

This document contains a summary of the public comments¹ received in response to the draft Work Stream 1 recommendations issued by the Cross Community Working on Enhancing ICANN Accountability (CCWG-Accountability). The comments are summarized in order of submission for each category as applicable. Even though this summary was drawn-up to reflect as accurately and objectively as possible the views expressed by participants, it does not substitute in any way the original contributions which are publicly available for full reference at: <http://forum.icann.org/lists/comments-ccwg-accountability-draft-proposal-04may15/>

Contributions provided by:

[African Regional At-Large Organization \(AFRALO\)](#)
[Association française pour le nommage Internet en coopération \(Afnic\)](#)
[At-Large Advisory Committee \(ALAC\)](#)
[Australia's Domain Name Administrator \(auDA\)](#)
[Business Constituency \(BC\)](#)
[Canadian Internet Registration Authority \(CIRA\)](#)
[Carlos Raúl Gutierrez \(CRG\)](#)
[Center for Democracy & Technology \(CDT\)](#)
[Centre for Communication Governance \(CCG\)](#)
[Council for European National Top Level Domain Registries \(CENTR\)](#)
[CWG to Develop an IANA Stewardship Transition Proposal on Naming Related Functions Stewardship \(CWG-St\)](#)
[Danish Business Authority \(DBA\)](#)
[David Post – Danielle Kehl \(DP-DK\)](#)
[DotConnectAfrica Trust \(DCA-T\)](#)
[eco \(eco\)](#)
[Federal Ministry for Economic Affairs and Energy \(Govt-DE\)](#)
[Google \(GG\)](#)
[Government of Brazil \(Govt-BR\)](#)
[Government of India \(Govt-IN\)](#)
[Government of Italy \(Govt-IT\)](#)
[Government of Spain \(Govt-ES\)](#)
[gTLD Registries Stakeholder Group \(RySG\)](#)
[ICANN Board of Directors \(ICANN\)](#)
[Information Technology Industry Council \(ITI\)](#)
[Intellectual Property Constituency \(IPC\)](#)
[International Trademark Association \(INTA\)](#)
[Internet Architecture Board \(IAB\)](#)
[Internet Association \(IA\)](#)
[Internet Infrastructure Coalition \(I2Coalition\)](#)
[InternetNZ \(.NZ\)](#)
[Internet Services Provider and Connectivity Provider Constituency \(ISPCP\)](#)
[Jan Scholte \(JS\) comment 1](#)
[Jan Scholte \(JS\) comment 2](#)
[Japan Network Information Center \(JPNIC\)](#)
[Jiah He \(JH\)](#)
[Lee Andrew Bygrave \(LAB\)](#)
[London Internet Exchange \(LINX\)](#)
[Milton Mueller \(MM\)](#)
[Ministère des Affaires étrangères \(Govt-FR\)](#)
[Ministry of Foreign Affairs of Argentina \(Govt-AR\)](#)
[Motion Picture Association of America \(MPAA\)](#)
[Namibian Network Information Centre \(.NA\)](#)
[Nigeria Internet Registration Association \(NIRA\)](#)
[Nell Minow \(NM\)](#)
[Nominet \(.UK\)](#)
[Non Commercial Stakeholder Group \(NCSG\)](#)
[Representing the ecosystem of Internet Bahrat-Model \(CCAOI\)](#)
[Richard Hill \(RH\)](#)
[Roberto Bissio \(RB\)](#)
[Root Server System Advisory Committee \(RSSAC\)](#)
[Security and Stability Advisory Committee \(SSAC\)](#)
[Sue Randel \(SR\)](#)
[UNINETT Norid AS \(NORID\)](#)
[US Chamber of Commerce \(USCC\)](#)
[US Council for International Business \(USCIB\)](#)
[US Rep. Mike Kelly HR2251 \(HR2251\)](#)
[William Currie \(WC\) comment 1](#)
[William Currie \(WC\) comment 2](#)

Comments on Specific Recommendations

General Comments			
#	Contributor	Comment	CCWG Response/Action
1	RH	<ul style="list-style-type: none"> - This is a step in the right direction but it suffers from reinventing the wheel. - Consider the proposals of the Internet Ad Hoc Group (IAHC) http://web.archive.org/web/19971211190257/http://www.gtld-mou.org/gTLD-MoU.html. - It would be easier to implement proper accountability if the several functions were separated, each with its own accountability mechanism, as proposed by the Just Net Coalition. - ICANN should not be incorporated in the USA, or in any other powerful state that might be tempted to interfere with ICANN for political or economic reasons. It should be incorporated in a neutral state that is unlikely to interfere, for example Switzerland. If ICANN remains incorporated in the USA it will be subject to US law, which could have undesirable consequences (e.g. force ICANN to comply with sanctions that are unilaterally imposed). 	
2	Jan Scholte (JS) comment 1	<ul style="list-style-type: none"> - Congratulations for the impressive achievement. That the group could in just six months produce such a comprehensive, creative, reflective, professional proposal is a real tribute to what a well-executed multistakeholder process can accomplish. - One can always find areas for further development, but the glass is already so very much more than half-full. 	
3	auDA	<ul style="list-style-type: none"> - auDA welcomes the work of the CCWG and, specifically, the significant efforts of the group to deliver an 	

¹ The public comment period ran from 4 May 2015 to 3 June 2015. Due to the late availability of the translated versions of the proposal, those who were reliant on these translated versions to provide input will have the ability to submit their comments until 12 June at 23:59 UTC. versions to provide input will have the ability to submit their comments until 12 June at 23:59 UTC.

		<p>appropriate model for ensuring the ongoing accountability of ICANN's operations beyond the transition.</p> <ul style="list-style-type: none"> - auDA does not support the CCWG's assertions regarding how these principles and goals should be implemented. - While auDA's supports the general principles for improved accountability, as well as a number of implementation mechanisms mentioned, our position diverges significantly from that of the CCWG in regard to many other implementation details proposed in the Draft Report. Our concerns are very serious and we believe that the flaws in the CCWG's draft proposals are significant and profound. auDA notes that the CCWG has focussed on a structure that can enforce accountability by delivering to the community the ability to sue ICANN / the ICANN Board. While auDA accepts that this is one way to bolster accountability, we question whether the proposed solution: 1) is worth the significant and seismic changes to ICANN's structure and to the nature of ICANN's Supporting Organisations and Advisory Committees; 2) might give rise to a series of new risks and weaknesses that run counter to both the goals of the CCWG and ICANN's own Bylaw commitments; and 3) might, on the whole, be inferior to an accountability solution involving changes to existing mechanisms and the introduction of fundamental bylaws that cannot be altered without the explicit support of SOs and ACs. - The CCWG has developed a solution that gives rise to a number of new complexities and questions, and which may not deliver the most effective and efficient outcome. Associated cost, risk and structural issues all need to be considered and weighed against any proposal and auDA is not satisfied that the need for a 'legal enforceability' solution (which would also serve to further concentrate power in the United States) is greater than the compromises and costs required to implement it. auDA strongly recommends that the CCWG and the ICANN community return to the fundamental principles identified as part of the preliminary stages of the CCWG's work, abandon the need for legal enforceability as a fundamental tenet of the accountability review and attempt to arrive at a solution that delivers acceptable levels of accountability and community empowerment. 	
4	DBA	<ul style="list-style-type: none"> - Denmark welcomes the decision by the NTIA to transition the stewardship of the IANA functions to the global multistakeholder community and to remain fully committed to completing the transition in a timely and responsible manner. - Our initial assessment of the Initial Draft Proposal, which focuses on developing accountability mechanisms necessary for the IANA transition to take place, is that the overall framework looks promising and ICANN's accountability towards the multistakeholder community would be enhanced when implemented. - In our view the combination of accountability mechanisms proposed provides a set of necessary of checks and balances for the global multistakeholder community to hold the ICANN Board and management accountable in the absence of the NTIA in its current role. - In light of the fact that the CWG Stewardship Transition Proposal on Naming Related Functions is dependent on these community powers, these dependencies must not be compromised. - It is of crucial importance to ensure that the new governance model is truly multistakeholder-based. To this end there must be safeguards against capture from any specific stakeholder group in any way, including in ICANN's policy development processes and decision making functions. - Finally, Denmark is committed to participating in the CCWG Accountability and in developing an accountable and multistakeholder-based proposal for the IANA transition process together with the global internet community. 	
5	WC comment 1	<ul style="list-style-type: none"> - The CCWG-Accountability proposal does an excellent job of creating an empowered community as the accountability forum which can hold the accountable actor, the Board, to account for its decision-making. By tightening up the principles, commitments and core values in ICANN's by-laws, the proposal makes clear what the standards are against which the Board is to be held to account. - The new community powers are finely balanced and limited in a way that will not hamper the Board's fiduciary duties towards ICANN, nor undermine the efficiency or effectiveness of the Board's decision-making processes. - What is missing is a space in which the community - as accountability forum - can hold the Board - as accountable actor - to account on a regular basis. Here the work of public accountability academic, Mark Bovens, may be of use. He sees accountability as a social relation and defines accountability as 'a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor can be sanctioned'. At its regular meetings, ICANN holds a Public Forum which already has many of these features. The Board gives an account of some of its activities and members of the community can make comments and pose questions to the Board. It may be of value to transform this Public Forum into a Public Accountability Forum. The way this could work is as follows: 1 The community, that is the supporting organisations and advisory committees, represented by their chairpersons and vice-chairs, meets and constitutes itself as the accountability forum. 2 The accountability forum then chooses a chairperson and vice-chair to convene the Public Accountability Forum at each tri-annual ICANN meeting, for the period of a year; 3 The Board and the CEO would constitute the accountable actor at the Public Accountability Forum; 4 The Chairpersons 	

