

CCWG Accountability

Mailing List Discussions

Week: 6 February – 12 February 2015

CCWG accountability ([archives](#))

- **Removal of Board Members**
 - It was suggested that SO/ACs should be able to recall their selected Board member(s) if they lost confidence in the member, due poor performance or decisions consistently contrary to positions of the SO/AC. Removal of one or more Board members by overall community, on the other hand, is more difficult and should require strong consensus. Other problems come into play, e.g. establishment of an interim Board should the whole Board be spilled.
- **Lawrence Strickling's Remarks**
 - Attention was called to Lawrence Strickling's [remarks](#).
- **Senate resolution**
 - A U.S. Senate resolution was shared on the [list as being relevant to the group's work](#). Noted that as a "Sense of the Senate" the resolution expresses an opinion and is not binding, others commented that the resolution could not have passed with an objection and so was worthy of note. It was, however, recognized that potential Senate objectors might be waiting for a different time to express views. It was concluded that the statement should not be read as reflecting a complete and definitive expression of a Senatorial view on the substance but was relevant.
 - The CCWG flagged the section of the U.S. Senate resolution limiting and maintaining ICANN's scope.
 - Resolution related to Internet governance by the [French Senate](#) also shared (French only).
- **Legal input – framing questions**
 - Jones Day provided a [response](#) to initial framing questions regarding California law and incorporation, which was shared with the CCWG to help advance discussions on California law requirements and potential alternatives.
 - While some members strongly believe the statement must be regarded as views of ICANN ("advocacy") and cannot be considered as neutral and objective, others commented that the input helps identify potential

difficulties that may be relevant to certain meta issues and helps narrow issues for which external advice may be sought.

- Concerns about ICANN paying for external legal advice were raised.
- **Timeline**
 - The CCWG is working towards completion of WS1 work by June 2015, in time for ICANN 53 (Buenos Aires) and the integration of [CWG-Stewardship's](#) identified accountability requirements.
 - The timeline is considered to be of essence: a misalignment of timelines between CWG and CCWG processes could negatively impact CWG's ability to deliver proposal. Dependencies of timeline notably include legal advice, consensus, approval of proposal in 21 days. A contributor also requested that implementation be considered.
- **Breach of Scope**
 - A breach of scope mechanism was requested as part of WP1. Noted that this issue was discussed by the Board, and the Board broadly supports the concept.
- **Definitions & problem statement**
 - Changes were requested for the scoping/problem statement document to include definitions of affected by contract, affected by individual decisions and affected by policy were requested along with edits to reflect distinctions around RIR/RIR communities.
- **Ombudsman**
 - Role of the [ICANN Ombudsman](#) as critical providers of ICANN accountability and transparency was flagged as an item for discussion.
- **Review**
 - A contributor suggested that the following be considered in the IRP and to some extent RR context: 1) monetary award limitations; 2) discovery rights to interview witnesses and review document; 3) precedential nature of IRP decisions.