

## Summary of Public Comments on the Questions to the Community on Accountability and Transparency within ICANN

This document provides an overview of the 28 public comments<sup>1</sup> received in response to the '[Questions to the Community on Accountability and Transparency within ICANN](#)' issued by the Accountability and Transparency Affirmation Review Team and featuring 11 questions to the community. The comments are grouped per question referenced and responses without such references are summarized under related questions, with the exception of certain responses of a different nature that are summarized under "Other contributions". The summary does in no way substitute for the original contributions, which should be consulted for complete information. These are hyperlinked below for easy access and available at: <http://icann.org/en/public-comment/public-comment-201007-en.htm#atr>

### **Contributions provided by:**

<a href="#">Alan Greenberg</a>	AG	<a href="#">Internet Society of China</a>	ISC
<a href="#">Association for Competitive Technology</a>	ACT	<a href="#">IP Justice</a>	IPJ
<a href="#">AT&amp;T</a>	ATT	<a href="#">Jaser Elmorsy</a>	JE
<a href="#">China Internet Network Information Center</a>	CNNIC	<a href="#">Kathy Kleiman</a>	KK
<a href="#">Coalition Against Domain Name Abuse</a>	CADNA	<a href="#">Kieren McCarthy</a>	KMC
<a href="#">Coalition for Online Accountability</a>	COA	<a href="#">Konstantinos Komaitis</a>	KOKO
<a href="#">David Maher</a>	DM	<a href="#">Leap of Faith Financial Services Inc.</a>	LFFS
<a href="#">Edward Hasbrouck</a>	EH	<a href="#">Limei Liu</a>	LL
<a href="#">Eric Brunner-Williams</a>	EBW	<a href="#">Milton Mueller</a>	MM
<a href="#">ETNO</a>	ETNO	<a href="#">Net Choice</a>	NC
<a href="#">Fernando Guerrero</a>	FG	<a href="#">Public Interest Registry</a>	PIR
<a href="#">Intellectual Property Constituency</a>	IPC	<a href="#">Shawn Gunnarson</a>	SG
<a href="#">International Chamber of commerce</a>	ICC	<a href="#">Whei Zheng</a>	WZ
<a href="#">International Internet Research Team</a>	IIRT		
<a href="#">Internet Commerce Association</a>	ICA		

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<sup>1</sup> The public comment period ran from 18 May 2010 to 14 July 2010.

QUESTIONS	SUMMARY OF COMMENTS
<p>1. Do you think ICANN is accountable to all stakeholders? Can you identify a specific example(s) when ICANN did not act in an accountable manner? If so, please provide specific information as to the circumstances and indicate why you believe ICANN's actions were not taken in an accountable manner.</p>	<p>ICC: Efforts to enhance accountability have not progressed with sufficient focus or speed. Proposed improvements suggested as part of these efforts do not provide the accountability needed for stakeholder confidence. Status of proposed enhancements, posted for public comment in November 2009, remains unclear. Decisions should reflect public comment, community consensus and explain rationales. Balanced participation with increased business involvement is needed. Accountability should be to the broad community impacted by decisions. Security and contract enforcement are important and require adequate funding.</p> <p>CNNIC: ICANN has not been fully accountable to all stakeholders and has not responded promptly to the demands for IDNs from users worldwide. Information on the website is in English, requiring translation and causing response delays for non-English users. Multi-language versions of the website, DAG4 and the annual report would improve transparency and accountability to all and increase participation.</p> <p>EH: No, ICANN is not accountable in any meaningful way. I have been unsuccessful in making ICANN comply with its procedural due process, transparency, and accountability Bylaws in (a) its decision-making on applications for TLD's, (b) its promulgation of a "Documentary Information Disclosure Policy" clearly contrary to the "maximum extent feasible" clause of its transparency Bylaw, and (c) its refusal to consider or act on my requests for reconsideration and independent review in a manner consistent with its Bylaws.</p> <p>KMC: There are structures and procedures aimed at making the organization accountable to all stakeholders, but decisions are made without anyone knowing the logic behind them and there is bias against revisiting them. Groups of people have become adept at manipulating the structures and procedures to their own ends, hence complaints despite a facade of accountability. Examples: (a) The review of the Registrar Accreditation Agreement, done in the open until it came to concrete changes and the process became opaque at the registrars' insistence, resulting in a cut down version. (b) The President's Strategy Committee and its Improving Institutional Confidence consultation, which started open but when approaching conclusions, the process became opaque and a new paper emerged with significant changes. The measures adopted have since been forgotten, with no explanations despite public requests. (c) The EOI and the IRT, which both show how useful, constructive criticism is lost in a vicious circle largely caused by a culture of conspiracy theories.</p> <p>CADNA: ICANN has not been accountable to all stakeholders in the new gTLD process. The EOI model was dismissed, with no other means to measure demand for new gTLDs, and the process continued, in spite of objections. The structure of the GNSO is also lacking equal accountability to all. Registrars and registries, whose interests are frequently aligned, have 50 percent of the voting power. The non-contracted parties' house is</p>

diverse with interests that never all align. This forces 50 percent of stakeholders to go unheard.

IPC: The public is not adequately represented in the governance model, including the Board. business and intellectual property community should have a substantial role on the Board and the governance structure should be reformed. ICANN has not functioned as a “private-sector led” organization, rather as an organization of different interests vying for advantages on governance issues. Steps were taken in the wrong direction when the GNSO was reformed, with a reorganization that reduced representation of the independent private sector. This imbalance in representation and philosophy is an obstacle to acting in the public’s interest. Examples: (a) ICANN did not evaluate and consider the impact of previous rounds before announcing plans for new gTLDs. Comments reflected concerns over the impact on the public’s interest and the overarching issues brought up later had all been previously identified as needing resolution before any launching. (b) Whois, lacking adequate compliance measure to yield reliable Whois data, needed to prevent consumer fraud and other crimes.

IIRT: The main problem is accountability to governments, the key players in public policy making as stated in the Tunis Agenda. However, GAC can only provide non-binding advice to the Board. The Board decided to launch the new gTLD program, in spite of concerns by GAC that its principles were not fully reflected. Governments should play a more important role and GAC’s role should change to reflect that. However, there is inequality between governments as the IANA contract gives the US government the right to govern root zone file changes. This is in conflict with the AoC. Many countries have called for a form of external accountability to replace the oversight exercised by the US. ICANN should not be accountable to one country, but to the world.

EBW: Broadly no. Stakeholders outside the OECD countries and outside the for-profit corporate sector are accounted to less than stakeholders within those spheres.