		consult with the community, the Board and the CEO to determine the agenda for the Public Accountability Forum; 5 At the Public Accountability Forum, the Board, as accountable actor, gives an account of the agenda items and the accountability forum, represented by the chairs and vice-chairs of each supporting organisation and advisory committee, pose questions and pass judgment. Passing judgment, in this instance, would be the equivalent of comments on the behaviour or actions of the accountable actor rather than a formal judgment by the accountability forum as a whole; 6 In a second round, members of the community have an opportunity to pose questions and pass judgment. Passing judgment here would be the perception or opinion of the individual community member on the behaviour or actions of the accountable actor; 7 Should any matters arise that touch on the new community powers to sanction the Board, these are noted by the chairs of the Public Accountability Forum for discussion by the accountability forum, which would meet on its own directly after the Public Accountability Forum is over; 8 The Chairs of the Public Accountability Forum briefly sum up the discussion and close the Public Accountability Forum. The idea would be to limit the agenda to a few key issues rather than to address every conceivable question. The emphasis would be on the accountable actor giving an account of its actions and the accountability forum questioning and passing judgment. The question of sanctions would only arise if the issues under discussion touched on one of the new community powers.	
6	NM	I begin by endorsing the comments of Jan Aart Scholte, which express my concerns with more eloquence and depth. With regard to our frequent mentions of the importance of transparency, we also need to be more specific. We're talking about organization that is core to the most transparency-friendly entity in the history of the world, and yet we don't have any specifics about what the organization needs to do when there are say, for example, proposed bylaw changes, to make sure that they are widely disseminated. We need to have some specifics about making sure that they take specific steps to make sure that everything they do and everything that the advisory groups do is as widely disseminated as possible, even to the extent of outlining the minimums for social media reach and unique visitors to make sure that transparency is not just offered but is actually implemented.	
7	CRG	- In my view the CCWG draft document has focused on the Board-Community relation only. So far there is little on the draft proposal related to the internal structure of ICANN, summarised sometimes as "management" & "staff", but limited to the budget veto mechanism (as per paragraph 40). I think a full section (or 5th Building Block) on "internal" checks and balances is quiet necessary, for the wider scope of parties that will be reviewing the CCWG-ACCT proposal. - Para 40, under #2 speaks of mechanisms to restrict actions of he board AND MANAGEMENT of the Corporation, but the present draft develops only Board decisions and no Management ones.	
8	AFRALO	The AFRALO community members express their support to the CCWG and think that the report needs further work to find the best ways to empower the community using the right means and avoiding ICANN the risk of being weakened or losing its independence, its inclusiveness and its multi-stakeholder nature.	
9	Govt-AR	Argentina will continue participating in the IANA transition process, and expects that those principles agreed in the Net Mundial Multistakeholder Statement will guide our work and will be respected. - discussion about mechanisms for guaranteeing the transparency and accountability of those functions after the US Government role ends, has to take place through an open process with the participation of all stakeholders extending beyond the ICANN community. - This transition should be conducted thoughtfully with a focus on maintaining the security and stability of the Internet, empowering the principle of equal participation among all stakeholder groups and striving towards a completed transition by September 2015 - It is expected that the process of globalization of ICANN speeds up leading to a truly international and global organization serving the public interest with clearly implementable and verifiable accountability and transparency mechanisms that satisfy requirements from both internal stakeholders and the global community. The active representation from all stakeholders in the ICANN structure from all regions is a key issue in the process of a successful globalization.	
10	Govt-IN	- as ICANN is the current IANA operator, it must demonstrate accountability in its approach - subsequent to the IANA Transition irrespective of ICANN's role and degree of involvement with operational aspects of the IANA functions, ICANN must have improved robust accountability and transparency mechanisms: stronger accountability mechanisms are of paramount importance, specifically, in terms of operations relating to naming policy development and gTLDs. - in addition to strengthened internal community oversight and accountability, the accountability review must endeavour to incorporate external accountability and checks and balances in respect of the functions exercised by ICANN. - ICANN must be clear and transparent, particularly about its structure, mission, operations, staff, elections,	

		collaborations, decision-making processes, plans, and budget, finances and earnings	
1 1	DCA-T	<ul style="list-style-type: none"> - ICANN's past has faced many question relating especially to the accountability of the organization, some users of ICANN's services and especially the new gTLD applicant have faced many issues as regards a fair and just handling of the issues that cover accountability and transparency. As such ICANN's need for accountability and transparency in all its activities cannot be over stated. The need for independence must also be accompanied by proper structures and mechanisms to address accountability of Board and staff in equal measure. - ICANN must therefore allow an independent and separate accountability and transparency body to be created to manage the issues that arise from actions or inactions of the Board and/or staff and any other contractor assigned specific duties in the day to day running. Such accountability mechanisms need to touch on all spheres of ICANN including the ICANN budgets -There I a need y the CCWG-Accountability to define the number of change proposals that can occur at a time in order to avoid the participant and the volunteer exhaustion and apathy that may have been witnessed in the current state. - The proposal should be set to reduce the number of PDP's and proposals to a certain minimum, this will enable the community to properly comment or respond diligently to the proposals. - The number of days allocated for comments must also be increased to ensure thorough input research. 	
1 2	Afnic	<ul style="list-style-type: none"> - CCWG-Accountability has laid the foundation for both a rapid and profound enhancement of ICANN accountability, necessary for the achievement of the IANA stewardship transition (Work stream 1), and the implementation of a sustainable accountability mechanism for the long term (Work stream 2). - Given the sometimes complex and, in any case, technical nature of this exercise, Afnic wants to commend all participants of this group for their implication and their involvement, as well as for the very intensive outreach work done. - Having participated to this outreach by organizing a French event on the ICANN accountability and IANA transition, Afnic can witness that moving from the accountability principle stage to the principles implementation stage, while trying to maintain a global consensus, is indeed very difficult. - [The] community empowerment proposal shows what is currently missing in ICANN, to make this organization a truly multistakeholder one. Without the powers given to the community, ICANN is more in a "representative democracy" model, and not even, because all Board members are not elected. 	
1 3	NORID	NORID welcomes the opportunity to praise the significant work the group has done to deliver their view on improved accountability in ICANN within the restricted timeframe given and the openness in which the process has been conducted under. We support most of the principles outlined, but being a small registry we do not have the resources to go into detail. Therefore we instead support the very sensitive of our regional organization CENTR.	
1 4	Govt-DE	<p>We would like to thank the Danish GAC representatives in particular for their comments which we fully support.</p> <ul style="list-style-type: none"> - Germany supports the multistakeholder approach inherent in the CCWG's working methods and draft report because the joint governance of internet resources and standards by the internet community has proven to be one of the key factors driving the success of the internet. - In this context we would like to recall the joint German Position Paper on Guidelines and Recommendations for Action for the IANA Stewardship Transition from 26 March which has been drafted in a multistakeholder process itself. Germany notes that many of the issues raised in this position paper have been adressed by the draft report. 	
1 5	DP-DK	<ul style="list-style-type: none"> - We strongly endorse these four critical goals: 1) Restating ICANN's Mission, Commitments, and Core Values, and placing those into the ICANN Bylaws; (2) establishing certain bylaws as "Fundamental Bylaws" that cannot be altered by the ICANN Board acting unilaterally, but over which stakeholders have prior approval rights; (3) creating a formal "membership" structure for ICANN, along with provisions designed to give the stakeholder-members greater influence on Board decisions; and (4) enhancing and strengthening ICANN's Independent Review Process (IRP). - We believe that the CCWG has made significant and substantial progress in designing a durable accountability structure for a post-transition ICANN. We also believe, however, that there are a number of important omissions and/or clarifications that need to be addressed before we can be confident that these mechanisms will, in practice, accomplish their mission. - The IANA transition is premised on the notion – one that we strongly endorse – that the DNS can best be managed going forward by a private, non-governmental, global, consensus-based, "multi-stakeholder" institution. No element of the transition plan is more important than the design of effective accountability mechanisms for that institution. The DNS has become a significant and immensely valuable global resource, and whoever controls DNS policy-making and policy-implementation wields considerable power. How can the US government, and the global 	

Internet community, assure itself that that power will not be abused by a post-transition-ICANN ("PT-ICANN") that is no longer answerable to the US government for its actions? If the USG is not going to be exercising oversight over PT-ICANN's management of the DNS, who is? How is that oversight to be exercised, and how effective is it likely to be? These "accountability" concerns must be addressed before the transition proceeds.

- There are many examples of private global governance institutions whose accountability mechanisms are notoriously ill-developed – FIFA and the International Olympic Committee come immediately to mind – and in whose hands we would hardly be expected to place a resource of the magnitude and importance of the Internet's DNS. There is also widespread agreement (and acknowledgement by ICANN itself) that as currently configured, ICANN has a substantial accountability deficit. Professors Weber and Gunnarson's recent summary captures what we believe is a broad consensus among scholars and other observers of the history and practice of DNS policy-making: *ICANN's corporate organization vest[s] virtually unconstrained power in its Board of Directors. The Board may be influenced or even pressured by particular stakeholders on particular issues at particular times. But it remains legally free to remove directors and officers; disregard community consensus; reject recommendations by the Board Governance Committee or the IRP regarding challenges to a Board decision; and reject policy recommendations from any source, including the GAC and its nation-state representatives.*

- The IANA transition represents an opportunity to get these accountability mechanisms right. The ICANN Board has indicated that it accepts, as a pre-condition for implementing the transition, the need to implement fundamental changes in the corporation's governance structure; but once the transition takes place, that leverage disappears. And the opportunity, once lost, might well not come again, because the transition will be very difficult to undo. As we explained in a recent paper, the IANA transition involves nothing more, at bottom, than the expiration of a government procurement contract; because NTIA isn't transferring anything to ICANN as part of the transition, there's nothing for it to "take back" if the accountability mechanisms fail to effectively control ICANN's misbehavior. In addition, it appears that many other components of the final transition proposal – involving the operational details of the transfer of the IANA functions (names, numbers, protocols) – are themselves expressly conditioned on the development of an adequate accountability structure for ICANN, giving added significance and importance to the Accountability portion of the transition plan.

- We are particularly concerned, and focus our comments below upon, the extent to which the proposal protects against two forms of abuse: *Capture* by an entity or an interest (public or private) seeking to use DNS resources for its own self-interested purposes, and *Mission Creep*, leveraging control over the DNS to exercise power over matters outside the confines of the DNS itself. These are not, we acknowledge, the only risks posed by the transition; but they are sufficiently important to warrant special attention, and we believe our comments will be most useful if they are focused on them.

- The CCWG correctly identifies the task it is undertaking – to ensure that ICANN's power is adequately and appropriately constrained – as a "constitutional" one: that the CCWG Draft Proposal, and ICANN's accountability post-transition, can be understood and analyzed as a constitutional exercise, and that the transition proposal should meet constitutional criteria. Constitutions exist to constrain and to channel and to check otherwise unchecked power – "sovereign" power that is subject to no higher (governmental) power. ICANN is not a true "sovereign," but it can usefully be viewed as one for the purpose of evaluating the sufficiency of checks on its power. We believe that there is a broad consensus – reflected in the CCWG Draft – that a "constitution" for a reformulated ICANN should provide, at a minimum, for: 1. A clear enumeration of the powers that the corporation can exercise, and a clear demarcation of those that it cannot exercise; 2. A division of the institution's powers, to avoid concentrating all powers in one set of hands, and as a means of providing internal checks on its exercise; 3. Mechanism(s) to enforce the constraints of (1) and (2) in the form of meaningful remedies for violations; 4. Transparency and simplicity. No constitutional checks on an institution's power, no matter how clearly they may be articulated in its chartering documents, can be effective to the extent that the institution's actions are shielded from view. And it is particularly important, in the context of a truly *global* multi-stakeholder institution, that its structure, and the chartering documents that implement that structure and that guide its operations, are framed as simply and transparently as possible. ICANN's Charter and Bylaws should speak to the global Internet community whose interests the corporation seeks to advance. The more complex those chartering documents are, the less likely it is that they will be comprehensible to that community (or even to the subset of English speakers within that community).

