**Internet Services Provider and Connectivity Provider Constituency (ISPCP) comments on the Cross Community Working Group (CCWG) Accountability Initial Draft Proposal**

The Internet Services Provider and Connectivity Provider Constituency (ISPCP) respectfully submit the following comments on the CCWG Accountability Initial Draft Proposal.

We acknowledge the engagement being undertaken by the CCWG members and participants. We welcome the work of the CCWG and, specifically, the efforts of the group to deliver principles and mechanisms for ensuring the accountability of ICANN beyond the IANA transition.

In particular, 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.

We do have concerns that the proposal requires further improvement in the following areas:

* the SO/AC Membership Model,
* the important question of the weights of the various parts of the community in the community mechanisms,

the composition of the NomCom when considering removal of a Director selected by it. It should simply be that the NomCom members at the time of a petition being lodged.

1. The SO/AC Membership model

ISPCP believes a Membership model, allowing ICANN components (SOs/ACs) to enforce accountability through legal means, would carry a level of complexity and side effects. Some SO/ACs or constituencies would be in an extreme difficulty to become legal entities. This would carry jurisdictional and legal issues, funding issues and representativeness issues. It would not allow existing stakeholders to fully participate in the Multistakeholder process as of today.

ISPCP believes that enforcement of accountability mechanisms would be better achieved by much simpler mechanisms.

1. The weights of the various parts of the community in the community mechanisms.

This very important question is key to the accountability mechanisms proposed by the report. Yet, this issue is very briefly covered in the document without analysis of the rationale behind the approaches presented. The proposals do not take into account the work of the CCWG – “problem definition document”. This document comprises an analysis on which stakeholders can affect ICANN or be affected by ICANN, either directly or indirectly.

The weight proposed for the GNSO do not take into account the specifics of this supporting organization. All policies related to the gTLds are made within ICANN, whereas policies related to the number part are developed at regional level and most of it are regional policies. In a similar way policies related to the ccTLDs are only related to delegation/re-delegation at top level.

As a consequence of the above, the GNSO is a large and complex organization comprising a large diversity of players (Registrars, Registries, Business, IPC, NPOC, NCUC, ISPCP) each of them needing to be directly represented.

ISPCP suggests that 7 seats being allocated to GNSO (1 Registries, 1 registrars, 1BC, 1 IPC, 1 ISPCP, 1 NCUC, 1 NPOC) in the community mechanisms decision body described in the document.

1. Removal of Directors by the Nominating Committee.

ISPCP do not see any justification to use a different NomCom or a different balance within the NomCom, than the NomCom seated at the time of a petition is made to remove Directors selected through this mean.

ISPCP believes that using the NomCom is a more consistent and simple way to proceed.

The potential “burden” over the NomCom is not seen as a valid argument as such petitions would only happen in exceptional occasions and the level of work required would not destabilize the functioning of the NomCom.

Lastly, with respect to the Fundamental Bylaws related additional questions, the ISPCP agrees that the introduction of Fundamental Bylaws in principle would enhance ICANN’s accountability. However by introducing specific Fundamental Bylaws a trade-off between the potential accountability enhancement and ICANN (board) limitation to accomplish the mission seems to be needed. This should be discussed in particular under Work Stream 2.

As part of Work Stream 1 we do not see the necessity to add further Fundamental Bylaws.

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