ETNO: Accountability has improved and efforts made in line with the expiration of the JPA, but the lack of visibility regarding the implementation status of the mechanisms approved by the Board is a concern that ATRT should address. Accountability must not be restricted to parties currently in contract with ICANN, but be applied to the broader community impacted by ICANN decisions, including users, ISPs and network operators.

ATT: Some aspects of the structure and decision-making process promote accountability, but accountability could be improved with mechanisms to consistently institutionalize accountability. Examples: (a) The GNSO is undergoing a restructuring that affects the representation of commercial users. This is a work in progress which ATRT should consider and assess how to provide stability and ensure accountability. (b) Proceedings initiated to improve institutional confidence generated input with concerns and proposals from the community, but no assessment of accountability and transparency was done, nor did it lead to enhancements being implemented. (c) The process for introducing new gTLDs met concerns about the impact of new gTLDs on customers and the operation of the DNS. ICANN proceeded without adequately addressing these and acknowledged the four

overarching issues only last year. Concerns and policy issues should be addressed early on.

LFFS: ICANN is not accountable to registrants. Examples: a) excessive compensation and wasteful spending by ICANN, where registrants have no say. b) The VeriSign .com settlement and "presumptive renewal" instead of a competitive tender process that would result in lower fees for registrants. c) The elimination of elected Board members - registrants are "taxed" but have no representation. d) Allowing registry operators to change the terms of their contracts through amendments later. e) UDRP providers are not brought under contract. f) The process behind the IRT where a self-selected group gets funding to create a ridiculed report. g) The new gTLD process, lacking consensus from the public, and where staff misuse the word "implementation" to avoid a PDP.

NC: The efforts to strengthen accountability and transparency also show how the organization has fallen short of being accountable; in the mid-term review of the JPA, the Improving Institutional Confidence consultation and comments on the JPA conclusion. In 2007, ICANN sought to terminate the JPA on grounds that it had accomplished the goals. The community requested accountability mechanisms to be introduced before ending the JPA but those were not acted upon: (a) Ensure that the Board can be held accountable to some entity other than itself. (b) Mechanisms are needed to prevent capture by governments or IGOs. (c) Clarify how staff digests community comments and enable stakeholders to track their impact. (d) Mechanisms for redress are needed when a decision adversely affects a company or industry.

KOKO: The IRT focused on the needs of a single constituency, the IPC. The IPC did not get all it wanted in the GNSO PDP on New gTLDs and used the IRT to re-negotiate trademark rights to its liking. The IRT Team provided no information about its meetings and work progress. Also, during the IRT process, ICANN gave travel support to a single constituency comprising the world's largest and wealthiest companies. ICANN should ensure that from now on and in the future it operates under a transparent, open, inclusive and bottom-up process of policy making and development.

ACT: Metrics are needed to measure progress towards accountability, transparency and institutional confidence, in order to assess how ICANN is living up to the definition of accountability adopted by the review team. Accountability is not a binary concept, it exists along a continuum. Metrics are also needed to assess how ICANN is using public comments, including from the public forum. Community members must be able to know how their comments were considered. The review team should try to establish such metrics and ICANN should be transparent about how community input factors into decision-making.

IPJ: ICANN is insufficiently accountable to non-commercial interests, while business interests are over-represented. Examples: a) Handling of the NCSG formation and the refusal to accept its charter. b) The IRT, consisting mainly of large trademark owners. c) Public comments submitted by parties lacking muscle seem to be discarded. d) Staff's refusal to provide legal research to support the standards for morality and public order

	<p>objections. There is no accountability mechanism to force staff to respond to community concerns. e) The legal governance structure implies lack of accountability and transparency, as California law sets the Board as decision maker, at odds with an independent mechanism to check decisions. The Board has a considerable work load, resulting in "staff capture", contrary to accountability and transparency. Transparency is needed in Board deliberations and decisions, now made in secret without explaining reasons or individual positions taken. f) The GNSO's PDP implies "chipping away" of the rights of Internet users, as fundamental principles can be bargained away by the business interests. Civil liberties, due process rights and other public interest concerns should be safeguarded. g) ICANN must provide funds to support truly non-commercial participation. h) The current "ombudsman" should be changed to a neutral, ethical and competent "third-party" with genuine independence and neutrality to oversee certain governance decisions.</p>
<p>2. Do ICANN's accountability mechanisms, including the Ombudsman, the Board reconsideration procedure and the Independent Review Panel provide meaningful accountability and, if not, how could they be improved?</p>	<p>ICC: Current accountability mechanisms are important, but all are merely advisory. Strengthened and independent accountability mechanisms are needed. New mechanisms to consider include a Community Vote Re-examination and an Independent Review Board. Independent accountability mechanisms should be proposed for community consultation, with an expectation to implement an effective and independent accountability structure as quickly as possible.</p> <p>CNNIC: The mechanisms are not enough; the Ombudsman's activities are unknown, the Board cannot review everything and the Panel is not permanent. A permanent and independent establishment is suggested, to collaborate with the other mechanisms, to inspect the major works and to establish a comprehensive accountability framework.</p> <p>EH: None of these mechanism provide meaningful accountability and they have not been implemented in accordance with the Bylaws: (a) The Bylaws require that an ombudsman must be appointed by the Board for two years, renewable, but there is no record of any Board decision.(b) The Reconsideration Committee never held a public meeting, contrary to the Bylaws requirement for the "maximum extent feasible" of transparency and there were procedural errors in its handling of my reconsideration request. (c) No action has been taken on either of my two formal requests for independent review.</p> <p>KMC: No, they give the illusion of accountability while not providing any. The Ombudsman's authority was limited by staff to less than the standard rules as declared by the international Ombudsman association. The Board may ignore his recommendations and has done so. The Board Reconsideration Committee reinforces the Board's view that they make the right decisions. When requested to review that minutes were not produced in time, the Board changed the rules and only published the finished bylaws for public comments, which were ignored. The Independent Review Panel is a poor mechanism, used only once, which took two years and cost millions of dollars. The authority was reduced, staff interfered and the outcome was regarded as non-binding.</p>

