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CENTR comment on the Cross Community Working Group (CCWG) Accountability third Draft Proposal

The CENTR community welcomes the opportunity to present its opinion on the third CCWG Draft Proposal for ICANN Accountability.

We would like once more to acknowledge the complexity of the task carried out by the working group and to compliment the dedication of its membership and the support of ICANN staff on the production of the third Draft Proposal in such a very short timeframe.

The CENTR community would like to indicate that it supports the overall design of the proposal based on the recommendations made by the CCWG in its third report.

That being said, we would like to highlight that a considerable amount of clarification and refinement needs to be done to operationalise and implement the recommendations. With this in mind, we offer the following suggestions for consideration as the recommendations for the implementation phase:

- CENTR strongly believes that ccTLDs who are not members of the ccNSO should always have the opportunity to have a voice in the same way as ccNSO members in all matters relating to the accountability and enforceability in respect of the IANA function as they are in the mechanisms introduced in the CWG-Stewardship proposal.
- An Empowered Community having such a legally binding right to appoint and/or remove ICANN Board Directors such as foreseen within the third Draft Proposal is a critically important requirement in providing those affected with the ability to enforce decisions produced by community accountability mechanisms even in situations when the ICANN Board (as constituted at the relevant time) may object to the results. CENTR agrees that enforceability is key to accountability.
- CENTR welcomes the introduction of the seven community powers and strongly agrees that the proposal of introducing Fundamental Bylaws that will entrench core values and fundamental principles into ICANN's constitution is a positive step forward. At the same time, we would like to underline that changing entrenched constitutional provisions, such as Fundamental Bylaws, is by design, not a quick process. CENTR believes that the process identified in recommendation 4 for amending Fundamental Bylaws should help avoid conflict or paralysis in the future, in the event that such amendments become necessary.
- We welcome the proposed enhancements to the Independent Review Process to make it more accessible, transparent and efficient. Likewise, we welcome the Request for Reconsideration Process. However, we submit that it is extremely important to conduct an in-depth and comprehensive review of the IRP in the mid-term in order to ensure the true independence of such

a crucial body in the proposed accountability framework. As a matter of fact, it is of paramount importance that it must not only be independent, but it must be able to be seen as unquestionably independent. Therefore, we welcome the intention to embed the Affirmation of Commitments into the bylaws and an ATRT-type review could include a review of the IRP.

- We understand that Work Stream 2 will examine additional accountability measures for Supporting Organisations (SOs) and Advisory Committees (ACs). We support the intention to assess how to enhance the accountability of the SOs and ACs and we look forward to the proposed work in Work Stream 2.
- Many of the enhancements proposed for Work Stream 2 are necessary requirements to ensure that ICANN as a whole becomes truly more accountability-literate, transparent and responsive to the needs of a community and an industry that is continuously evolving. Accordingly, CENTR welcomes the proposal to embed ATRT-style reviews into the By-laws. In this way, the process of regular reviews of accountability mechanisms becomes a feature of ICANN improvement.

In summary, CENTR supports the key principles behind the third Draft Proposal. At the same time, we recommend that all structures, procedures and bodies envisaged by the third Draft Proposal are tested against the intent and principles, including close monitoring during implementation and ex-post assessment of their costs and effectiveness.

CENTR also strongly reiterates the principle agreed over 12 years ago that ICANN policies only apply to those ccTLD registries that have expressly confirmed adherence to such policies by their membership of the ccNSO, only during the duration of their membership thereof, and in respect only those policies developed through the agreed processes.

Finally, we wish to remind the CCWG and ICANN that we and our colleagues in the other regional organisations will remain fully available in assisting with communication and liaison with the ccTLD communities in our respective regions.

ISNIC, the registry for .is abstains from this CENTR comment.