

# Comments from Tucows on the Proposed Bylaws Changes Regarding Consideration of GAC Advice

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The Internet Corporation for Assigned Names and Numbers' (ICANN) multistakeholder model mirrors the Internet itself in many ways. This is how it should be.

Varied groups, organizations and communities offer a plurality of voices, viewpoints and perspectives. The proposed bylaw changes take power from many and put it in the hands of few. ICANN CEO Fadi Chehade, early in his tenure at the Toronto ICANN meeting, spoke many times about not just the multi-stakeholder model, but a true multi-equal stakeholder approach to ICANN. This idea is core to ICANN and what makes us a fair and democratic body.

This proposal is clearly antithetical to those ideals and must, therefore, be rejected.

Within the policy development process we work together to listen to many and varied voices. We work together to find solutions to global Internet issues. Through deliberate choice, it's not a majority rules scenario, instead we build consensus to make decisions. It takes huge amounts of time and effort to develop a consensus policy. With a global community, this is the way it should be. The process cannot be fast-tracked and still have all contributing voices heard and understood. While not perfect (what is?) the process works. More to the point, it is fair and democratic.

And yet, here we are, looking at a proposed bylaw change that has the potential to upend ICANN's structure, and undo years of hard won experience in consensus policy making. We wish that were mere hyperbole. It isn't. The change to ICANN's bylaws that would require two-thirds of the ICANN board to vote against Governmental Advisory Committee (GAC) advice has dire consequences.

First and foremost, it undermines the existing policy development process. This bylaw change effectively incentivises the GAC to avoid engaging in policy development, and instead to rely on what amounts to a community alienating, last minute veto. The GAC has received numerous invitations to participate in policy development within ICANN. Lately it has seemed like headway was being made, with the recent creation and selection of a GAC/ Generic Names Supporting Organization (GNSO) liaison. It would be a mistake to undo this progress with the proposed bylaw changes.

It's not at all uncommon to hear from GAC members that they lack the time and resources to participate in the policy development process. If this is true, how does it make sense to increase the power that the GAC wields? If they are unwilling or unable to engage in the process, how can we expect that the GAC will be appropriately engaged in the issues at hand? It seems to be an outrageous folly to elevate the status of the least transparent and engaged portion of the ICANN community.

Furthermore, individual membership in the GAC is unstable, uneven and relatively short. There are no rules, procedures or processes governing who nations appoint as their GAC representatives. It's a tall order for individuals to become knowledgeable in all of the areas of domain name system management required within ICANN. Doubly so in the GAC context.

It should also be pointed out that extraordinary requests should come from extraordinary need. In this case, there is no apparent justification for the proposed, fundamental change; no pressing issue requiring such a departure from ICANN's multi-stakeholder model. If there is such an issue, it needs to be shared with the community so that we can consider this request in all its context. As many have pointed out, the timing on these bylaw changes is most unfortunate. The Internet Assigned Numbers Authority (IANA) transition is of critical importance, and confidence in the multi-stakeholder model needs reinforcement.

It needs to be clearly recognized by the ICANN community that what is being proposed is that ICANN be ruled by the GAC and a minority of the board. As previously stated, this proposal is clearly antithetical to the core ideals that ICANN has worked so hard to build and must be rejected.

Regards,

A handwritten signature in black ink, appearing to read 'Elliot Noss', with a stylized, cursive script.

Elliot Noss,

CEO, Tucows