

Nominet Comments on the Final Report of the Accountability and Transparency Review Team

Introduction

Nominet is the registry for the .uk country code top-level domain. With over nine million registered domains, we are the second largest country-code top-level domain. Over the years, we have been an active participant in ICANN and have been a member of the ccNSO since 2006.

Overview

The Affirmation of Commitments was a major milestone for ICANN and provided the framework for ICANN to move forward, working in the public interest and accountable to all stakeholders.

The regular reviews called for in the Affirmation of Commitments are a key element in this process. They provide a mechanism for monitoring the challenges that ICANN needs to address to fulfil its wider public interest mandate, and will help ensure the continued development of accountability and transparency in the interests of global Internet users in the future.

Hence we welcome the thorough and consensual approach adopted by the Review Team (ATRT) in carrying out the first review of accountability and transparency. The report will provide a good basis for ICANN moving forward, and sets a quality benchmark for future reviews.

Implementation

We welcome and endorse the ATRT's recommendations. It is important that the Board establish an implementation plan as soon as possible. Many of the ATRT recommendations have clearly defined delivery dates. It is important that these deadlines are met. In particular, we support the ATRT's priority assessment.

The meeting scheduled between the Board and the Governmental Advisory Committee for the end of February shows the importance of the recommendations related to the role and effectiveness of the GAC and its interaction with the Board. We are aware of the work of the GAC-Board joint working group and believe that work on addressing recommendations 9 – 14 needs to be given high priority.

A number of recommendations do not have any established delivery date: as the report notes, many of these are (or are expected to be) work in progress from the Affirmation of Commitments

or from the implementation of earlier reviews. We would hope to see early progress on these recommendations.

Responsibility for implementation

We believe that there needs to be clear, Board-level responsibility for follow-up and would suggest that the Chair of the Board *ex officio* should have the role of “responsible owner” for implementation.

We recognise that there may be cases where the Board decides not to implement a particular recommendation. If this should happen, the reasons for the decision should be made very clear to the community, and the “responsible owner” should identify what will be done to respond to the concerns behind the recommendation.

It is important that sufficient resources are made available to support implementation. We suggest that the CEO should be accountable to the “responsible owner” for ensuring sufficient resources for the timely implementation of the recommendations.

Reporting Back

It will be important for the credibility of the process that there should be regular comprehensive progress reports at ICANN meetings. Recommendation 27 calls for an annual report to the community, both on progress in implementation and to prepare for the next accountability and transparency review. We believe that this is appropriate.

However, the ATRT has also asked the Board to provide a status report on all the recommendations at the March and June 2011 ICANN meetings. We believe that there should also be a report back at the third meeting in 2011, bearing in mind that some of the deadlines are in October.

The status reports should be given by the identified “responsible owner”.

Public Interest

We note that the ATRT identified a concept of how to serve the public interest in the context of accountability (Appendix A). This is an important statement:

“... that the public interest is served, ultimately, by creating an environment in which all stakeholders can be assured that the rules will be (i) debated; (ii) refined to reflect relevant input from the community, including the community of governments participating in the ICANN process; and (iii) honored.”

We believe that this is a useful guideline for the future when read in conjunction with the AoC statement that:

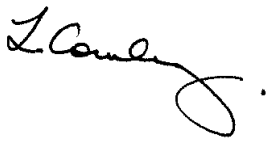
“To ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders, ICANN commits to perform and publish analyses of the

positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.”

Together these should serve as principles for all Board decisions.

Conclusion

The ATRT final report provides very practical guidance for ICANN on how it should develop its accountability and transparency in the framework of the Affirmation of Commitments and in line with the public interest mandate. We look forward to a full and timely implementation of the recommendations.

A handwritten signature in black ink, appearing to read "Lesley Cowley". The signature is fluid and cursive, with a prominent loop at the end.

Lesley Cowley
CEO
Nominet

14 February 2011