- Designing the mechanisms through which a post-transition ICANN can be held accountable for its actions to the global community is both a critical component of the overall IANA transition process and an extraordinarily difficult task. We applaud the efforts that the CCWG-Accountability group has made thus far, and we support the goals it has identified and the general thrust in which the Draft Proposal is pointing. There are, however, a number of elements that must fall into place to ensure that the global multistakeholder community has the means to correct

		any abuses or misuses of ICANN's power after U.S. government oversight is removed. We believe that the concerns that we have raised in these comments need to be considered and addressed if ICANN's power is to be adequately constrained. We look forward to continued engagement on these important matters.	
1 6	IA	Once the plan is accepted, ICANN must implement the Bylaw changes in full prior to the USG terminating the IANA contract.	
1 7	RB	<p>- On the first conference call of the advisors the issue was raised of the need to define under what jurisdiction ICANN would be incorporated. This is a key starting point, as the jurisdiction will ultimately define the law that applies and incorporation, which implies registering bi-laws (and the definition of a: who is a party, b: who takes decision and c: who the parties relate to the decision-making) but also who the "external authority" that ultimately defines the legitimacy and legality of the whole operation.</p> <p>- First, it must be pointed out that in replacing the role of the US government, the focus here is on external accountability of ICANN and not its internal accountability. External accountability is the larger political accountability, with regard to general public interest, and the internal accountability is vis a vis the groups and constituents - often called stakeholders - that directly deal with ICANN, and are in any case represented in various ways in its internal processes. While internal accountability is important, it must be remembered that this whole debate was triggered by the vacuum that arises in terms ICANN's *external accountability* as a consequence of the US government stepping out (in whatever limited way). The focus should therefore be on the responsibility to the larger public -what the document calls "the community" and which is not defined.</p> <p>Yet, in any analysis of what the Internet currently is and who benefits from ICANN services or could be affected by its malfunction, it is clear that "the community" is composed by the billions of users of Internet and potentially by all of humanity. Such a large public will never be able to exercise direct accountability. Two institutional devices are normally employed in democratic polities. (1) A body that is as representative as possible of the larger public is the one that extracts accountability, and (2) there is separation of powers whereby when one particular body (and groupings around it) is to be held accountable, we seek another body which has the least overlap with the first body in its constitution and interests and make the first one accountable to the second one - making the arrangement in a manner - as is their between the executive and the judiciary for instance - that both bodies have different kinds of power, and therefore neither can independently become tyrannical, at least not easily. At the same time, by the very separation of groups/ processes involved in constitution of the two bodies, the very dangerous possibility of collusion is minimised.</p> <p>- In the current case, neither of these key criteria and method-templates have been satisfied or employed. There has been no effort made to explore some kind of global structure that can be considered to have some kind of representativity vis a vis the global public - however less than perfect. Neither the lesser and easier criterion of seeking separation of power by looking at a body/ system with a very different kind of constitution than what makes the current power configuration in the ICANN being fulfilled. What one sees is that the same groups and systems that put the ICANN decision making structures in place in the first instance are being given some recall and interim powers vis a vis this power structure. Certainly an improvement as far as the ICANN's organisational structure is concerned but it says nothing about ICANN's accountability to the global public what this process was really mandated to seek, and put in place.</p> <p>- It should be reminded that NTIA asked for transfer of oversight to global multistakeholder community. Most of the external advisors to the group share the notion that this requires some form of internationally agreed legal incorporation and accountability to an external group that can somehow represent the whole of humanity. We were told that this would be "unrealistic". See http://forum.icann.org/lists/comments-ccwg-accountability-draft-proposal-04may15/msg00018.html for full comment.</p>	
1 8	Govt-FR	The French government comprehend that temporary US jurisdiction over ICANN is necessary for purposes of stress testing the CCWG-accountability final proposal over a limited period of time. Yet the CCWG-accountability final proposal should be transposable on an international legal framework, which we ultimately consider to be the only neutral legal framework suited for ICANN.	
1 9	.NA	<p>- The CCWG Accountability has not only failed its mandate, but in a manner that can hardly be described accountable. In conclusion, as one of the ccNSO appointed member of the Cross Community Working Group on Enhancing ICANN Accountability, I do not support this document nor the recommendations made therein.</p> <p>- In particular does the document not contain discernible content relevant to ccTLD Managers which is hardly surprising considering the dynamics within the CCWG Accountability. As I have written in my comments to the CWG Stewardship's 2nd Draft Proposals, ccTLD Managers only need <i>Root Zone Change Request Management – not including delegation and redelegation (NTIA IANA Functions Contract: C.2.9.2.a)</i> and <i>Root Zone "WHOIS" Change Request and Database Management (NTIA IANA Functions Contract: C.2.9.2.b)</i> whereas ICANN needs the IANA Function. And the root zone. No other service provided by the IANA Function Manager is required, per</p>	

		<p>se, by a ccTLD Manager, including DNSSEC. Delegation service is a one time occurrence, which does not affect the ccTLD Manager once completed and it must also be said that hardly any ccTLD Manager wishes to avail oneself of un-consented revocation services by the IANA Function Manager.</p> <ul style="list-style-type: none"> - (Individual) ccTLD Managers need accountability by the ICANN Function Manager, for the decisions it (in this context the Board) takes against them and for the way its staff interacts with incumbent and/or prospective ccTLD Managers. The charter clearly states that all accountability issues other than operational and administrative ones of the IANA Function (which are to be addressed by the CWG Stewardship, where, unfortunately, they are not being addressed to any relevant extent) fall under the CCWG Accountability. - Without a shadow of a doubt is the root zone a database and thus clearly an asset, ie some form of property, even though it is very closely linked to the services such as Root Zone Change Request Management and Root Zone "WHOIS Change Request and Database Management. I firmly believe the root zone can exist without the services surrounding it, but absolutely not can the services exist without the root zone. - Now the issue is not what type of property it is, per se, but what will happen to it. In other words, who owns the root zone, will ownership be transferred, at all? And if so how and when? From this the question follows, what will happen if only the functions to manage but not the ownership of the root zone, and/or the root zone itself are transferred. - It also raises the unanswered question under what statutory powers this transfer will occur. <p>And this question must be answered in order for any transfer of the functions and/or the root zone to occur.</p>	
20	Govt-ES	<p>The IANA stewardship transition and the accountability process should strengthen ICANN responsiveness to the demands of the global Internet community, enhance mechanisms to keep it accountable to that community and prepare ICANN for its globalization, which should remain as a priority for the organization.</p>	
21	RySG	<ul style="list-style-type: none"> - The RySG believes the set of Work Stream 1 proposals contained in the interim report, if implemented, would likely provide sufficient enhancements to ICANN's accountability framework to enable a timely and responsible transition of IANA functions stewardship (in conjunction with the ongoing work of the IANA Stewardship Transition CWG). - The RySG believes that ensuring that ICANN adheres to its mission, commitments, and core values are fundamental to ensuring ICANN accountability. As such, we strongly support that the Draft Proposal provides a clear statement of ICANN's Mission, as well as ICANN's commitments to the community and its Core Values that govern the manner in which ICANN carries out its Mission. Equally key is the ability of the global multi-stakeholder community to challenge decisions or actions of the ICANN Board and management, where the Board itself is no longer the ultimate authority in review of its own decisions. Appropriate checks and balances on power are the critical requirement. - The RySG strongly supports the recommended enhanced community powers. However, RySG is concerned that these proposed and necessary community powers would be unenforceable under ICANN's current organizational and corporate structure. - A number of additional concerns and questions raised by the Draft Proposal. These comments should not be taken to undermine our generally strong support for the accountability mechanisms proposed. 	
22	CCG	<ul style="list-style-type: none"> - The phrase "public interest" is repeated extensively through the proposal including: 1. The "public interest" goal in the revised Mission Statement; 2. The role of "public interest" when balancing competing cores/commitments; 3. When language of AOC is imported into the proposed ICANN Bylaws, "public interest" finds mention. The proposal acknowledges that public interest has not been defined. Is the additional text – emphasizing the process through which it is identified -- sufficient, must a substantive definition be added? Commitments that ICANN shall work to the benefit of the public cannot get around the problem of defining what public interest is, given the corporation's context-specific functions. - The ICANN Board is not bound by community feedback when it comes to changes in ICANN Bylaws, budget, strategic/operating plans (unlike the proposed Fundamental Bylaws). This is of concern. Community feedback should be binding on the board in instances involving budgetary decisions. Will the proposed voting structure of the EC etc. be included as a Fundamental Bylaw, making it difficult to change? - A formal definition of "private sector-led" is required. 	
23	JH	<p>The existing CCWG proposal is trying to solve two problems: (1) The membership mechanism is to empower the community; (2) The IRP Panel is to establish a mechanism of power separation: Empowered Communities make rule, ICANN board executive and IRP Panel make judgment. Those first two steps are very important and a good start. But the problem of ICANN Accountability and Transparency is still not fully solved yet. ICANN Accountability mechanism should answer: What to do if ICANN makes the wrong decision? This question related to three important parts: (1) What is a wrong decision? (2) Is it really wrong? (3) How to deal with the wrong decision? This proposal did not answer well yet. The reasons and my comments (words in black colors) will be followed with the</p>	

