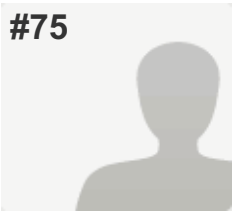


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**COMPLETE**

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**PAGE 2: Personal Information**

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<b>Q1: Name</b>	Mark Carvell
<b>Q2: Affiliation</b>	Department for Culture, Media & Sport: Global Internet Governance Policy
<b>Q3: Responding on behalf of</b>	United Kingdom Government

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**PAGE 3: Recommendation 1**

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**Q4: Is establishing an Empowered Community for enforcing Community Powers a solution that is acceptable to you?(Please see Annex 1 - Recommendation #1: Establishing An Empowered Community For Enforcing Community Powers for more information)**

Yes, I support this recommendation. ,

Comment

The UK Government notes that the "sole designator" model does not change the role of the Governmental Advisory Committee in the ICANN community and therefore supports this proposal as a key component in establishing and enforcing the necessary framework for global stakeholder accountability that includes all governments.

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**PAGE 4: Recommendation 2**

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**Q5: Is empowering the community through consensus: engage, escalate, enforce a solution that is acceptable to you?(Please see Annex 02 - Recommendation #2: Empowering The Community Through Consensus: Engage, Escalate, Enforce for more information)**

Yes, I support this recommendation.,

Comment

The UK Government supports the proposed process as one whereby the ICANN community will engage and if necessary escalate and enforce its powers in order to resolve disagreements which may arise between the community and the ICANN Board. We appreciate the emphasis contained in the proposal on enabling the community and the Board to resolve issues through cooperation and consensus at the earliest opportunity. Further work is needed to examine the impact on the legitimacy of the community escalation process and the application of the proposed thresholds if individual SOs and ACs elect not to participate in decisional steps or decide only to provide advisory input and not contribute to decisions. The Governmental Advisory Committee (GAC) has not yet considered its precise role in respect of each of the individual community powers and will need to agree when and how the GAC should participate within the decision making process. The modalities for potential GAC participation in specific steps such as conference calls and the Community Forum will also need careful consideration and precise arrangements to be agreed and drawn up. The UK Government also notes the extremely short time windows for SO and AC responses at key steps (e.g. 15 days for step 2 and for step 6) and believes these timeframes are likely to be unworkable because a) GAC member representatives would need time to undertake consultations in capital within their administration and with non-governmental stakeholders; and b) the GAC Chair would subsequently need time to engage the membership in order to determine a GAC consensus position.

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PAGE 5: Recommendation 3

**Q6: Is redefining ICANN's Bylaws as 'Standard Bylaws' and 'Fundamental Bylaws' a solution that is acceptable to you?(Please see Annex 03 - Recommendation #3: Redefining ICANN's Bylaws As 'Standard Bylaws' And 'Fundamental Bylaws' for more information)**

Yes, I support this recommendation.,

Comment No additional comments.

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PAGE 6: Recommendation 4

**Q7: Is ensuring community involvement in ICANN decision-making: seven new Community Powers a solution that is acceptable to you? (Please refer to Annex 04: Details on Recommendation 4: Ensuring Community Involvement In ICANN Decision-Making: Seven New Community Powers for more information)**

Yes, I support this recommendation.,

Comment

The UK Government supports the institution of the seven community powers set out in the proposal. We believe that enforcement action which could impact the stability of the organisation - notably rejection of the ICANN budget and recall of the entire Board – must be underpinned by effective contingency measures that serve to maintain stability and resilience. We welcome, therefore, the provision in the proposals in this regard such as the requirements for a "caretaker budget" and an "interim Board." With regard to the power to remove individual Board directors who have a responsibility to serve the entire ICANN community, we believe that the escalation process should be fully open to representations from all SOs and ACs in order to ensure fair process and prevent any risk of victimisation or pressure by a sponsoring SO or AC which for whatever reasons has lost trust in the individual concerned.