	<p>CADNA: Almost all mechanisms come from within the ICANN organization. This system, in which ICANN reviews itself, is clearly biased and ICANN answers to no one but contracted parties. A recent example is the request for an “independent expert” for its Accountability and Transparency Review. ICANN is choosing its own researcher to assess its decision-making to determine if it is aligned with the principles of the AoC. Doing this creates an inappropriate relationship between ICANN and the experts involved.</p> <p>IPC: These mechanisms apply after a decision has been taken, and each relates to a specific form of accountability. Once a decision has been taken, it is in practice very difficult to reverse it. ICANN should adopt review mechanisms that occur prior to final decisions and should change its structure to adequately represent the interest of the public.</p> <p>EBW: The existing accountability mechanisms cannot be improved to offset the systemic preferences of OECD domiciled for-profit stakeholders. Symptomatic responses do not affect systemic causes.</p> <p>ETNO: The accountability mechanisms need to be reviewed as to their performance but also to identify possible. Independent and binding ongoing review mechanisms are ways to be explored.</p> <p>ATT: A detailed charter would improve accountability and provide a standard of review for assessing whether ICANN has satisfied its public interest obligations. By delineating the limits of ICANN’s authority and responsibilities, the charter would reduce the risk of external capture and conflicts with other organizations. An independent adjudicatory panel should be considered, authorized to hear appeals of Board decisions or staff actions by affected stakeholders and to assure adherence to the charter and procedural guidelines. An effective appeals panel with a well-defined role can also mitigate pressures for external oversight mechanisms.</p> <p>LFFS: No. The Ombudsman needs to be reviewed. Examples: (a) The Ombudsman breached the confidentiality of an ongoing complaint, and then censored the relevant blog entries. (b) The "civility" campaign - an attempt to stifle free speech. The public needs to be able to hold ICANN directly accountable for bad decisions through the court system. There should be a Registrants Charter of Rights, enforceable in court.</p> <p>NC: None of the accountability mechanisms exerts any authority over the Board. The processes undertaken to strengthen accountability illustrate the underlying problem. Stakeholders have called on ICANN to be accountable to something or someone other than the concept of "the community." The mechanisms cited cannot be used to alter a Board decision and in such a situation, the Board is not accountable to anyone.</p>
<p>3. Do you think ICANN’s processes and decision making is transparent? Can you identify a specific example(s)</p>	<p>ICC: Transparency is not the same as posting of voluminous materials and information. Transparency in decision-making has improved, but resolutions and minutes should be published in a timelier manner and decisions justified and explained. An adequate amount of time for stakeholders to submit public comments is crucial (30 or 60 days, complexity-dependent). The range of comments received should be summarized and the rationale provided for acceptance or rejection of views. An adequate range of community input is needed and</p>

when ICANN did not act in a transparent manner. If so, please provide specific information as to the circumstances and indicate why you believe ICANN's actions were not taken in a transparent manner. Are ICANN's transparency mechanisms robust and how could they be improved?

has been insufficient in many cases. Effectively informing the community requires that stakeholders can analyze the issues, participate, positively contribute, understand and challenge the basis for decisions. Accurate summaries allow stakeholders to follow development and contribute, while building stakeholder confidence as comments are adequately taken into consideration. The DNSSEC root signing lacked transparency as the trusted community representatives were announced after the signing ceremony in June. Ambiguity about the process itself fosters uncertainty and can hamper trust.

CNNIC: Not fully transparent - for example, NomCom is completely opaque. An independent review group would improve transparency.

EH: The relevant criterion is whether ICANN operates with the "maximum extent feasible" of transparency. It does not. Reasons for refusal to provide access to meetings, documents or records have typically been confidentiality promises to third parties or a belief that decision-making would benefit from confidentiality. These may be reasons to amend the transparency Bylaws, but no valid justification for departure from them. Examples: (a) It is feasible to make Board meetings accessible in real-time (b) The Board holds secret discussions at "retreats" and has a non-public e-mail list (c) The evaluation of applications for new TLD's were conducted in secret. (d) Thru the "Documentary Information Disclosure Policy" documents can be withheld for reasons unrelated to whether it would be "feasible" to disclose them. (e) The refusal after four years to my request for any agreements between ICANN and ICDR and/or other independent review providers.

KMC: Transparent in the sense that you can see what is going on, but parts of the process are not transparent and there is a culture of not providing information. Conclusions are put out to public comment before adoption but it is too late to make other than cosmetic changes. Long and dense documents are put out for public comments and the process is ineffective at encouraging contributions and providing useful feedback. The Board resolved to require executive summaries of all documents, but most of them still have no real such summary, just something called that.

CADNA: ICANN's process and decision making has not been transparent in the past, but it has made efforts recently to improve. It has begun to publish detailed minutes from Board meetings, a step in the right direction. The ideal would be to provide recordings of these meetings.

IPC: ICANN's actions are not consistently transparent and transparency should be improved in decision-making and governance processes. Example: ICANN did not hold public consultations to address the overarching issue of demand and impact of new gTLDs and the economic reports were commissioned in a non-transparent manner, without community input or knowledge of the questions and issues raised to the authors. ICANN should regularly consult with and report to each of its GNSO constituencies on an individual basis, on all main issues, and this should be a specific responsibility of a staff member.

IIRT: No accountability is equivalent to no transparency. Examples of questionable transparency: (1) The current CEO's provenance from a US security department. (2) The IANA contract providing exclusive control over the root zone file for the US government. (3) The case of .XXX.

EBW: No, and the absence of transparency concerns acts taken as well as not taken. Examples: (a) The necessity for authoritative servers for the correct resolution of labels in Chinese. (b) The accreditation of hundreds of shell registrars, but only a handful in Africa, Middle East and Latin America. (c) The absence of nongovernmental registries outside North America, other than .cat, .coop, .museum and .aero.

ETNO: Judging from the information volume on its website, ICANN is transparent, but transparency must be seen towards effectiveness. Synthesis is needed to help stakeholders understand the issues and participate. Prioritization of work and longer comment periods are needed, especially for complex issues. On issues cutting across different bodies, open meetings have promoted better understanding of positions from various constituencies. That a few meetings are still closed and clearly announced as such is understandable; however in general all meetings should be open. Board resolutions and minutes should be published in a timely manner, decisions explained and assessment of input made transparent. Among the supporting organizations, the ASO is almost invisible in ICANN. IP addressing is a key element and ICANN has a responsibility in this area. As the IANA pool of IPv4 will soon be exhausted, it is a concern that no session on IP addressing was organized over the last years, nor any public ASO meeting. Such issues are addressed at regional level, but when they become global and the IANA function is concerned, ICANN's responsibility is engaged. The ATRT analysis of accountability and transparency must cover all parts of the organization, not only staff, Board and GNSO.