		questions in the Public Comment Input guideline of CCWG report (red color words).	
2 4	BC	<p>- BC supports the proposed rationale and definition for what must be in Work Stream 1 and believes that the proposed community powers in Work Stream 1 should be adequate to overcome any resistance from the ICANN Board and management to additional measures the community attempts to implement after the IANA transition is complete.</p> <p>- BC believes that the community needs to have enforceable powers: To challenge Board decisions via an enhanced independent Review Process; To reject Board-proposed budgets and strategic plans; To reject (or in some cases, approve) Board-proposed changes to Bylaws; To recall ICANN Board Directors, individually or in total as a last-resort measure and is gratified to see these powers among the Work Stream 1 measures proposed by CCWG. BC is concerned that these powers might not be enforceable if we fail to adopt an Supporting Organization/Advisory Committee (SO/AC) Membership Model that takes advantage of powers available under California law and therefore encourages the CCWG to explain how Membership status can be created and maintained without undue costs, complexity, or liability.</p> <p>- BC supports “mechanisms giving the ICANN community ultimate authority over the ICANN Corporation” and supports that “Mechanisms to restrict actions of the Board and management of the ICANN corporation” provided that Work Stream 1 powers are enforceable against the corporation. From legal advice provided to CCWG that may require us to adopt an SO/AC Membership Model to exercise statutory powers under California law.</p> <p>- Work Stream 1 measures should be implemented before NTIA relinquishes the IANA contract. Implementation should include, at least, changes to ICANN Bylaws that establish community powers. Some implementation details could be accomplished post-transition, provided that the community has powers to force ICANN to take a decision on recommendations arising from a Review Team required by the <i>Affirmation of Commitments</i>. If ICANN decides not to implement Review Team recommendations, the enhanced IRP process give the community standing and a low-cost way to challenge and potentially overturn that decision.</p>	
2 5	.UK	<p>Generally we welcome the approach followed by the CCWG. The practical mechanisms proposed give a good framework on which to build and we support the general approach.</p> <p>The draft has a heavy focus on legal structures and mechanisms for use where trust and confidence have already seriously broken down. While we recognise that it is important to have such clear safeguards, we would like to see a little more focus on building confidence and trust – processes that encourage better understanding between the communities and with the executive and the Board. This could include jointly agreeing remedial action and only if there were a failure to act would it then lead into an escalation process, should that be necessary.</p> <p>This is fundamental – ICANN itself is the community and, as an organisation made of different stakeholder groups, there should always be tensions between different interests. Processes need to be more consensual than adversarial, and more needs to be done between communities at an early stage in policy development to build shared understanding.</p> <p>We are concerned that many of the mechanisms identified in the proposal will be massively disruptive – nuclear options. One result of sanctions of such consequence is that they are considered unusable.</p>	
2 6	USCIB	<p>USCIB urges you to consider that the overall transition process would benefit from closer coordination of the development of the CWG-Stewardship and CCWG Enhancing ICAAN Accountability proposals. As the two documents are parts of a complete proposal and must be considered together by the community, their contents and reviews should be coordinated. For example, cross-references can be included in the respective sections of each document and availability of the documents and their respective review cycles can be coordinated to enable a holistic review of the proposals.</p> <p>Q1. Work Stream 1 proposals: We applaud the hard work by CCWG and all participants. Overall, we feel the draft Accountability proposal is high quality and inspires confidence that the final proposal will meet all requirements.</p> <p>Implementation: We feel the estimate for Work Stream 1 implementation (roughly nine months) is reasonable and prudent, and would allow for a safe and smooth transition from NTIA stewardship to the global multi-stakeholder community.</p>	
2 7	LINX	<p>- We have confidence that if implemented fully, incorporating the changes to the CCWG proposals that we suggest below, the total package would provide sufficient enhancement to ICANN’s accountability for us to support IANA Stewardship transition. We would like to emphasise that this support relies upon the existence of effective, credible, independent and enforceable mechanisms to adjudicate claims that ICANN has acted contrary to its Bylaws and, in particular, that it has acted outside its Mission, and to ensure corrective action in the event of a finding against ICANN. We note that the mechanism to achieve ultimate enforceability, namely the creation of a membership model, members of which would have standing in court, is neither fully developed nor agreed in principle within the CCWG. Though we have our own doubts about whether the Reference Model is the best that can be achieved, this concern is not fundamental. What is fundamental is that the accountability changes must be</p>	

		<p>legally binding and ultimately enforceable. If ICANN were able to disregard its own Bylaws, or disregard IRP rulings against it (whether arbitrarily, citing a broader public interest, or even in response to the Board's understanding of its own fiduciary duty diverging from the Bylaws), then there would be no accountability worth the name. We would not be able to support IANA Stewardship transition unless credible, independent, binding and enforceable accountability mechanisms are created.</p> <p>- Review and redress: We will only be able to support the end of NTIA's role as redress of last resort if we are satisfied that there is clear statement of the intended scope of ICANN's authority, and an effective, credible and enforceable mechanism to limit ICANN's activities to its intended scope.</p>	
28	ISPCP	<p>We welcome the efforts to define ICANN's mission more precisely, and to provide an enforceable, binding IRP so as to provide confidence that ICANN will remain within its properly authorised scope. We consider this element of the CCWG proposal to be an essential precondition for IANA transition.</p>	
29	JPNIC	<p>It is important to maintain the stability of ICANN, as an organization operating the management of the critical internet resources, as well as a forum of policy development for the names related policies.</p> <p>JPNIC would like to recommend the following general principles in considering ICANN Accountabilities.</p> <p>* Accountability proposal should ensures open, bottom-up and community based decision making process in policy development; * Proposed accountability mechanism should be simple to be comprehensible and pragmatically adoptable in reasonable timeframe; * Accountability proposal and its implementation should not be a delaying factor in the IANA Stewardship Transition.</p> <p>We would like to raise caution of over considering accountability measures which could lead to destabilizing the organization by putting excessive challenges to ICANN Board and/or secretariat decision, which are needed to carry out the activities under its mission. Further, overly complex system often leads to instability, with unintended affect which makes it harder to be identified when making changes, and it makes it harder for the parties to use such mechanisms when in needs.</p>	
30	Govt-IT	<p>There is a need to improve ICANN transparency, accountability and redress mechanisms. Furthermore, there is necessity for strengthening ICANN accountability and providing for effective and affordable means of redress, with adequate guarantees of independence.</p> <p>The role of the GAC is to provide ICANN with "advice on public policy aspects of specific issues for which ICANN has responsibility. This is an important dimension of ICANN's work". Nevertheless, in the current framework, the GAC held only a non-voting position in the Board of Directors of ICANN. In the new model, it might be considered that GAC could appoint at least a Voting Director in the Board.</p>	
31	CWG-St	<p>The CWG-Stewardship's proposal has dependencies on and is expressly conditioned upon, the work of the CCWG-Accountability and the outcomes we anticipate. We are encouraged by your understanding that the CCWG Accountability initial proposals meet the CWG Stewardship expectations and moreover, that within your group's deliberations, the ability to meet these requirements has been rather uncontroversial. Including the ability for the community to have more rights regarding the development and consideration of the ICANN budget.</p>	
32	IPC	<p>- IPC remains concerned that sufficient impetus will remain post-transition to implement the WS2 recommendations, the powers proposed in WS1 appear sufficient to ensure the community can expand ICANN reform efforts if they so choose. In all likelihood, the proposed changes in WS2 will be subject to experimentation, review and update and will result in evolutionary change within ICANN.</p> <p>- However, the IPC notes that the power to enforce decisions by the community to review board decisions, reject budgets, scrutinize bylaw changes and recall the board (or individual members) is critical for these accountability mechanisms to be effective. Absent the membership structure or some equivalent, the ICANN community would find itself back where it began at the start of this exercise.</p> <p>- The IPC supports the notion that ICANN should ultimately be accountable to its community and believes the proposed measures in WS1, if enforceable, provide that ultimate accountability. That said, the IPC is anxious to see the process of reform continue after the IANA contract expiration to enable a more finely tuned framework of accountability that will serve the interests of all parts of the community. Operational accountability will be in the details, not the broad strokes outlined in WS1.</p> <p>- However, the IPC also believes that the focus on Board accountability is too narrow. Many of the issues that arise in ICANN's activities and cause concerns in the community stem from actions by senior management rather than the Board. We recognize that the Board is ultimately responsible for the actions of management, but this is indirect oversight and accountability at best, since many management actions occur without express Board approval. We urge the CCWG to consider mechanisms whereby the actions and inactions of management are also held accountable to the community.</p>	
33	Govt-BR	<p>- Brazil believes it is crucial to make sure the this process is structured in a way that all stakeholders feel fully</p>	

		<p>involved – including governments - in order to ensure that the final outcome of the exercise is also considered legitimate by all participants.</p> <ul style="list-style-type: none"> - The U.S. government has provided the global community with an unparalleled opportunity to reflect on which steps should be taken to ensure that the post-2015 ICANN would be an organization with unchallenged legitimacy. That goal could only be achieved, in our view, if the "legal status" of the corporation would also be included in the "package" of items to be addressed in the transition proposal. - Brazil considers that enhancing the legitimacy of ICANN before all its stakeholders, including governments, requires the adoption of a "founding charter" agreed upon by all stakeholders in replacement of the present pre-determined status of ICANN as a private company incorporated under the law of the state of California. - The government of Brazil, in line with the model for Internet governance adopted domestically, is not advocating that ICANN should be governed by an intergovernmental agreement, this "founding charter" should be negotiated and agreed upon by the global multistakeholder community, including, but not limited to, governments. - Brazil's main concern is not correctly captured, on the other hand, by the notion that ICANN should move out of the U.S. - What we have defended throughout the process is that, unless the issue regarding the "legal status" of the corporation is adequately addressed, any attempt to reform its practices and to establish new governance or accountability mechanisms will be limited, at the end of the day, by the fact that any proposed changes will have to adapt to an existing legal status. From the Brazilian perspective the existing structure clearly imposes limits to the participation of governmental representatives, as it is unlikely that a representative of a foreign government will be authorized (by its own government) to formally accept a position in a body pertaining to a U.S. corporation. - In the spirit of the Tunis Agenda and the NETmundial's related provisions, Brazil certainly believes governments have a role and responsibility in regard to issues addressed by ICANN, in particular regarding their perspective on how public interest should be considered in the corporation's initiatives and decisions – an obligation which, by the way, ICANN is committed to uphold. - Brazil perceives the current IANA stewardship transition and the accountability review processes as important steps towards the internationalization of ICANN. - In the post-transition period, the corporation should become a truly international entity which is accountable not only to a limited group of stakeholders in specific regions, but rather to the worldwide multistakeholder community. - The Brazilian government understands the sense of urgency that is guiding the work of the CCWG-Accountability, the quality of the recommendations should have a higher priority than the accomplishment of deadlines. 	
<p>3 4</p>	<p>MPAA</p>	<ul style="list-style-type: none"> - MPAA stresses the importance of transparency and believe the ICANN community must receive fair, complete and timely access to all materials relevant to the ICANN decision-making process. - Specifically we believe that additional transparency of ICANN's dealing with governments is required to prevent government capture or undue ICANN influence on public policies unrelated to ICANN's core mission. Governments could seek to control ICANN decision making processes by providing quid pro quos for actions taken by ICANN or governments could try to use intimidation. This situation could cause ICANN to make policy decisions that are not based on what is in the best interest of the ICANN community, but what would benefit ICANN as a corporation. In addition, ICANN could use its tremendous resources and clout to interfere with Internet governance public policies that are outside the scope of ICANN's technical obligations. - Therefore, we suggest that an additional bylaw be added that requires ICANN or any individual acting on ICANN's behalf to make periodic public disclosure of their relationship with any government official, as well as activities, receipts and disbursements in support of those activities on behalf of ICANN. Disclosure of the required information facilitates evaluation by the multi-stakeholder community of the statements and activities of such persons in light of their function as representatives of ICANN. - MPAA fully supports the views of the CCWG-Accountability team requiring Work Stream 1 accountability changes must be committed to and implemented before any transition of IANA stewardship from NTIA can occur. 	
<p>3 5</p>	<p>CDT</p>	<p>CDT has long called for ICANN to have greater accountability to its community and for its mission to be appropriately circumscribed. The measures proposed by the CCWG go a long way to satisfying both of CDT's priorities. As the work on the CWG has focused increasingly on an ICANN affiliate structure for the post transition IANA (PTI) – a model that effectively makes ICANN the IANA steward, contracting party and operator (at least initially) - the dependencies on the work of the CCWG Accountability, and particularly Work Stream 1, have grown. A mechanism that empowers the ICANN community – as is outlined in the proposal – has therefore become central, indeed essential, to the neutrality, transparency and effectiveness of the IANA functions – and therefore</p>	

