# William Currie – Comments on CCWG-A Advisors’ Call, May 29 2015

* The question of whether the community should resolve disputes over its powers by arbitration or recourse to the courts is a very interesting question in the sense that it may be that the executive of the US government in the form of Department of Commerce is handing over oversight and accountability in a proposal to the community of ICANN, but the courts - the legal or judicial accountability- still remains in terms of the courts in California and legislative accountability remains in terms of what's in the non-profit corporation legislation. So are we left with the argument that the community should not be seen to be going to the courts for enforcement, and therefore arbitration is a better solution, or is it really a way of perhaps avoiding the fact that there still is judicial accountability for ICANN even after the transition? I obviously haven't been party to all of the discussions so I'm really not fully able to assess this.
* Has the working group, when it comes to tightening up the Principles section discussed whether to include a commitment towards freedom of expression? And the reason I raise this is that one of the accountability issues is the question of who the community as accountability forum is accountable to. And one of the answers is to say that ICANN as a whole is accountable to democratic standards. An important aspect of the logical infrastructure as a system of unique identifiers, that ICANN is to be the steward for, is that it is an infrastructure which underpins humanity’s freedom of expression. And I was wondering if that has been discussed for inclusion in the revised Bylaws.
* The second point that I don’t quite follow in the discussion is where some people are arguing for unincorporated associations as a form of membership which seems to be the overall position of the group. But there’s also an argument that individual chairs of SOs and ACs could assume that membership. I was just wondering if there’s any clarity on that issue.