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PAGE 7: Recommendation 5

**Q8: Is changing aspects of ICANN's Mission, Commitments and Core Values a solution that is acceptable to you?(Please refer to Annex 05 - Details on Recommendation #5: Changing Aspects Of ICANN's Mission, Commitments And Core Values for more information)**

Yes, I support this recommendation.,

Comment

The UK Government believes that it is important for the proposals which we support to set out clearly, based on legal advice, how ICANN's role in promoting consumer safety and confidence will be safeguarded in line with the primary mission statement "to ensure the stable and secure operation of the Internet." In particular, the facility to require public interest commitments (PICs) such as in contracts for certain types of gTLDs in the current new gTLD round, has become a widely-welcomed tool for enforcement of public interest concerns. This mechanism and its enforcement should be retained for future rounds and consistency and level playing field thus ensured.

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PAGE 8: Recommendation 6

**Q9: Is reaffirming ICANN's commitment to respect internationally recognized human rights as it carries out its Mission a solution that is acceptable to you?(Please refer to Annex 06 - Recommendation #6: Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries Out Its Mission for more information)**

Yes, I support this recommendation. ,

Comment

This proposal to set out in the form of a broad, principle-based interim bylaw the key parameters for ICANN's commitment to respect human rights, is strongly supported by the UK Government as i) necessary to underpin existing cross-community work (involving the GAC) to develop a framework for implementation of this important commitment as the domain name system continues to expand, and ii) to define the tasks related to rights both for CCWG workstream 2 and for CWG implementation of the IANA stewardship transition proposal, with specific reference to the UN Guiding Principles on Business and Human Rights.

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PAGE 9: Recommendation 7

**Q10: Is strengthening ICANN's Independent Review Process a solution that is acceptable to you?(Please refer to Annex 07: Recommendation 7: Strengthening ICANN's Independent Review Process for more information)**

Yes, I support this recommendation. ,

Comment

The UK Government supports this recommendation as establishing a clearly defined, accessible and affordable binding process to resolve claims that ICANN has acted or has failed to act, in violation of its Articles of Incorporation or Bylaws. Please note that we are in the process of consulting the .uk registry Nominet with regard to the exclusion of ccTLD delegation and re-delegation from the IRP process.

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PAGE 10: Recommendation 8

**Q11: Is fortifying ICANN's request for reconsideration process a solution that is acceptable to you?(Please refer to Annex 08 - Recommendation #8: Improving ICANN's Request For Reconsideration Process for more information)**

Yes, I support this recommendation. ,

Comment No additional comments.

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PAGE 11: Recommendation 9

**Q12: Is incorporation of the Affirmation of Commitments a solution that is acceptable to you?(Please refer to Annex 09 - Recommendation #9: Incorporation of the Affirmation of Commitments for more information)**

Yes, I support this recommendation. ,

Comment

As a strong advocate of the Affirmation of Commitments framework of community reviews, the UK Government now supports their translation into the Bylaws both to ensure full adherence to accountability and transparency, and to identify possible failings and opportunities for operational improvement across the ICANN community structure.

PAGE 12: Recommendation 10

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**Q13: Is enhancing the accountability of Supporting Organizations and Advisory Committees a solution that is acceptable to you?(Please refer to Annex 10 - Recommendation #10: Enhancing the Accountability of Supporting Organizations and Advisory Committees for more information)**

Yes, I support this recommendation.,

Comment

The UK Government fully supports the rationale for enhancing the accountability of all the SOs and ACs including the GAC.

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PAGE 13: Recommendation 11

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**Q14: Is Board obligations regarding GAC Advice (Stress Test 18) a solution that is acceptable to you?(Please refer to Annex 11 - Recommendation #11: Board obligations regarding GAC Advice)**

Yes, I support this recommendation.,

Comment

Specifically, the UK Governments supports this recommendation because it: i. requires the Board to try to find a mutually acceptable solution with the GAC in the rare eventuality that it has decided to reject GAC advice that is based on full consensus; ii. implements in the context of the IANA stewardship transition, the earlier agreement between the Board and the GAC to set a threshold of two thirds for rejecting consensus-based GAC advice; iii. reflects current GAC practice that consensus exists if there is no single formal objection; iv. does not require the Board to arbitrate between differing government positions. We note that this proposal: i. takes account of an existing special consideration that applies only to the GAC; ii. does not require the Board to agree a solution with the GAC were it to reject consensus-based advice; iii. reaffirms that it is the sole prerogative of the GAC in deciding and reviewing its operating principles and procedures: the GAC's autonomy is unaffected; iv. does not affect the existing requirement on the Board to take account of all GAC advice including that which reflects a range of views where the special consideration does not apply. The UK Government believes that the GAC's current practice of always aiming for consensus-based advice is the most effective way of providing public policy-based advice and input into the ICANN multi-stakeholder policy development process. The GAC membership is currently 153 governments, 2 regional commissions and 34 observer inter-governmental organisations. The substantial rejection of formal advice by GAC members acting in concert to safeguard the global public interest and to ensure consistency with national and international laws, would be a highly contentious step for the Board to take. The UK Government believes it is not unreasonable, therefore, for a decision by the Board to reject consensus-based public policy interest-based advice, to be determined by a threshold higher than simple majority. The evaluation of that support for rejection needs to be rigorous and a formally instituted and fully accountable voting procedure is the most appropriate