		the stability, security and resilience of the DNS.	
36	CIRA	<ul style="list-style-type: none"> - I commend the CCWG for addressing the dependencies between the IANA stewardship transition and enhancing ICANN accountability processes identified by the CWG in its April 15, 2015 letter. As these two processes are inextricably linked, it is critical that the mechanisms and processes identified by the two working groups integrate seamlessly. - Overall, this document provides a comprehensive approach to enhance ICANN's accountability. The CCWG has done a good job of identifying the standards by which, and to whom, ICANN should be held accountable. However, while I believe enhancing the structures and mechanisms to ensure accountability and transparency are important, trust in an organization is only truly possible when accountability is 'baked in' to its very culture. I urge the CCWG to explore tools that would enable an ICANN culture that takes accountability and transparency as the starting point for its activities, and not added as a mandatory component to meet obligations set out by the community. - CIRA will submit a more detailed commentary on the revised draft during the second public comment period. 	
37	SR	<ul style="list-style-type: none"> - I applaud the work of the ccwg-accountability team and appreciate the opportunity to comment. Your proposal to replace the current US government backstop on IANA function oversight by empowering ICANN's current membership structure is both simple and efficient. - The past few years of mismanagement inside ICANN have demonstrated a necessity to place such overriding powers outside of the management and board. - Your framework offers a mechanism to not only fix the problems of inexperienced or mismatched (with mission/core values) management but to also shine a brighter light on internal operations to improve much needed transparency. - With the ability to recall the board or dismiss individual board members as well as directly effect board/management/staff decisions on strategic plans and budget, the community will finally have an effective recourse to such self-serving behavior. - Furthermore, enshrining a mechanism for the community to veto or approve ICANN's bylaws, mission, commitments and core values is an excellent way to ensure ICANN only attracts the right talent in the board and executive levels. - Your detailed work on the bylaws is most welcome as they have long needed updating to align with what ICANN actually does and be strengthened to limit mission creep...and to ensure ICANN's decisions are for public benefit - not just a particular set of stakeholders or ICANN itself. - I believe your proposals made in the Report will solve the numerous problems extending up and down the current and future management chains, ensuring accountability, and going a long way to making the multistakeholder experiment succeed and become a model for others. 	
38	USCC	<p>In particular we are pleased that a plan for accountability has procedures in place to ensure real accountability through legal enforceability. The Chamber recognizes that there has been discussion in the CCWG around the use of the term "private sector" (see e.g. paragraph 66). For simplicity, we recommend affirming that private sector refers to any non-governmental entity (see paragraph 841), which includes business, academia, civil society, and any other groups that are neither government nor fully government controlled. This affirmation will prevent unnecessary confusion and uphold long standing usage and global interpretation of the phrase "private sector."</p>	
39	INTA	<ul style="list-style-type: none"> - INTA strongly believes that ICANN must be accountable to the Internet community as a whole ("Community") and that the proposals set forth in Work Stream 1 provide an excellent starting point. However there is much work to be done. - INTA supports keeping ICANN as a public benefit (non-profit) corporation domiciled in California. ICANN's status as a public benefit corporation in California allows the members to have greater input within ICANN and improve ICANN's overall accountability. - The Community as a whole has worked with ICANN in its present form for many years now and is familiar with ICANN's abilities (and inabilities) as governed by California law. Any change to that status at the present time would bring more uncertainty to a system and process that needs stability. 	
40	.NZ	<ul style="list-style-type: none"> - .NZ Supports the SO/AC Membership model as the best way to empower the whole community, and broadly supports the specific initiatives proposed by the CCWG. To make this accountability a reality, the CCWG must develop a proposal that delivers meaningful accountability to that community. Such accountability must be, as the current mechanism is, legally watertight and, should matters require it, enforceable in a court of competent jurisdiction. - Its nature as an unbroken chain of accountability is one underlying reason why InternetNZ supports the membership model proposed by the CCWG. Another reason is that InternetNZ is a membership organisation, and 	

		<p>as such is well familiar with the governance framework that the membership model would allow</p> <p>We note that there has been considerable discussion on the CCWG email list regarding the importance of enforceability.</p> <ul style="list-style-type: none"> - InternetNZ regards enforceability as an essential ingredient in accountability: accountability does not exist if the tools that purport to allow it can be ignored by the party being held accountable. - [the WS1] proposals are sufficient to allow the IANA Stewardship transition to occur, as long as they are in essence implemented, and as long as the framework within which the proposals are implemented is one that is enforceable. 	
4 1	ITI	<p>While there are still important areas yet to be addressed, we support the direction reflected in the draft proposal. If adopted, as we believe it should be, we are confident that the proposed accountability enhancements will help engender and strengthen trust and confidence in ICANN.</p> <p>We applaud the CCWG-Accountability for its work on this important initiative, and look forward to the opportunity to evaluate a more complete proposal during the next round of review and comments.</p>	
4 2	HR2251	<ul style="list-style-type: none"> - I have been observing with interest the multi-stakeholder community process to develop a proposal for a transition in Internet governance, particularly the work of the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability), and I support your efforts to enhance accountability within ICANN in the absence of U.S. oversight. - ICANN shall remain subject to United States law (including State law) and to the jurisdiction of United States courts (including State courts). - The United States Government has been granted ownership of the .gov and .mil top-level domains. 	
4 3	NCSG	<p>NCSG supports the empowerment of the ICANN community through the 6 powers identified in the proposal. These powers are central to enhancing ICANN's accountability and appropriate tools for community empowerment.</p>	
4 4	MM	<p>The CCWG has strived to confront many of ICANN's key accountability problems and on the whole it is making tremendous progress toward that goal. In these comments, I address the proposal's treatment of ICANN's mission and scope, its amendments to the independent review process, and its membership proposal. On the first two points, I largely agree with what the CCWG proposes; on the third (membership) I think you need to make some major revisions.</p>	
4 5	GG	<ul style="list-style-type: none"> - For the IANA transition to be successful, it is essential that the organization carrying out those functions be accountable to its customers and the multistakeholder community. Among other things, the community must have confidence that the organization makes decisions in a fair, impartial, and transparent fashion; that the organization has a mechanism in place for relevant stakeholders to appeal decisions if necessary; and that the organization remains focused on its core mission and executes that mission efficiently. With these goals in mind, Google appreciates the work of the Cross Community Working Group on Accountability (CCWG-Accountability) to develop an Accountability Initial Draft Proposal (Proposal) to enhance the accountability of ICANN, the organization currently carrying out the IANA functions pursuant to a contract with NTIA. We agree with much of the Proposal; the suggested reforms, if enacted, will be important enablers of a successful and durable IANA transition. Moreover, the Proposal and the reforms contained therein are evidence of the multistakeholder community's ability to reform itself from within, based on a clear-eyed understanding of areas that need improvement. - With these goals in mind, Google appreciates the work of the Cross Community Working Group on Accountability (CCWG-Accountability) to develop an Accountability Initial Draft Proposal (Proposal) to enhance the accountability of ICANN, the organization currently carrying out the IANA functions pursuant to a contract with NTIA. We agree with much of the Proposal; the suggested reforms, if enacted, will be important enablers of a successful and durable IANA transition. Moreover, the Proposal and the reforms contained therein are evidence of the multistakeholder community's ability to reform itself from within, based on a clear-eyed understanding of areas that need improvement. - We believe that the majority of the changes described in the Proposal strike the right balance: they provide a meaningful check on ICANN without compromising administrative efficiency. - We believe that the Proposal could be improved in a few key respects. We detail each of these areas below, but in general, Google believes that some of the proposed measures may unnecessarily create operational inefficiencies and undermine confidence in the finality and predictability of ICANN's decision-making process -- without necessarily improving accountability along the way. - Google recognizes the importance of enhancing ICANN's accountability to its customers and the broader multistakeholder community. In our view the suggestions outlined in the Proposal represent an important first step 	

		in achieving this goal. We look forward to working with the CCWG-Accountability in refining these proposals and ensuring that ICANN conducts its important work in an accountable, competent, and efficient way.	
4 6	Board	<ul style="list-style-type: none"> - The ICANN Board thanks the CCWG-Accountability for all of its work leading to the first draft proposal of mechanisms to enhance ICANN accountability in light of the changing historical relationship with the US Government. As the CCWG Accountability prepares its proposal, the Board has some comments, observations and questions for the CCWG to consider. We provide these below, and look forward to continued discussions, including at the upcoming ICANN 53 meeting. - As discussed at ICANN52 in Singapore, the Board reiterates that the main areas of proposed enhancements are items that the Board supports. We understand and appreciate how important these changes are to the CCWG-Accountability, and agree that there is a path forward to achieve the community powers and enhancements identified in the CCWG-Accountability's first report. We recognize the importance of affording the ICANN community a voice in assuring that the Strategic Plans of ICANN are within ICANN's mission, that budgets support the mission, and that the Board does not have unilateral ability to change the Bylaws, particularly those parts of the Bylaws that are fundamental to maintaining the Board's accountability to the community. We understand the community's need to have a tool to deter the Board (as a whole or as individuals) from neglecting ICANN's mission, and how a powerful tool may allow for appropriate action to deter such behavior. We agree that the Independent Review Process needs to be refined; with the standard better defined to meet the needs of the community, and that it is important to have binding decisions arising out of that process, as appropriate. As we noted in Singapore, we are far more closely aligned with the CCWG-Accountability than many in the community might realize. 	
4 7	CENTR	<ul style="list-style-type: none"> - CENTR welcomes the opportunity to comment on the first public draft of the CCWG-Accountability paper relating to Work Stream 1 that aims to improve and refine ICANN accountability mechanisms prior to the IANA Stewardship transition. We would like to acknowledge the complexity of the work and compliment the working group for having managed to produce a list of recommendations that represents a good first step even though they are not supported by the consensus of the working group. - The CENTR Board would like to acknowledge the valuable work done by the CCWG. Recommends that the CCWG further investigates the membership model from a legal perspective and present an ad-hoc paper about it to the community to explain who is expected to become a member, under which jurisdiction the body will be incorporated, obligations and duties of current ccNSO Council members, implications for current ccNSO members, engagement options for non-ccNSO members as well as possible financial and administrative provisions of such a body; - CENTR reiterates the request that ICANN be more transparent in terms of IANA's function costs and their itemization. - CENTR is supportive of the IANA Function review to take place no more than two years after the transition is completed, but believes that subsequent reviews should occur more regularly and not every five years. 	
4 8	I2Coalition	The i2Coalition appreciates the work of the CCWG, and we broadly support the proposal's direction. In particular, we appreciate that the CCWG shares two of our key goals: (1) ensuring that ICANN remains focused on its core mission of coordinating the global Internet's systems of unique identifiers and ensuring the stable and secure operation of the Internet's unique identifier systems, and (2) creating a binding mechanism and enforceable community empowerment by which actions outside of or in contravention of ICANN's bylaws can be challenged. I2Coalition believes it represents a strong starting point for continued discussions on improving ICANN's accountability. We look forward to continuing the work with the group as it moves toward finalizing the proposals.	
4 9	CCAOI	CCAOI wishes to thank the CCWG for providing the opportunity to comment on the Initial draft on Proposed Accountability Enhancements (Work Stream 1). Accountability and Transparency of ICANN to the global community, we believe is critical for the smooth running of the IANA Functions.	
5 0	NIRA	<ul style="list-style-type: none"> - NIRA welcomes the work done by CCWG-Accountability since its creation. In addition to supporting the announcement by NTIA to transition its stewardship role in the IANA Functions to the global multi-stakeholder internet community, NIRA supports the proposal of strengthening ICANN Accountability by empowering the ICANN community to have an oversight role in processes and activities of the ICANN Corporate. However, given that ICANN is still under the Californian law, there may be need to explore other jurisdictional legal requirements that can provide flexibilities being sought for/recommended by the CCWG. The globalization of ICANN should be pursued further. - If implemented or committed to, would provide sufficient enhancements to ICANN's accountability to proceed with the IANA Stewardship transition. - In general, NIRA supports the work done so far. However, NIRA thinks the implementation should be clearly 	

