

Results of the second public comment

# CCWVG Accountability

# Categorization of responses

- AOC (14)
- Budget (22)
- Diversity (20)
- Fundamental Bylaws (21)
- GAC (34)
- Generally against (3)
- Generally Supportive (19)
- Human Rights (23)
- Implementation (9)
- IRP (39)
- Methodology (11)
- Model (48)
- Principles (32)
- Question 1 – enhances accountability? (12)
- Question 2 – anything to prevent sending to Chartering orgs. (16)
- Questions 3 – Meets CWG reqs. (16)
- Recall of the Board (22)

# Categorization of responses contd

- Removal of ind. Directors (22) •
- RFR (13)
- SOAC accountability (11)
- Staff accountability (9)
- Standard Bylaws (10)
- Stress tests (26)
- Voting/Forum (41)
- WS<sub>2</sub> (23)

# Of the 90 comments received

- 19 were supportive of the proposal overall
- 3 were against most or all of the proposal

# Of the 90 comments received

- 48 commented on the single member model
- 41 commented on voting allocations and the forum
- 39 commented on the IRP
- 34 commented on the GAC role
- 32 commented on the principles
- 26 commented on Stress Tests (mostly ST18)
- 23 commented on Human Rights and WS2
- 22 commented on Board Recall and the Budget

# Single member model

- There is support and appreciation for the enforceability of community powers.
- Comments indicated preference for simplicity.
- Lack of consensus on the voting allocations, and composition of the community within the Model (e.g. role of Advisory Committees). Further detail is provided in the two subsequent sections below.
- Comments expressed concern over the possible duality of the governmental role in the Model. Further detail is provided in the “government role” and “stress tests” sections below.

# Single member model - 2

- Further detail needed of the process surrounding the Community Forum
- Indications from commenters that full support and, in some cases determining a position, would not be achievable until further detail and clarification were provided.

# Voting allocations and the forum

- There is no clear support for the proposed voting allocation scheme of 5x5+2x2.
- 37 of 90 submissions specifically addressed the issue (see comments below). Of the 37 specific submissions 13 were in support of the proposal, 11 were in disagreement, 12 had new ideas, 6 had concerns and 2 were neutral.
- Specific recurring comments included 8 submissions requiring more information, 7 supporting GAC voting, 6 not supporting GAC voting and 6 requesting that the allocation of votes be based on the current Board allocation of seats.



# IRP

- Submissions were supportive of the IRP enhancements proposed.
- 35 of 90 submissions specifically addressed the issue. Of the 35 specific submissions 24 were in support of the proposal, 3 were in disagreement, 16 had concerns, 8 had new ideas and 2 were neutral.
- Specific recurring comments included 9 submissions requiring more information, 7 that were concerned with costs and funding, 6 that were concerned with who has standing to use the IRP and 5 requiring participation in the process as a requirement for IRP.

# GAC Role

- On stress test #18: A majority of contributors is in favor of stress test #18. It is considered key to ensuring a balance is struck: the proposed bylaw language will maintain the role of the GAC and its influence, yet satisfy a fundamental requirement from the United States Government that the transition not result in a “government-led” solution. Concerns in response to stress test 18 include: 1) It may limit GAC abilities in deliberations; 2) It is adding complexity and giving de facto veto power; 3) It conveys a mistrust of the way governments operate.

# GAC Role - 2

- On language: Specific comments were suggested on text: 1) Disagreement with deletion of paragraph 224 as it does not impose limitations; 2) Context needed on paragraph 225 deletion - without adequate justification the text should remain; 3) Paragraph 187 should be reconsidered in order explicitly to allow for such public interest considerations to be taken fully into account in ICANN decisions; 4) the proposed Bylaw revision (2nd Draft Proposal ¶ 619) should be further amended.

# Principles

- Concerns that ICANN will not be able to enforce contracts (187)
- Concern that govt advice may override bylaws and mission (core Value 11)
- Concern about private sector definition has no room for governments or is too narrow
- Concern about jurisdiction not being a core value
- Concerns about the composition of AOC review teams
- General agreement on moving AOC into Bylaws
- General concern that ICANN should not be a content regulator

# Stress Tests

- Of the Stress Tests, ST18 received the most comments. Argentina, Brazil, France and Spain were opposed to ST18. To quote France on the issue: “[...] the French Government shall formally object to any approval by GAC of a final proposal that would not leave Bylaws Article XI.2.1.j unchanged.” There were 5 submissions against: COA, IFPI & RIAA, IPC, US Chamber of Commerce, and USCIB. These submissions were concerned about conflation with content regulation.
- See USCIB submission

# Human Rights

- Submissions were in support of the inclusion of some language on Human Rights but there was no consensus on what that language should be.
- 23 of 90 submissions responded specifically to the question. Of the 23 specific submissions 17 had concerns, 12 were in disagreement with the proposal, 8 were in agreement and 4 had new ideas.
- Specific recurring comments included 7 submissions supported option 2, 7 thought it was premature to have human rights language in WS1 (including the ICANN Board) and 6 believed that only existing standard human rights language should be used.

# Board Recall

- On the Power to recall the full Board, just under half of the comments supported this power. Commenters expressed concern about the threshold and standards required to remove the Board, as well as the standards and requirements for the appointment of an Interim Board. Specially, there were 7 comments on the question of Board removal by a single SO (a minority view in the proposal), and 6 of those comments very clearly rejected this idea. Finally, 2 comments suggested that community standards for the Board be developed in WS2, possibly indicating that the development of this power be put on hold until then as well.

# Budget

- On the Power to veto the Budget, Operating, and Strategic Plans, comments were in support of the Power. However, many submissions expressed concern over the possibility of paralysis should the Budget be vetoed too often and too easily. 6 submissions specifically called for a maximum of 2 vetoes. In terms of protections of the Power, some submissions called for a higher voting threshold, a line item veto, or increased rationale in vetoing the budget. 2 submissions from the private sector suggested that the GNSO carry more weight in Budget decisions. Finally, 6 submissions expressed concern and lack of clarity regarding the interdependency between PTI and ICANN.