ATT: ICANN makes information available, encourages participation in its meetings and provides transcripts of main sessions. However, analysis of community input and explanations of decision-making are areas of concern. Examples: (a) In the new gTLD program, concerns were not adequately addressed, no explanation given for ignoring comments and some issues were not reflected in the summaries. Contributors could be given an opportunity to review and edit a draft of the comment summary. (b) ICANN should have clear guidelines, particularly for major decisions and contractual compliance activities. These guidelines should include full "Administrative Procedure Act" notice and comment procedures for public consultation and decision-making.

LFFS: No, not transparent at all. Examples: a) ICANN refuses to provide complete transcripts and oral recordings of all Board meetings. Board mailing lists should also be made public. b) Board members go on private "retreats" to decide important issues in private. c) ICANN negotiates contracts (like for .com) in secret, without involving the public affected by it.

NC: Like accountability, transparency is not a binary concept. ICANN has made improvements in transparency by providing more information in a timely manner, but concerns remain. Stakeholders are not able to see how



	<p>their recommendations factor into the bottom-up process. There is an occasional, serious disconnect between the public policy-making process and the policy recommendations put forward for vote by the staff. In a recent example regarding to the DAG, staff appeared to create a new, two percent cross-ownership threshold, rather than following the Board resolution.</p> <p>DM: Over the years, positive changes of the processes have occurred, but there is an ongoing frustration with the way staff dismisses issues of concern. Too often such issues are handled with little more than a mention, or dismissed with a few words. This lack of attention turns away volunteers and impairs openness and transparency. Example: The IRT made five recommendations, but the Globally Protected Marks List (GPML) proposal was removed by staff, in spite of widespread support.</p> <p>PIR: The DNS-CERT process started in a top-down manner, the April 2010 workshop in did not follow a transparent process and the outcome was not posted for public comment. The ATRT should consider this case.</p>
<p>4. What is your general assessment of ICANN's commitment to the interests of global Internet users? Can you provide a specific example(s) when ICANN did not act in the interests of global Internet users? If so, please provide specific information as to the circumstances and indicate why you believe ICANN's actions were not taken in a manner consistent with the interests of global Internet users.</p>	<p>ICC: Global diversity is an essential element of the bottom-up process. Changes proposed regarding the size of the Board or Supporting Organizations appear to make this challenging. The regional offices and liaisons are useful, but not equivalent to global diversity. Global outreach remains of high importance. ICANN acts with the best intentions for global Internet users, though it may not always be aware of the interests of certain user groups. To ensure decisions reflect all the interests, global diversity should be promoted. The community would be better reflected if staff and Board members were a globally diverse set of individuals. ICANN can promote global diversity by expansion of its Fellows program. Continued progress on the introduction of IDNs will also demonstrate commitment to the interests of global Internet users. Fair, open and competitive global processes for ICANN's undertakings and contracts are suggested.</p> <p>CNNIC: To protect user benefits means to ensure the stability of the Internet and to respond to the demands of Internet users. ICANN can still improve regarding the second aspect. The Chinese Internet user community is growing and paying attention to ICANN but documents are in English and imply a language barrier, inhibiting Chinese user participation. The new gTLD project has a profound impact on Chinese users, but most large Chinese enterprises have no knowledge of the process due to lack of promotion and accessible information. It is unfair for them and reflects negatively on ICANN and its mission to serve the global Internet community.</p> <p>WZ: Efforts are needed to strengthen the interaction with non-English communities, such as the fast growing Chinese Internet community. Procedures to apply for an IDN gTLD become particularly complex for non-English applicants, impacting those negatively.</p> <p>EH: There is little or no commitment to the interests of global Internet users. An example of ICANN action contrary to those interests was the elimination of direct election of Board members. Most global Internet users are not registrants and are not represented in the current constituencies - only registrants are.</p>

KMC: The intention is to look after the interest of global Internet users but they do not have much of a voice in the processes and their interests become guesswork. The results would be different if Internet users were a more valid part of the exercise. The ATRT should look at where Internet users are in a position to affect decisions and what's done to ensure their views are heard. Gathering user views is difficult - there are many, with a wide-ranging views. Board members are left to decide, mostly drawing from their own user experience. The ALAC is the home for Internet users and the Board should pay more respect to ALAC views.

CADNA: Example: Without measuring demand for new gTLDs, it is difficult to say that the rollout represents global users' interest. It is not in the best interest of global Internet users to introduce new gTLDs in a way that could create confusion or jeopardize the security online. However, global Internet users have no voice in ICANN, so how can the organization be committed to their interests?

IPC: There are missed opportunities to act in the interests of global Internet users. Example: The DAG does not include all forms of intellectual property, leaving out entire categories of rights, perhaps even entire countries. All forms of intellectual property protection throughout the globe must be recognized.

IIRT: Internet is not a totally decentralized network - its core is more centralized than any other, because of the root zone file. When one country has the right to modify the root zone file, we cannot talk about the interests of Internet users. The IANA contract must be replaced in the global Internet users' interests.

EBW: The interest of poorly served peoples is overlooked. In seeing "IDN" as a requirement for non-Latin scripts, the interests of populations which have accommodated languages to Latin script are ignored. Work to deliver correct service for the CJK, Arabic, Hindi or Cyrillic scripts and to develop registry operations competency in Latin America, Middle East, Asia or Africa has only commenced recently - more in spite of than thanks to ICANN's commitment to the global internet community.

ETNO: ICANN's commitment should cover all ICANN stakeholders, registries, registrars, users, and parties impacted by ICANN decision as ISPs and connectivity providers.

ATT: Effective mechanisms for users world-wide to participate are essential, like support for remote participation to ensure that developing country interests are brought in. Example: (a) The introduction of many new gTLDs infringing on global brands is a recipe for protracted disputes and confusion for users and facilitates fraud and abuse. ICANN must implement robust safeguards prior to launching new gTLDs, as the resolution of these issues is extremely important for global Internet users. (b) The introduction of IDNs has a key role in internationalizing the Internet itself. ICANN has made progress here and should continue to prioritize these efforts in order to meet the needs of global Internet users.