		stated for the community to be well informed and aware of the legal implications of the proposal. The review mechanisms being proposed should be harmonized with any such reviews being proposed by the three operation communities who are direct customers of IANA.	
5 1	ALAC	In general the ALAC is supportive of the direction being taken by the CCWG and will provide guidance on a number of issues, some of which the CCWG is explicitly seeking, and others where the ALAC believes that reconsideration may be required.	
5 2	LAB	- I commend the CCWG-Accountability for producing a set of draft proposals that, if adopted, will substantially strengthen accountability mechanisms within ICANN. Concomitantly, I support the thrust and mechanics of the reforms being proposed. - I concur, for the most part, with the views of my fellow Advisors, Jan Aart Scholte and Willie Currie, as set out in their respective comments on the draft proposal. In particular, I find the suggestions by Currie of establishing a "Public Accountability Forum" and a "Mutual Accountability Roundtable" well worth considering. Although I am not convinced that the latter will fully resolve the issue of who will "guard the guardians", it seems a step in the right direction.	
5 3	RSSAC	RSSAC has reviewed the CCWG-Accountability Work Stream 1 Draft Report. We have no consensus comments on the substance of the CCWG proposal at this point, as we understand the purpose of the CCWG-Accountability group's efforts but find the impacts of the current proposal difficult to evaluate.	
5 4	SSAC	The Security and Stability Advisory Committee (SSAC) welcomes the opportunity to comment on the Cross Community Working Group (CCWG) Proposal on ICANN Accountability Enhancements (Work Stream 1).	

Methodology

#	Contributor	Comment	CCWG Response/Action
5 5 1	Jan Scholte (JS) comment 1	- The proposal relies quite heavily on 'the (global) public interest' as an ultimate criterion of policy evaluation. Yet, the concept 'public interest' can be quite problematic in practice. 'The public interest' can very much lie in the eye of the beholder. Moreover, the concept can be abused by the powerful to claim that their advantages are for the collective good. The (global) public interest could be 'identified through the bottom-up multistakeholder policy development process'; however, this would make it all the more imperative to ensure that the multistakeholder mechanisms are not dominated by powerful special interests and equitably involve all affected circles. - Is some more precise definition of 'independence' wanted? The concept is given no specification. If someone were to challenge the 'independence' of a proposed panelist on the IRP, how would the validity or otherwise of the objection be determined? Is it sufficiently specific to say the person is not ' beholden to ICANN' (para 125); how would that beholden-ness be concretely assessed? - Motivate why 'the community' should have more influence on certain Board decisions. Currently para 12 simply affirms this point, without giving any rationale. - The jurisdiction issue – which for many observers lies at the heart of ICANN accountability challenges – is mentioned only once (para 688/2) and then in order to defer the issue. Will critics pick up on this point?	
5 6	auDA	- auDA welcomes the CCWG's methodical efforts in attempting to meet its goals. auDA agrees that it was appropriate for the CCWG to: 1) identify an inventory of existing accountability mechanisms; 2) list contingencies ICANN must be safeguarded against; and 3) develop a set of stress tests to assess whether the CCWG's proposed architecture protects against these contingencies. - auDA agrees with the CCWG's assertion that "accountability" is comprised of a series of dimensions: transparency, consultation, review and redress. - auDA agrees with the key "building blocks" that the CCWG has identified as the basis for ICANN's future accountability. - auDA believes that the most efficient and effective method of implementing the principles and goals identified by the CCWG would be the refinement and strengthening of mechanisms that already exist. Many have been developed by the community (or received input from the community) and have been used by ICANN for a number of years as part of existing commitments to accountability and transparency. They are well-established and well-developed and therefore form a logical basis for future work. auDA notes that the CCWG proposes a number of improvements to these mechanisms and functions and encourages the group to make these areas its primary focus as it finalises its recommendations.	
5 7	DBA	- It is positive that GAC's input (principles) to the CCWG Accountability appears to have been taken into consideration. However, there are still substantial issues (political and juridical) to be addressed before the transition of the IANA Functions to ICANN and the global multistakeholder community could take place. This includes how to organize the Community and ensure an appropriate role for governments in its advisory role.	

		- We are, however, concerned about the complexity of the document as this will make it more difficult to ensure effective participation in the process. This makes the communication and outreach strategy even more important and efforts should be made to engage the broader global community and reach out to stakeholders outside of ICANN.	
5 8	Govt-AR	Argentina has already expressed concern in relation with the outreach strategy and involvement of countries and communities that are not present in the ICANN process. Efforts must be made to ensure the involvement of the whole Internet community, with special focus on developing economies.	
5 9	Govt-IN	Currently there is a lack of clarity as to the interpretation of crucial terms such as 'community', 'public' and 'public interest'. Further clarity on these terms would assist in determining who ICANN is accountable to.	
6 0	Govt-DE	- The complexity of the CCWG's work and the large number of stakeholders make it seem necessary to raise awareness of this drafting process beyond the ICANN community to ensure a well-balanced approach for ICANN's future.	
6 1	IA	- IA suggests that CCWG-Accountability provide in its next draft a document that contains all proposed changes to the Bylaws with changes to the existing Bylaws marked in redline. The Internet Association further encourages CCWG-Accountability to develop a timeline for ICANN to implement the final plan.	
6 2	eco	- eco recognizes the outreach efforts by the CCWG, including webinars and the translation of the report into multiple languages as well as ICANN's outreach efforts on the IANA Stewardship Transition at the global level. As the draft report does not represent consensus positions, these outreach efforts need to be continued and intensified to ensure the process is as inclusive as possible. - Regarding the membership model, eco fully supports the working method used by the CCWG based on requirements.	
6 3	RB	As a member of the honorary advisory group I regret that key recommendations and observations made during the conference calls of the group were not taken into account or properly responded to in the Draft Recommendations.	
6 4	.NA	- A convoluted report at 143 pages, making a graphical supplement necessary for ease of understanding, which was expensive to produce. Clearly the result of a rushed process, where content was subordinated to an arbitrary deadline - Numerous concerns were raised in different levels of vehemence by appointed members of every chartering organizations against this, mine being most vocal and numerous, but were ignored - Poor quality of the process made evident when 3 additional questions were posted to the comments web site. A clear violation of the charter, as the comment period for these questions just 2 days. - The report also violates the rules of engagement in the charter as a mandatory Consensus Call not held, and in fact refused, including the submission of minority viewpoint(s) to be included in the report. - It was not helpful that a SubTeam created purely for funneling legal questions to what is termed Independent Counsel, or rather a single participant (not even a member) of this SubTeam, decides which questions are relevant and it was particularly unhelpful that requests to look at this accountability (i.e. from a "higher level") were rejected or ignored by the Co-Chairs.	
6 5	RySG	Several RySG members have noted concern with the relatively short time available for consideration of the draft CCWG proposal and development of feedback. As such, RySG support is conditional on further development of the details. Accordingly, we reserve the right to amend our position.	
6 6	JH	Given that CCWG report has a significant reformation of ICANN system, it is necessary to have a deep thinking and a broad discussion. While, the Chinese translated draft report has not been provided yet, which brings some difficulties for some Chinese experts to have a deep understand and think about the report. This comment is from my individual point of views. So is it possible to prolong 7 days?	
6 7	CWG-St	- We would like to confirm the quality of the ongoing coordination between co-chairs of our respective groups that has been taking place since the launch of your group. Each of our groups has been updated regularly on progress made as well as issues faced, including the interdependency and interrelation between our works and this has led to key correspondence being exchanged on a regular basis to develop and formalize the linkage. As CWG-Stewardship co-chairs, we have been provided with the opportunity to speak directly with the CCWG-Accountability group in addition to the regular discussion of key aspects of the work of both groups amongst the co-chairs. - Looking forward, we remain committed to retaining both the focus of the CWG Stewardship and the link between the works of the two groups. To this end, the assistance and professional advice from the independent legal advisors has been critical and will remain so as we seek to comprehensively formalise the links and dependence.	
6 8	IPC	- There is no justification for a truncated public comment period, even though this truncation was approved by two "ICANN Global Leaders," and even though a somewhat longer public comment period is contemplated for later in	

