) (ii) Consideration (iv) – Rejection and Re-application. Recognition (v) – Recognition Review	Government of India Comment on Recognition, Derecognition and ICANN Decision (Sections 2.3(a)(ii), 2.3(a)(iv), 2.3(a)(v), 2.3(b)(iv), 2.3(b)(v), and 2.3(c)(i)): Gol in view that recognising and derecognising RIR should be done by a multistakeholder body like Independent Review Panel (IRP) (as proposed India to be included in the section 1.1 Definition) to ensure neutrality, procedural fairness, and conflict-free

Derecognition: Section 2.3(b) (iv) Rejection (v) Recognition Review ICANN Decision: Section 2.3 (c) (i) - Consultation and Decision	decision-making in both recognition and derecognition of Regional Internet Registries (RIRs). The IRP, appointed jointly by ICANN’s Supporting Organizations (SOs) and Advisory Committees (ACs), should act as the primary body for evaluation, review, and appeal in all cases of recognition, rejection, reconsideration, or derecognition of an RIR. Its mandate shall include: 1. Independent Evaluation: Conducting the initial assessment of all proposals for recognition or derecognition and providing recommendations to ICANN. Existing RIRs may offer advisory technical or operational input only, without any determinative or veto power. 2. Review and Appeals: Serving as the appellate body for Candidate or existing RIRs contesting a decision, with authority to conduct impartial reconsideration before ICANN’s final action. 3. Conflict Mitigation: Where legal or jurisdictional constraints are cited, recommending phased or conditional cooperation frameworks instead of permanent vetoes or blockages. 4. ICANN’s Final Decision: ICANN shall make its final decision based solely on the IRP’s findings and recommendations and must publish a reasoned determination ensuring transparency and accountability. Rationale: Both recognition and derecognition decisions can materially affect global Internet number governance. Concentrating such authority among incumbent RIRs, which have direct territorial and financial interests, risks systemic bias. An independent and community-
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	appointed panel will safeguard against conflicts of interest, protect due process, and uphold fairness, transparency, and global legitimacy within the Internet Numbers Registry System.
Article 3: Recognition, Article 4: Ongoing Commitments & Article 6: Derecognition	
Sections 3.2	Establishment of Post-Recognition Service Level Agreement (SLA) Framework for Recognition, Ongoing Commitments, and Derecognition: The Government of India proposes that Sections 3.2, 4.1–4.2, 6.1, 6.2 and 2.3(b)(v) be amended to institutionalize an SLA-based accountability framework between ICANN and all RIRs, ensuring transparency, continuity, and objective oversight throughout the recognition lifecycle. Article 3 – Recognition (Sections 3.2 (a)–(c)) Amendment Proposed: Insert a new sub-clause after Section 3.2(c): “Upon recognition, ICANN and the Recognized RIR shall enter into a formal agreement (SLA or MoU) outlining mutual commitments on service quality, audits, cooperation, capacity building, and dispute resolution. The SLA shall form an integral part of this governance framework.” Rationale: The Notice of Decision under Section 3.2 should include a binding implementation plan with milestones for data transfer, operational setup, and incumbent RIR support to ensure seamless transition.
Article 4: Ongoing Commitments	Article 4 – Ongoing Commitments (Sections 4.1 – 4.2) Amendment Proposed: Specify that ongoing commitments financial stability, policy compliance, transparency, audits, and community accountability —

shall be operationalized through the SLA framework under Article 3.

“Sections 4.1 and 4.2 shall be read with the SLA framework outlined in Section 3.2(d), which will define measurable compliance indicators and review mechanisms for monitoring RIR performance.”

Article 6 – Derecognition (Sections 6.1, 6.2, and 2.3(b)(v))

Amendments Proposed:

a. **Under Article 6.1 – Grounds for Derecognition:**

Add a new sub-clause: “Failure by an RIR to meet its obligations under the SLA or MoU executed with ICANN shall constitute a material breach and may trigger a derecognition review process under Section 2.3(b). The SLA shall specify objective performance metrics, reporting obligations, and remedial timelines for non-compliance before any derecognition is initiated.”

b. **Amend Section 2.3(b)(v):** Require that any derecognition proposal based on SLA non-compliance be accompanied by a compliance audit report jointly reviewed by an independent panel appointed through ICANN’s SOs and ACs prior to ICANN’s final determination.

c. **Under Article 6.2 – Rehabilitation:**

Add a new clause: “Where an RIR is found to be in breach of SLA obligations, ICANN shall provide a defined remediation period as outlined in the SLA. Derecognition may only proceed if the RIR fails to meet the agreed corrective actions within that period.”

Rationale:

	1. Clarity and Predictability: The SLA defines reciprocal obligations between ICANN and RIRs on service delivery, data integrity, transparency, and reporting, ensuring consistent and accountable governance post-recognition. 2. Objective Accountability: By embedding SLA performance metrics and audits into both recognition and derecognition stages, decisions are grounded in quantifiable criteria rather than discretionary judgments. 3. Continuity of Service: SLA-driven transition planning prevents operational disruption when new RIRs are recognized or existing ones face review, ensuring community stability. 4. Fair and Transparent Process: Independent compliance audits and remediation windows protect against arbitrary actions, upholding due process and the multistakeholder ethos of ICANN. 5. Integrated Governance: Linking Articles 3, 4, and 6 through a single SLA framework creates a continuous accountability loop from recognition to operation to derecognition while maintaining RIR autonomy.
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