LFFS: ICANN's commitment is to itself, not to the public interest. Examples: a) The VeriSign .com agreement with 7% price increases and the PIR agreement with 10% increase. b) The excessive compensation and

	<p>spending, growing from a budget of under \$10 million to the \$60 million range. c) Speculation with the "emergency reserve fund".</p> <p>ISC: a) ICANN should be accountable to and overseen by all countries and stakeholders around the globe, but for the IANA function ICANN reports to one government and is not accountable to all countries and stakeholders. Accordingly, the IANA contract should be a case study in the review process. b) ICANN has decided to deploy DNSSEC without fully soliciting the views of the industry and the stakeholders. It is important to keep all handling of the Keys of the Root Zone accountable and transparent, but ICANN and VeriSign have been given authority for such handling on behalf of one government. For a worldwide Internet, this arrangement damages the accountability and transparency and should be added as a case study.</p> <p>JE: ICANN introduced Arabic ccTLDs ahead of Arabic gTLDs, contrary to reassurances at ICANN meetings and to the interests of business. It is unclear how an individual can hold the organization accountable for its promises. ICANN is complex and intimidating to newcomers and it is hard for a community member to know whether his comments have been heard or taken on board.</p>
<p>5. What is your assessment of the ICANN Board of Directors' governance with respect to the following factors:</p> <ul style="list-style-type: none"> <li>➤ ongoing evaluation of Board performance,</li> <li>➤ the Board selection process,</li> <li>➤ the extent to which Board composition meets ICANN's present and future needs , and</li> <li>➤ whether an appeal mechanism for Board decisions is needed?</li> </ul>	<p>ICC: A broader business expertise is essential and gender diversity is also important. Both these aspects merit effort and will improve governance. An accountability mechanism to measure Board and staff against an agreed standard is critical and so is an appeals mechanism for review of defects in a Board decision, causing harm to one or more groups. Such a mechanism should have binding authority and be independent of governments, of IGOs, and of Board and staff. Any such mechanism should also have binding authority.</p> <p>CNNIC: The selection process is not transparent and the Board composition does not fully reflect the interests of Internet users worldwide. However, just like a football referee, the Board should have the power to make decisions even if it's impossible to ensure the right decisions for all cases. A review mechanism will largely ensure that the Board will wield the power carefully.</p> <p>EH: The Board has failed at self-governance and has acted in ways clearly contrary to the Bylaws. ICANN has violated its contractual commitments to the US DoC regarding accountability and transparency. California should revoke ICANN's charter for violation of its Bylaws related to accountability and transparency.</p> <p>KMC: The independent review of the Board produced by BCG is accurate and forward-looking. Unfortunately, the Board decided to review the review of itself, found that it worked much better than the BCG stated and disregarded the most important reforms.</p> <p>CADNA: A system wherein an entity is responsible for reviewing itself is inherently biased and goes against the commitment to accountability. The Board includes a Board Governance Committee comprised of Board members, and this group is charged with reviewing the Board as a whole. ICANN's leadership must be</p>

	<p>accountable to an outside party, not simply to itself.</p> <p>IPC: A selection process should be developed to get a Board that reflects the served community.</p> <p>IIRT: GAC and Board interaction should be reversed. GAC should listen to the Board's advice on public policy and then make decisions. Internet-related public policy is the sovereign right of States.</p> <p>EBW: The Board has not acted to address the outreach limits. There are liaisons to regions, but no program for institutional development in Latin America, Africa, West Asia, South Asia, Eastern Europe or East Asia. Evaluation of performance, selection, composition and appeal are all under Board control.</p> <p>ETNO: A binding appeal mechanism should be available to anyone affected by a Board decision.</p> <p>ATT: As previously discussed in response to Question 2, AT&amp;T supports the establishment of an independent adjudicatory panel as a complement to the existing accountability and appeal mechanisms.</p> <p>LFFS: The Nominating Committee should be disbanded. There should be elections instead, for short-fixed terms, annual or every 2 years. Appeals to the court system need to be allowed.</p>
<p>6. What is your assessment of the role of the GAC and its interaction with the Board? How do you view the role of the GAC within the overall ICANN process?</p> <p>☐ What is your assessment of the interaction between the GAC and the Board?</p> <p>☐ Should the GAC be viewed as the body best placed to advise the Board on what constitutes the "public interest" regarding the coordination of the DNS?</p>	<p>ICC: Interaction between the GAC and other parts of ICANN has improved, to the benefit of policy development and GAC's role. The willingness of GAC to improve efficiency and responsiveness is welcome as timely GAC input is important. The role of governments in the multi-stakeholder environment is recognized and appreciated. GAC is one of the important voices on public interest matters, but all constituencies represent the public interest – no one body is necessarily better placed than another in that respect.</p> <p>CNNIC: The effectiveness of the interactions is not obvious - the suggestions from GAC have not been paid enough attention. GAC is the most appropriate entity to give advice about public interest.</p> <p>WZ: The interaction is positive but should also take individual government views into account, in proportion to their number of internet users.</p> <p>KMC: GAC may be slow and dull, but has consistently produced some of the best advice and input. It has also tried to adapt to the multi-stakeholder model, seeking to be included earlier in processes in order not to delay with late advice. The Board is obliged to consider its advice on public policy issues which is a good system. However, the Board has a schizophrenic attitude toward governments. An example is the .XXX application - the Board does not want to take the decision itself and uses GAC as a shield.</p> <p>CADNA: Without any oversight mechanism to ensure that the Board follows GAC advice, it is difficult to assess the interaction and to determine whether GAC is the best body to represent the public interest. GAC is comprised of government officials, not all of whom represent the citizens of their respective countries in equal or comparable ways, and should not be the only body that advises ICANN on the public interest. A restructured</p>

	<p>GNSO could be a supplement, with reduced power of contracted parties.</p> <p>EBW: To regard GAC as the sole source of “public interest” is unfortunate as it relieves ICANN of the obligation to make “public” equal in importance to “private” and overlooks the existence of institutions dedicated to the public interest. Cooperatives are not present in GAC, nor are non-profit public interest entities, but both are present in ICANN. ICANN must be able to act in the public interest and to regard the public interest as being within ICANN’s ability to affect, positively or negatively. A body formed under the California Nonprofit Public Benefit Corporation Law that defines public interest as external to its purpose is peculiar. Example: (a) The Board rejected a proposal for urban areas to form a Constituency within the supporting organizations, making the GAC the sole venue for public administrations.</p> <p>ETNO: GAC has a fundamental role to play on issues related to public interest, but it is not the only stakeholder group responsible for that. Most policies have a public policy aspect and GAC must be engaged in the policy development process in a timely manner and establish strong links to the other entities, in order to improve the overall ICANN functioning. In this context more interaction with the community would be useful.</p> <p>ATT: The GAC plays an important role in representing the public interest but is not the sole representative in that regard. AT&amp;T represents the interests of millions of Internet users and has a direct interest in safeguarding the security and sustainability of the Internet infrastructure. The ATRT’s assessment should include that public interest considerations are consistently and consciously incorporated into policymaking and decision-making.</p> <p>LFFS: The GAC has a very important role, but some civil servants do not reflect the public interest at all, and some may be "captured" by the atmosphere around ICANN events. GAC might partially reflect the public interest, but not always. The accountability and transparency of GAC itself should be improved.</p>
<p>7. Are additional steps needed to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS? If so, what specific steps would you recommend?</p>	<p>ICC: All stakeholders have a role in discussing public policy aspects of the technical coordination of the DNS. GAC is an important voice and its current advisory role provides the GAC a strong platform for government input. Dialogue between GAC, the business community and other stakeholders is encouraged to facilitate further collaboration.</p> <p>CNNIC: The Board should be required to respond to GAC advice, stating reasons if the advice is not followed.</p> <p>KMC: It would be helpful if the Board had the courage to make its deliberations public.</p> <p>CADNA: A reliable oversight mechanism would ensure that suggestions made by the GAC are effectively considered. To be unbiased, an audit should be undertaken by an operator selected by those not connected to ICANN. This audit should also consider foreign governments’ relationships to ICANN.</p> <p>EBW: Yes. I recommend that each of the supporting organizations undertake as an prioritized agenda item the specific statements on the public policy aspects of the technical coordination of the DNS (a phrase I would like</p>