		<p>the process.</p> <ul style="list-style-type: none"> - The statement in paragraph 7 of the Draft Proposal that it is based in part on “requests and suggestions that have been provided by the community during a public comment period conducted last year following the NTIA announcement” is somewhat misleading, since the most recent such public comment period was explicitly limited to “addressing questions about the design of the Enhancing ICANN Accountability Process – not about the potential solutions or outcomes of the review.” See https://www.icann.org/public-comments/enhancing-accountability-2014-09-05-en. This is actually the first opportunity the ICANN community has had to comment on specific proposals to enhance ICANN’s accountability in the context of the IANA transition. Accordingly, the IPC reserves the right to supplement these comments at a later time. 	
69	CIRA	<p>In terms of process, I expect that the second draft proposal that will be posted for public comment will include timelines, and that those timelines will align with the work of the CWG. I look forward to reviewing the second draft CCWG proposal.</p>	
70	USCC	<p>As a threshold issue we believe that the 30 day comment period is much too limited time to review and provide substantive feedback on such a substantial plan, in particular for our members who may not be seeped in the day-to-day CCWG or ICANN conversations. While we recognize the desire to have a discussion around community comments at the upcoming Buenos Aires ICANN meeting, we think it is imperative that any future major inflection points provide a longer comment period and that no issues (except for those with broad community consensus) be settled following such a short turnaround time.</p>	
71	INTA	<ul style="list-style-type: none"> - Requests that ICANN provide additional time to allow for meaningful Community input on complex issues such as the IANA transition and ICANN accountability. Between the CCWG and the CWG reports, the Community had just over one month to review and analyze 233 pages of extremely dense material. This is not sufficient time to critically analyze how the 2 documents work together and whether the pressing concerns of accountability have been fully addressed. The work is too important to rush. - Moreover, as with the CWG report, many of the concepts and questions discussed in the CCWG report are dependent upon other policies or require much more specification before any Community member could rationally indicate their support. - Concerned by the leading nature of the questions set forth herein and the fact that the answering party is forced by the form of the question to indicate agreement or opposition. Any such statements should only be taken as representing a position that INTA may currently possess in light of limited time it has had to analyze this report. - Object to the posting of 3 additional questions after the commencement of the comment period. We have opted not to respond to the additional questions at this time. 	
72	.NZ	<p>We note that the details of implementation, including the role of unincorporated associations as legal ‘packages’ through which the SOs or ACs act, are still being developed and we look forward to the conversation on that, as well as the overall settlement, in Buenos Aires later this month.</p>	
73	NCSG	<p>The proposal needs more work on transparency - both in the working of the CCWG (for example chairs mtgs should be transcribed) and also in the substance of the CCWG work.</p> <ul style="list-style-type: none"> - The NCSG supports a clear statement of ICANN’s limited technical mandate. We agree that ICANN’s mission should be limited to the coordination and implementation of policies and procedures required to facilitate the stable and secure operation of the DNS. - We applaud the recognition that ICANN’s Mission does not include the regulation of services that use the DNS or regulation of the content that these services carry or provide. - We also applaud the CCWG’s recognition that the existing bylaw language describing how ICANN should apply its Core Values is weak and permits ICANN to exercise excessive discretion. - In paragraphs 69-100 NCSG believes the CCWG should avoid overly broad references to furthering “the public interest;” such references should be more specific and refer to a “public interest goal within ICANN’s mandate.” ICANN does not have a mandate to pursue the general public interest; it is intended to serve the public interest only within its narrow DNS-related scope of activity. - Paragraph 105 There is horribly redundant wording here: “ensure that decisions are made in the global public interest identified through the bottom-up, multistakeholder policy development process and are accountable, transparent, and respect the bottom-up multistakeholder process.” This should be simplified to: “Ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent.” - Paragraph 107 We prefer the original wording, with the exception of adding “in the DNS market.” The current revision muddles and undermines the clear intent of this passage, which was to encourage ICANN to rely on competition and market mechanisms. The addition of the words “healthy” and “enhances consumer trust” 	

		<p>introduce vague criteria that in many ways contradict competitive market criteria. The addition of “consumer choice” is unnecessary as that value is already encompassed by a commitment to competition.</p> <ul style="list-style-type: none"> - Paragraph 110 This paragraph is incorrect as it currently stands; it says “governments and public authorities are responsible for public policy.” As ICANN deals with a global arena, it should say that “governments and public authorities are responsible for public policy in their jurisdictions.” We also believe that the phrase “duly taking into account the public policy advice of governments” should be changed to “duly taking into account the advice of the GAC,” as it is GAC - not “governments” - that formally provide advice to the board under the bylaws and not all of its advice deals with public policy. - We fully support the changes to the Core Values and the designation that certain Core Values are considered Commitments - values that should rarely (if at all) be balanced against each other - and the incorporation of various provisions from the Affirmation of Commitments. We support the addition of respect for Human rights to the core values and support the addition of an obligation for human rights impact analyses for ICANN decisions to the mission. <u>NCSG has consistently recommended that ICANN adopt the “Respect, Protect, and Remedy” framework which was developed for private corporations and that ICANN benchmark its human rights compliance by joining the Global Network Initiative. These would provide simple ways to further strengthen this core value.</u> 	
<p>7 4</p>	<p>Board</p>	<ul style="list-style-type: none"> - Starting from the baseline that we are supportive of the CCWG-Accountability’s main goals, we then have to turn to considerations of implementation – how do we make sure that the goals are implemented in ways that do not pose undue risks to how the ICANN community interacts within the ICANN multistakeholder model? One of the analyses that we do not see within the report is a something akin to a regulatory impact analysis, where the costs, benefits and alternatives to proposals are weighed to assure that the design of the solution for each issue is the most efficient, least burdensome on the community, and most cost-effective solution. This seems a separate exercise from the stress test work that is reflected in the report. That stress test, or contingency planning, work builds from the identification of stressors or situations that ICANN may face, and then considers how the proposed solutions assist ICANN in being more accountable when those situations arise, however unlikely. This is valuable work in considering that the CCWGAccountability is working towards the crucial issues. What seems to be the necessary next step, however, is considering whether the mechanisms that are proposed as solutions are themselves capable of withstanding contingencies and stressors. In this regard, the Board presumes there will be an impact analysis. It is currently working on a series of questions to assist in performing that impact analysis. The membership model that is described within the CCWG-Accountability report is one of those main areas for which impact testing seems to be needed. We do have a concern that the extent of the governance changes that could be required through the CCWG-Accountability creates the possibility for too much change to be introduced into the ICANN system at once. As one of the participants in the recent Board workshop panel on the IANA Stewardship Transition cautioned, sound engineering practices are based in incremental change and following with additional reforms as needed, as opposed to changing everything at once. When you change too much at once, and there is later an issue, it’s very hard to figure out what part of the change caused the issue. A shift to a membership model, which may introduce a large number of changes into the whole governance model, is indeed an area where there is potential for unintended consequences. We believe that it’s important to keep this principle in mind as impact analysis is performed. - We also support one of the advisors to the CCWG-Accountability, Jan Aart Scholte, in his continued reminder to make sure that the solutions and governance changes that are being introduced today include considerations of how the different parts of the ICANN community remain accountable to each other, and allow for those who are not affiliated with any of the current structures to have meaningful participation options in the future. We recommend that this be part of any impact analysis as well. - As we strive to look at the timeframes, clearly some of the proposals can be achieved more rapidly than others, building on existing mechanisms. New proposals, in particular those changing the governance structure of the organization, require additional time for implementation and testing. Once the proposals become more concrete it would be useful for the CCWG to work with staff on a draft project plan for implementation. 	
<p>7 5</p>	<p>CENTR</p>	<ul style="list-style-type: none"> - The draft paper presents various recommendations for whose implementation ICANN bylaws need to be amended. We fail to see a clear timeframe for these amendments to enter into force prior to the IANA Stewardship transition. We suggest to the CCWG that any part of the proposal is assessed from a detailed time perspective (best case and worse case time scenarios) to make sure its implementation is feasible considering the time constraints. The timeline as presented in section 10 seems to be based on best-case scenarios where the intervals between CCWG working periods, public comments and deliverables are based on tight, consequential timings that might be subject to delays. It would be valuable to understand what would happen if a section of the proposal does not move forward because of lack of consensus. Will it be withdrawn and reconsidered at a later stage? - We express our concern at seeing that most of the proposed accountability enhancements are linked to the 	

		<p>introduction of safeguard mechanisms. While we believe this might be necessary at a certain stage, we would like to underline that any enhancement of any accountability process must be linked and strongly supported by actions that improve the accountability literacy, culture and attitudes of those who are expected being held accountable. Therefore, we warmly recommend that the entire ICANN Board, and, most of all, ICANN staff – especially those daily involved in community engagement and operation management – go through regular accountability training programmes as well as a by-yearly audit process - done by an independent body - of their daily modus operandi (e.g. a proper, careful and regular review of the ICANN Documentary Information Disclosure Policy which in our opinion should occur as part of the accountability enhancements of Work Stream 1 instead of 2 as proposed by the CCWG).</p> <p>- In order to make this process as transparent and inclusive as possible, we would recommend that any future draft for public comment is always accompanied by graphics that help the broader DNS community – generally made of time-starved executives – to better understand the implications of certain proposals at ICANN internal and external level. As a matter of fact one measurement for the success of such a process is the extent of community engagement which, to date, has been extremely low. Furthermore, we would recommend that any draft and/or graphics go through a proper language editing and consistency check to avoid that certain proposed mechanisms are named in a different way throughout the paper and graphics.</p> <p>- We are concerned by the paragraph that underlines the uncertainty relating to the efforts required for Work Stream 1 implementation. Furthermore, we believe that several of the estimated timelines represent the best case scenario and invite the CCWG to present the community with a more detailed timeline under best and worst case scenarios.</p> <p>- CENTR recommends 1) the CCWG further detail the proposal implementation timeline to foresee worse case scenarios and/or scenarios where the deployment of one or more sections of the proposal might be postponed due to the lack of community consensus; 2) that any enhancement of any accountability process be linked and strongly supported by actions that improve the accountability literacy, culture and attitudes of the ICANN Board and staff.</p>	
7 6	CCAOI	The CCWG Accountability draft seems quite complex and this might make it more difficult for stakeholders to participate in the process. For more engagement of the global community outside ICANN, the latter must promote greater engagement through more face to face meetings across the world and outreach activities. There seems to be a lack of in-depth discussion of jurisdiction of ICANN-Especially, US jurisdiction of ICANN. There should also be emphasis on accountability track including financial accountability of ICANN, and use of proceeds from new gTLD auctions. The focus on accountability should not be limited to ICANN, but also contributors such as IETF, RIRs, National Names and Number Registries and other players including respective staff and secretariats.	
7 7	SSAC	The SSAC notes the relatively short time available for consideration of the draft proposal, driven by a timeline set by external events such as the expiration of the contract between NTIA and ICANN related to IANA. Accordingly, the SSAC reserves the right to make additional comments as further details are developed.	
Items for consideration in Work Stream 2			
#	Contributor	Comment	CCWG Response/Action
4 1 9	JS	Excellent that the document puts a spotlight on Work Stream 2 issues. Moreover, it is implied on page 87 that the CCWG will continue to exist after the IANA transition in order to work on these issues. The intention to sustain the CCWG over a longer term could be affirmed more strongly and unambiguously. Some indication could be given of an initial timeline for progress on WS2 issues? Progress on WS2 could be one of the topics for the first IANA Functions Review two years after the transition and then also a core evaluation concern for the next Accountability and Transparency Review?	
4 2 0	DBA	We also note that the CCWG Accountability have decided to fully address the issue of jurisdiction in Work Stream 2, which according to the timeline is to begin this fall. This is a very important outstanding issue, which has to be dealt with adequately. It must also be assured that the global public interest is taken into account with an appropriate role for all relevant stakeholders, including governments.	
4 2 1	JS comment 2	A third headline point - which follows from the first two - is that CCWG's work is clearly not finished when the IANA transition is completed. A continuation of the CCWG or some successor body is needed to address Work Stream 2 matters post-transition. The CCWG report could commit more strongly than it currently does on page 87 to continued existence and work beyond the transition.	
4 2 2	CRG	Leaving it to Work Stream 2 to focus on internal organisational and structural accountability issues like Board-Staff, and Staff-Staff is risky. The announced change of the CEO makes this point only more relevant, as ICANN has been under a tremendous internal growth of staff and functions over the last few years under the present management. The stability of the present internal organisation may be as well come under close scrutiny to a wider set of stakeholders to the transition, and the CCWG should take the present structure into account.	