means for achieving this. In the history of ICANN, outright Board rejection of GAC advice has rarely happened. It is now the case - more so than in previous years - that the GAC undertakes its role and fulfil its remit in ICANN in a way which serves to reduce the risk of the Board ultimately and substantially rejecting its formal consensus-based advice. There are more prior opportunities for dialogue between the Board and the GAC which serve to identify and resolve potential differences, before an issue reaches the stage of formally submitted GAC advice. Moreover, thanks to the recent work of the GAC-GNSO Consultation Group which was established to implement a key ATRT recommendation on early GAC engagement in policy development, there are mechanisms now in place to ensure close interaction between the GNSO and the GAC, from the early stages of policy development onwards. These include the appointment of a GNSO liaison to the GAC and the putting in place of a "Quick Look Mechanism" whereby the GAC can signal a potential public policy aspect of a PDP. These mechanisms facilitate more stakeholder convergence and mitigate the risk of GAC divergence with the Board at the final stages of policy development. We believe that these are important positive developments for the ICANN community that provide additional context for Recommendation 11.

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PAGE 14: Recommendation 12

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**Q15: Is committing to further accountability work in Work Stream 2 a solution that is acceptable to you? (Please refer to Annex 12 - Recommendation #12: Committing to further accountability work in Work Stream 2)**

Yes, I support this recommendation.,

Comment

The UK Government notes that Workstream 2 is focussed on addressing those accountability topics for which a timeline for developing solutions extends beyond the IANA Stewardship Transition, including jurisdiction, SO and AC accountability as they take on their new community powers, and the framework for the ICANN commitment to uphold human rights. We agree that adopting an interim Bylaw serves to commit ICANN to carrying out this further accountability enhancement activity with precision and adherence to a fixed timeframe. We therefore support this proposal because it ensures continuation of accountability activity.

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PAGE 15: Additional Information

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**Q16: Please submit comments you have in addition to the information provided above, including on NTIA criteria, CWG-Stewardship requirements and Stress Tests.**

The UK Government supports the IANA stewardship transition as a key opportunity to strengthen ICANN and improve its accountability to all Internet stakeholders worldwide. We appreciate the major commitment, effort and dedication by a wide range of stakeholders - including governments - to come together in the CCWG, under its expert and skilful leadership, to develop the comprehensive CCWG third proposal on accountability.

We believe it is a remarkable achievement - all the more so in view of the tight deadlines. Where problems and disagreements have emerged, the CCWG leadership has deployed very effective means to find ways of overcoming these: many valuable lessons learnt on the way. That inevitably has caused some time slippage but we believe that was necessary: this is a fundamentally important proposal necessary for the transition that needs to be comprehensive, robust and fully supported by all stakeholder constituencies. Otherwise transition will fail: we do not believe any of the stakeholders - including all the 155 GAC members and 34 IGOs - who are committed to seeing the final move from dependence on the US government for a backstop, to a global multi-stakeholder framework of accountability involving all governments on an equal basis, would wish this process to fail.

While noting specific issues that need further discussion primarily with regard to implementation - notably the empowerment decision-taking process set out in Recommendation 2 - the UK Government fully supports the CCWG third proposal. In particular, we express support for the 12 Recommendations including the "Stress Test 18" bylaw proposal in Recommendation 11 concerning consensus-based GAC advice. We also support the NTIA statement on this matter made on 25 November 2015.

The UK Government looks forward to participating in the ongoing CCWG work (including Workstream 2 and with the CWG on implementation) and to exchanging views with GAC colleagues and fellow non-governmental stakeholders, in order to enhance ICANN's overall accountability and transparency with the aim of ensuring that global public policy interests are protected, and national and international laws are respected.

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