	<p>to see much more often) arising from the GAC. I recommend greater openness of communications between the supporting organizations and their Constituencies and Stakeholder Groups and the GAC, in the form of a persistent, print and online periodical, journal form, with abstracts in the six languages of the UN. The coherence of the fundamental technical and policy communications over the first decade of ICANN's institutional existence exist tenuously in an untidy mess of hyperlinks.</p> <p>ETNO: An improved and timely dialogue and understanding of issues would be more efficient than a rigid approach. Most policies have a "public policy" component, but a delimitation of public policy is not obvious.</p> <p>ATT: AT&amp;T supports efforts to ensure and enhance the effectiveness of the GAC in ICANN. In many ways, the issue of GAC participation can be addressed through general efforts to ensure that input from community stakeholders is duly incorporated in the policy development process. The focus should be on improving coordination in current processes as opposed to fundamentally changing the role or structure of the GAC.</p>
<p>8. What is your assessment of the processes by which ICANN receives public input? What is your assessment on how ICANN receives input of English-speaking and non-English speaking communities? Can you identify a specific example(s) when ICANN did not adequately receive public input from English or non-English speakers? If so, please provide specific information as to the circumstances and indicate why you believe ICANN's actions were taken without adequate public input.</p>	<p>ICC: The increased comment periods for new initiatives is welcome, but the number of simultaneous issues open for comments is a concern and comment periods often converge before meetings. The number of issues posted for comment should be reduced, an adequate period is needed to prepare comments on complex issues, and a road map for the upcoming work flow will enable more contributions. Many associations have networks of experts to consult and processes that ensure contribution quality. Building consensus from a diverse stakeholder group may make contributions impossible because of ICANN's number of simultaneous comment periods and close deadlines. The GNSO Council Work Prioritization Process and CCT Recommendations are welcome steps to a rational approach, increasing the range and quality of participation.</p> <p>CNNIC: There is not enough support for input from the non-English speaking community.</p> <p>WZ: Input from the non-English community needs facilitation; incentivize relevant organizations and individuals to act as bridges for feedback.</p> <p>KMC: I spent years trying to improve the input process, but proper authority and resources for improvements were not given and there is resistance to change. Public input is seen more as an annoyance than a crucial check and balance. There are too many public comment periods and they are not taken sufficiently seriously. The American-English bias means lost contributions in other languages. I suggest the ATRT reads my <a href="#">report</a> .</p> <p>CADNA: ICANN needs to be more responsive to public input. CADNA regularly submits comments, but cannot always confirm that those have been read, let alone taken into account.</p> <p>IPC: The community must have more time for public comment and the process must be improved to allow for adequate consideration. Examples: (a) During two periods in 2010, around 20 topics were open for comments simultaneously.(b) The EOI mechanism was proposed before initial public comment on the concept closed. (c)</p>

The Board approved the FY2011 Budget and Operating Plan while the public comment period was open.

EBW: Example: The Vertical Integration PDP WG, where it is quite impossible for non-native English speakers to keep up with the work volume and methods. Everything is conducted in English and there is no limit on the verbosity by the native English speakers. The WG is attempting to make recommendations about the structure of DNS provisioning and competition issues. The topic is important to all. To inform the WG, it must be more open to participants who are not fluent in English. Discussions in other languages must happen in parallel with, not after, those in English. The means to facilitate representative input have to be provided, otherwise ICANN will lack adequate public input.

ETNO: The consultation periods are frequently too short. The handling of public comments lack analysis, the way comments are taken into consideration is unclear and the role of staff should be clarified. It is hard for those that do not speak English at an adequate level to understand the issues and express their views, sometimes even when translation facilities are available. Some Board members set good examples; occasionally expressing themselves in their preferred language and also making efforts to speak slowly and use international English understood by non-native speakers.

ATT: Processes are in place to promote community engagement and obtain community input, but the volume of public comment proceedings is excessive and the process could be streamlined and structured to encourage participation. ICANN should prioritize its public comment proceedings, build on input already received and continue to support participation and outreach for non-English speakers, particularly in developing countries.

LFFS: The processes leave much to be desired. Examples: a) Too many simultaneous issues and no prioritization. ICANN should focus on a narrow mission. b) Comment periods need to be longer c) Attachments as .doc and PDF files in comments are a security risk and should be limited to pure text files. d) Interactive commenting should be made possible with forum software.

AG: Frequently, there to be very few comments, even on issues of great importance. Current comment periods on DNS-CERT and RAA improvements have attracted no comments to date, despite being issues of known community interest. This indicates that the public comment process is not very effective and the ATRT is wisely following other paths through which the community can provide input. The review team should treat the weakness of this process in its overall deliberations.

LL: To fulfill its global mission, ICANN should: a) Improve and expand document translation to also include more documents, like GAC documents, Board resolutions and annual reports. b) Allow all 6 UN languages for public comments and in meetings, with simultaneous interpretation. c) Speed up the translation service. d) Enable and encourage local participants at meetings to use their own language. e) Survey the needs for translation and language choice and prioritize according to the outcomes.