4 2 3	Afnic	<p>The work plan established by the CCWG-accountability is coherent with the necessity to propose accountability improvements together with the IANA stewardship transition proposal.</p> <p>This may not divert the ICANN community from the necessary work of enhancing further the ICANN accountability. Therefore, each accountability mechanism proposed in the current draft (including the list of the items to be considered as part of work stream 2) should be included in the Bylaws prior to the transition.</p> <p>It doesn't prevent of course CCWG-Accountability to come back to the community with a final proposal that includes improvements related to the current work stream 2 list, if feasible.</p>
4 2 4	Govt-IN	<ul style="list-style-type: none"> - ICANN must have fair, strong and easily accessible freedom of information standards and mechanisms, to enable stakeholders to request and avail adequate and timely information without incurring undue expense. - ICANN should have simplified and user friendly information platforms. - There is currently a lack of clarity on the effect of ICANN's jurisdiction of incorporation on ICANN Accountability, and this is an issue that requires further discussion.
4 2 5	Govt-DE	Germany would like to recall the importance of examining ICANN's jurisdiction as part of Work Stream 2.
4 2 6	IA	IA believes that a requirement for the ICANN principal office or headquarters to be located in Los Angeles should be included as a Fundamental Bylaw.
4 2 7	RB	The current accountability of a global governance body to the law and institutions of just one country is the major issue to correct. This can be corrected only by incorporating ICANN under international law - arrived at by an international treaty - and giving ICANN jurisdictional immunity in the country of its physical location.
4 2 8	Govt-FR	<ul style="list-style-type: none"> - Govt-FR has concerns with the expectations that the CCWG-accountability placed upon governments. - Govt-FR understand that the solution designed by the CCWG- accountability cannot must be a private sector-led organisation - Govt-FR understand that the solution designed by the CCWG-accountability would focus on mechanisms to mitigate the risk of capture of the future organisation by governments. - Govt-FR consider that jurisdiction of ICANN was rightly identified as an issue for Work Stream 2.
4 2 9	Govt-ES	<p>The organization needs a stable and predictable legal and jurisdictional environment and these requirements could certainly be included in the Bylaws as a way to ensure compliance with the accountability measures designed. But prescribing a particular jurisdiction now would preclude other jurisdictions that could perfectly fit and comply with these requirements (in and out the USA) from hosting the organization in the long run.</p> <p>On the other hand, jurisdiction is already a task of Work Stream 2 (page 90) of the CCWG, and enshrining ICANN's current jurisdiction as a fundamental bylaw would pre-empt the future work of WS2 in this regard. It is essential that when that process begins, the global public interest is taken into account and all relevant stakeholders have their say, including governments.</p>
4 3 0	RySG	<ul style="list-style-type: none"> - supports the proposed work plan for Work Stream 2. - the key requirement of Work Stream 1 has been to secure key community powers so we can trust the subsequent development, approval and implementation of other less critical or urgent reforms.
4 3 1	CCG	The Documentary Information Disclosure Policy will be enhanced only after Work Stream 2 proposals come into place. Perhaps it would be worth including this aspect within work stream 1, since it bears on the IANA transition or PTI.
4 3 2	BC	<p>As a general concern about Work Stream 2 improvements, the BC notes that the community must first show consensus support for these changes to Bylaws. This is true whether the recommendations arise from a PDP or from an <i>Affirmation</i> Review Team. For recommendations that have community support, the community needs the power to force ICANN to take a decision on the recommendations. Then, if ICANN decides not to implement community recommendations, the enhanced IRP process give the community standing and a low-cost way to challenge and potentially overturn that decision.</p> <p>An additional Work Stream 2 improvement would help to prevent government capture of ICANN and reveal ICANN attempts to influence public policies unrelated to ICANN's core mission.</p> <p>Governments could seek to control ICANN decision-making processes by providing quid pro quos for actions taken by ICANN or governments could try to use intimidation. This situation could cause ICANN to make policy decisions that are not based on what is in the best interest of the ICANN community, but what would benefit ICANN as a corporation. In addition, ICANN could use its tremendous resources and clout to interfere with Internet governance public policies that are outside the scope of ICANN's technical obligations.</p> <p>Therefore, the BC suggests that an additional Bylaw be added to require ICANN or any individual acting on ICANN's behalf to make periodic public disclosure of their contacts with any government official, as well as</p>

		activities, receipts, and disbursements in support of those activities on behalf of ICANN. Disclosure of the required information facilitates evaluation by the multi-stakeholder community of the statements and activities of such persons in light of their function as representatives of ICANN.	
4 3 3	USCIB	<p>I. Prevention of government capture or undue ICANN influence on public policies unrelated to ICANN's core mission.</p> <p>Governments could seek to control ICANN decision making processes by providing quid pro quos for actions taken by ICANN or governments could try to use intimidation. This situation could cause ICANN to make policy decisions that are not based on what is in the best interest of the ICANN community, but what would benefit ICANN as a corporation. In addition, ICANN could use its tremendous resources and clout to interfere with Internet governance public policies that are outside the scope of ICANN's technical obligations.</p> <p>Therefore, USCIB suggests that an additional bylaw be added that requires ICANN or any individual acting on ICANN's behalf to make periodic public disclosure of their relationship with any government official, as well as activities, receipts and disbursements in support of those activities on behalf of ICANN. Disclosure of the required information facilitates evaluation by the multi-stakeholder community of the statements and activities of such persons in light of their function as representatives of ICANN.</p>	
4 3 4	IPC	<p>The IPC supports the candidate measures outline as part of Work Stream 2.</p> <p>As stated above, the IPC remains concerned about the ICANN community maintaining sufficient impetus to address WS2 reforms but is anxious that we all do so.</p> <p>the IPC is concerned that the proposed accountability reforms focus too much on the ICANN Board and not enough on actions taken by ICANN senior management. The CCWG, in Work Stream 2, should consider how the community can have oversight of senior management decisions without resorting to using the Board as a tool.</p>	
4 3 5	Govt-BR	<ul style="list-style-type: none"> - The assessment of ST18 be considered as a Work Stream 2 item. - The issue regarding legal status/jurisdiction should be part of the initial transition proposal, we would strongly support that the evaluation of alternative jurisdictions for ICANN should, at least, be clearly set as "unfinished business" to be necessarily addressed in the context of Work Stream 2, with a clear and predetermined timeline. - We are concerned about the influence that ICANN's existing jurisdiction may have on the actual operation of policies and accountability mechanisms being proposed and therefore consider it is extremely important that the CCWG- Accountability evaluates other places of legal establishment which could potentially offer effective conditions to deploy the accountability requirements defined by the community. Brazil is willing to collaborate with other members and participants of the CCWG-Accountability in order to perform a comprehensive and impartial assessment of different jurisdictional options for ICANN. - Brazil's concern does not reside in considerations on the physical location of ICANN's headquarters. Brazil's preoccupation lies rather in the fact that corporation's existing "legal status" reflects a unilateral, pre-determined solution, and not a comprehensive agreement addressing all stakeholders's interest and concerns, independently of where it is physically situated. 	
4 3 6	CDT	<ul style="list-style-type: none"> - supports the proposed Work Stream 2 items. - it is important that the CCWG ensure that Work Stream 2 items will be addressed as this process moves forward. - believes that the CCWG also needs to discuss and develop an appropriate mechanism, possibly as a part of the Work Stream 2, which assesses, evaluates and if necessary proposes changes to the Work Stream 1 accountability enhancements if those enhancements are not meeting the expectations of the community and/or are not fulfilling their intended purpose. Implementation of the proposed accountability enhancements should be monitored – the continued assessment of those measures will be an important part of ensuring that the work of this CCWG comes to fruition and that the ICANN community truly benefits from it. 	
4 3 7	USCC	<p>We would like to see greater development of these points with a clear timeline in place prior to the finalization of any plan as these issues should be prepped for rapid completion at the time of the transition. Finally, we want to emphasize that the CCWG's final proposal be implemented before the transition is completed.</p>	
4 3 8	INTA	<ul style="list-style-type: none"> - in general agreement with deferring the items listed for consideration within the post- transition Work Stream 2, so long as there is adequate assurance that ICANN will, indeed, address these items through the adoption of a transitional article in its Bylaws committing ICANN to implement the CCWG-Accountability recommendations, and task the group with creating further enhancements to ICANN's accountability including, but not limited to, the listed items. - agree this transitional article must be incorporated in the Bylaws as part of Work Stream 1 prior to the IANA stewardship transition taking place. - question the fact that one of the items listed for Work Stream 2 is "Enhancements to the Ombudsman's role and function." There is general dissatisfaction within the Community regarding the effectiveness of the Ombudsman in 	

		its current iteration, even though it is one of the few accountability measures currently available to ICANN stakeholders. Therefore, we believe that review and enhancement of the Ombudsman function should be addressed to at least some extent in Work Stream 1.	
4 3 9	HR2251	ICANN has adopted policies and procedures for disclosing to the public records and other information that are at least as protective of public access as the policies and procedures required by section 552 of title 5, United States Code (commonly known as the Freedom of Information Act). The policies and procedures adopted include a means by which the denial of a request for access to records or other information may be appealed through the independent dispute resolution process described in paragraph (2)(F).	
4 4 0	NCSG	There is a key element missing from Work Stream 2 and that is the monitoring and evaluation (and possible changes) to Work Stream 1 accountability enhancements as they are being implemented and as they are used/exercised. If the community finds that certain Work Stream 1 (and 2) measures outlined in this proposal do not meet expectations and/or do not meet their intended purpose then there should be a mechanism for those measures to be reviewed and possibly amended.	
4 4 1	CENTR	The transitional article in ICANN Bylaws to be adopted by the Board to commit ICANN to implement the CCWG-Accountability recommendations must include a timeframe for it to happen. We urge the CCWG to reconsider the allocation of certain items to Work Stream 2 (addressing accountability topics for which a timeline for developing solutions and full implementation might extend beyond the IANA Stewardship Transition) to Work Stream 1 as refinements to certain procedures might be able to enhance ICANN accountability in the short term, including enhancements to the Ombudsman’s role and function, the introduction of limits to ICANN’s ability to deny transparency/disclosure requests, the definition of security audits and certification requirements for ICANN’s IT system.	