

## French Government

### **Comments of the French Government on the recommendations of Workstream 2 – First public consultation**

The French Government thanks the subgroup in charge of jurisdiction for the many efforts made to advance this critical issue: Strengthening ICANN's accountability towards the entire multistakeholder community.

Since the inception of the jurisdiction subgroup in June 2016, there was profound disagreement amongst its members, which testifies to a significant divergence of views on the mandate of the group, its objectives, and the range of possible solutions.

Although the suggestions contained in the report on ICANN's jurisdiction are a step in the right direction, the French Government considers that these alone will not provide a true solution to the problems raised by the unilateral exercise of a particular jurisdiction over an organization mandated to manage a global common good, the Domain Name System.

ICANN is currently an entity governed by the laws of the United States; this has many consequences on ICANN's accountability as to the equality between its different stakeholders. Indeed, this status means that ICANN's activities remain regulated by the laws of a single State, those of the United States, and that American courts have jurisdiction. However, the purpose of improving ICANN's accountability towards the entire Internet community entails that ICANN be legally accountable towards all stakeholders, without favoring none and without allowing any particular country to intervene, directly or indirectly, as it fulfills its missions of global public interest.

Taking into account the strong differences of opinion that appeared within the working subgroup, the French Government encourages members to explore new avenues, and recommends in particular granting ICANN jurisdictional immunity, especially partial, to ensure it remains autonomous and accountable towards the entire global Internet community.