	<p>ISC: 1) Many important documents are only in English, like DAG v4, the annual report and the bylaws. These should be translated into other languages. Lack of translations impedes contributions from the Chinese-speaking Internet community. 2) Simultaneous interpretation service at ICANN meetings should include Chinese. In most AC/SO meetings, English is the only working language and interpretation should be available for those. 3) More of the pages on ICANN's website should be translated, those translated today are too few and rarely in Chinese.</p> <p>COA: The public comment process is broken, with three fundamental problems that may explain why some public comment periods expire without any substantive comments received: a) The sheer volume of public comment periods, currently 20 ongoing with many deadlines coinciding. This is problematic for comment approval processes of membership organizations, whose input is important since they speak on behalf of many entities but may struggle to make it thru the public comment "decathlon." b) ICANN has invited public comment on issues where the next step has already been decided. Three such instances are summarized in a filing by COA. c) Senior staff and Board depend on the staff-generated summaries of public comments, which are incomplete and sometimes misleading.</p>
<p>9. Does ICANN provide adequate explanation of decisions taken and the rationale thereof? Can you identify a specific example(s) when ICANN did not provide adequate explanation of decisions taken and the rationale thereof? If so, please provide specific information as to the circumstances and indicate why you believe ICANN's actions were taken without adequate explanation of decisions taken and the accompanying rationale.</p>	<p>ICC: Support for the CCT Recommendations that the Board provide rationale for its decisions, as reflecting best practice and to promote informed and reasoned substantive results. This aids the community in understanding the handling of complex policy issues, fosters trust between ICANN and the community, and promotes engagement by stakeholders. Most importantly, such a process promotes well informed and well reasoned substantive results that can be implemented in a sustainable manner.</p> <p>CNNIC: No - see comment on question 1.</p> <p>KMC: The explanation for why decisions are reached is lacking in almost every aspect of the work and any rationale provided does not stand up to scrutiny. However, on the Board level the rationale for a decision is occasionally well presented.</p> <p>CADNA: There are no explanations as to which comments are heeded, which are disregarded, and why. Example: The latest version of the DAG for new gTLDs includes sections purportedly altered based on comments, but there is no explanation of how the comments are translated into changes or how the authors determined which comments to follow. Who gets to decide what is included and how?</p> <p>IPC: Explanation of some decisions is provided in a summary document posted at the close of a public comment period. This is an improvement but the current breadth of these documents is insufficient, missing key points and issues or with superficial/dismissive analysis. ICANN should allocate the resources needed for the process to provide adequate consideration and response to the comments.</p> <p>EBW: The rationales are unknown for the Board's registry-registrar separation resolution and for the staff</p>



	<p>decision not to certify backend registry service providers. The list of such decisions is considerable, and the issues are of some consequence. Parties seeking registry agreements have expressed concern for a unilateral amendment power in future registry contracts for three years without getting an adequate explanation or rationale. The Board is less predictable today than ever.</p> <p>ETNO: Further efforts in providing adequate explanations are necessary. Example: The rejection of the EoI was not accompanied by sufficient explanation of fundamental aspects that justified it.</p> <p>ATT: The analysis of input received can be improved and the reasoning should be explained for decisions, or lack of decisions. ICANN could have been more responsive to concerns raised about institutional confidence issues and the introduction of new gTLDs. More detailed analysis of input and explanations for not adopting constructive proposals should have been given.</p> <p>LFFS: No. There's often no costs/benefit analysis, although the AoC is supposed to require that. Examples: a) the VeriSign price increase. b) Costs and benefits of new TLDs. c) Costs and benefits of various registry-requested changes. d) Compensation, with many staff earning \$200K+ per year.</p>
<p>10. What is your assessment of the extent to which ICANN's decisions are embraced, supported and accepted by the public and the Internet community? Can you identify a specific example(s) when ICANN decisions were not embraced, supported and accepted by the public and the Internet community? If so, please provide specific information as to the circumstances and indicate why you believe ICANN's actions were taken without adequate support and acceptance by the public and the Internet community.</p>	<p>ICC: Businesses raised concerns over the new gTLD process, asking for completion of a promised study of the need for new gTLDs and the consequences for users. The studies now published provide useful information that could have been beneficial to the development earlier on. The Expression of Interest (EoI) proposal did not have support from the community, but the decision taken by the Board did ultimately reflect the lack of community support. It is challenging to find full community support for any particular policy decision, but some actions find broader support than others. For example, the proposal to expand the DNS to include IDNs was broadly supported, whereas consensus on issues like WHOIS policy remains elusive. This reflects the diversity of stakeholders in the Internet community. Enhanced transparency and accountability in process and decision-making will promote community acceptance of ICANN decisions and ensure greater trust in the organization.</p> <p>CNNIC: Not all decisions have been supported or accepted by the community. The .com or .org agreements were not fully discussed within the community.</p> <p>WZ: Lack of interaction and engagement, due to the language barrier, means that support can't be measured.</p> <p>KMC: Decisions are accepted, at times because no one wants to go through the process again, at times because a careful balance has been struck and everyone accepts a workable compromise. The Board tries to avoid decisions that will not be accepted and resists efforts to reconsider decisions. An example where this may not be in the interests of global Internet users is the Whois issue, lingering for 10 years.</p> <p>CADNA: An example of an instance where the public did not embrace ICANN's decisions was when it failed to perform a study on the demand for new gTLDs. The EOI was a flawed model, but the goal of quantifying</p>

	<p>demand for gTLDs was valid. The public called for a study, which was not delivered.</p> <p>IPC: Not every operational issue require “public buy-in”, but for major decisions, like the introduction of new gTLDs, the public’s consent is needed. This calls for adequate public representation in the governance model. See also answer 1 for examples.</p> <p>EBW: The decision not to accept and act upon requests by linguistic and cultural institutions, municipal governments and treaty organizations for basic service is not “embraced, supported and accepted” by any public or the internet community. There is no public support for not accommodating the needs of North American Indians, the residents of Paris and many others.</p> <p>ATT: It is challenging to build consensus within a diverse group of stakeholders, while serving the public interest and protecting the stability and security of the Internet. It is critical to have support for the process to reach decisions, since many stakeholders will not agree with at least some aspect of a decision. Confidence in the decisions is undermined if stakeholders don’t see their concerns adequately addressed.</p> <p>LFFS: ICANN is loathed, except by the insiders. Examples: a) The testimony of Paul Twomey in 2009 before congress. b) The .com settlement with VeriSign. c) The acceptance of .XXX (should be rejected).</p>
<p>11. What is your assessment of the policy development process in ICANN with regard to:</p> <p><input checked="" type="checkbox"/> facilitating enhanced cross-community deliberations, and</p> <p><input checked="" type="checkbox"/> effective and timely policy development</p> <p>Can you identify a specific example(s) when the policy making process in ICANN did not facilitate cross-community deliberations or result in effective and timely policy development? If so, please provide specific information as to the circumstances and indicate why you</p>	<p>ICC: For several PDPs a broader range of stakeholder inputs would have strengthened the discussions and decisions. There is a link between ICANN’s outreach efforts to improve the range of participation in policy processes, the schedules for policy processes and stakeholder ability to develop substantive contributions, and the ability of ICANN to facilitate cross-community deliberations. Numerous and simultaneous public comment periods on important issues undercuts the ability of stakeholders to give the issues the attention they deserve. Just before the Brussels meeting, nine documents (listed) were posted for public comments.</p> <p>CNNIC: It is acceptable but not rapid enough, which is understandable in a bottom-up process. The new gTLD process is an example where interaction across the community is good and input from all stakeholders has been adopted. However, due to failures in the PDP, the new gTLD process was slowed down.</p> <p>KMC: Failure to have cross-deliberation has resulted in arguments and waste of time, but the groups are increasingly willing to cooperate. Determined efforts to increase cross-community discussions have on occasion been undermined by community members and staff, although this practice has declined. Giving control of some slots at ICANN meetings to community members could bring up issues faster and allow for innovations.</p> <p>CADNA: ICANN is not effectively facilitating cross-community deliberations. Stakeholders may advise through comment periods and committee membership, but this input is not considered when making decisions. Rather than taking precautions and studying demand for gTLDs, ICANN is rushing to launch new gTLDs because of an outdated agreement with the US government.</p>

<p>believe the policy making process in ICANN did not facilitate cross-community deliberations or result in effective and timely policy development.</p>	<p>IPC: The WHOIS controversy shows ICANN’s inability to address issues timely and effectively. ICANN’s own studies show that much WHOIS information is false or misleading, yet ICANN appears unwilling to enforce the obligation for WHOIS records to be accurate.</p> <p>EBW: Lack of communications can only hinder effective and timely policy development. Interpretation of the issues and process to communities excluded in fact from participation is not a substitute for inclusion of those communities. A slot should be made available at ICANN meetings so that communication – by the community, for the community, and of the community could take place, on wide-ranging topics. ICANN has obstructed this so far. See also examples in previous answers.</p> <p>ETNO: The ASO Policy Development Process is complex, as a global policy must be submitted to all Regional Internet Registries and discussed at regional level. The proposed policy must be approved by all RIRs, endorsed by the ASO council and then approved by the ICANN Board after a public comment period. The absence of a forum for discussion of such issues and the absence of cross community open discussion at ICANN level lacks transparency and makes the process even more complex.</p> <p>ATT: To build broad consensus and support for decisions, the policy development process must facilitate effective cross-community deliberations. The use of issue-specific working teams is one mechanism facilitating that. Example: In the new gTLD program, the over-arching issues would benefit from cross-community deliberations, which has not yet occurred.</p> <p>LFFS: The process has been captured by the contracted parties, as those two constituencies have excessive voting power relative to the public. Examples: a) the GNSO supporting new TLDs, despite the public not wanting them. b) The IRT debacle.</p> <p>KK: The IRT process and the DNS-CERT process were not open and transparent policy development processes.</p>
<p>Other contributions</p>	<p>SG: <i>[Summary from a 41 page paper]</i> "A Fresh Start for ICANN": ICANN's corporate structure should be redesigned to ensure accountability. That new structure and fundamental commitments should be put in a charter to be ratified by a representative body of constituents. Key provisions should include: a) Limit ICANN's authority to performing the technical management and coordination of the Internet DNS. ICANN's powers need to be held within the technical purposes for which it was created to prevent mission creep. b) Put ICANN's core obligations from the AoC into the Charter, to make those obligations permanent. Require ICANN to maintain the security and stability of the DNS without qualification or trade-off. c) Enumerate and check the powers of the Board. Board decisions need to be subject to reversal, not merely reconsideration. Board members should be bound by the Charter and the bylaws and removed if breaching them. d) Remove the president as an ex officio Board member and make him independent of the Board, but with power to veto decisions that are inconsistent with the Charter and bylaws. e) Create corporate members of record, place</p>

directors under fiduciary duties to those members, and authorize the members as a body to remove any director found to have violated the Charter or bylaws. f) Restrain ICANN's budget growth to 10% per year and its net uncommitted assets to the total annual budget of four years before. Require excess revenues to be redistributed for infrastructure and security improvements, WHOIS and contract compliance, remote meeting facilities and a travel allowance for participation in ICANN's meetings and proceedings by ICANN constituents from developing countries. g) Establish a Board of Review with authority to adjudicate disputed decisions of the Board and to reverse them if contrary to the Charter or bylaws. h) Make bylaws subject to amendment by a 2/3 vote of the Board and the Charter subject to amendment by a 2/3 vote of all members of record.

MM: *[Abstract from a 20 page paper]* "ICANN, Inc.": This paper assesses the relationship between public participation and accountability in ICANN. It explains how ICANN has responded to accountability concerns by creating new opportunities for public comment, review, and participation, but questions whether public participation is an adequate means of making ICANN accountable to the public. ICANN is a private corporation and such corporations are normally held accountable in three ways: 1) directly through their membership or shareholders, 2) through competition, which gives the public the opportunity to avoid their products or services, and 3) through external regulation or supervision by judicial or public authorities. None of these forms of accountability apply to ICANN. Instead, the public is given a wide range of opportunities to participate in ICANN's processes and to voice their opinions. This paper questions participation as a substitute for accountability and analyzes three reforms in ICANN's history to show how participation can displace accountability rather than improve it.

FG: In Brussels recently, I heard the Chairman of ICANN say at a dinner that the AoC was just a temporary solution. I might have misunderstood, so at the public forum in Brussels I asked for a clarification but the Chairman avoided my question by asking the CEO to respond. The CEO responded that the AoC was a long-term document for ICANN. I am confused and concerned about the real commitment to the AoC and hope the review team will investigate this.

ICA: *[Summary of 16 page case document]* ICANN has improved the overall accountability and transparency of its decision making process, but serious shortcomings remain. In this submission we cite one matter – the proposal of the Czech Arbitration Court (CAC) to implement an expedited UDRP process through amendment of its Supplemental Rules - to address multiple questions regarding: Accountability to stakeholders, transparency, the interest of global Internet users, the public input process, explanation of decisions and policy development. Extensive documentation of the background is attached for members of the ATRT to peruse as they see fit.