**Comments from NIRA on Report of Cross Community Working Group – Accountability IANA Stewardship Transition**.

NIRA is a Not-for-profit, self-regulatory, membership based organization responsible for the management of the country code Top Level Domain (ngccTLD Registry). NIRA has an MoU with Government of Nigeria through NITDA to manage the National Resource on behalf of the internet community.

**General**

NIRA welcomes the work done by CCWG-Accountability since its creation. In addition to supporting the announcement by NTIA to transition its stewardship role in the IANA Functions to the global multi-stakeholder internet community, NIRA supports the proposal of strengthening ICANN Accountability by empowering the ICANN community to have an oversight role in processes and activities of the ICANN Corporate.

However, given that ICANN is still under the Californian law, there may be need to explore other jurisdictional legal requirements that can provide flexibilities being sought for/recommended by the CCWG.

The globalization of ICANN should be pursued further.

**Public Comment Input Framework**

Do you believe the set of Work Stream 1 proposals in this interim report, if implemented or committed to, would provide sufficient enhancements to ICANN's accountability to proceed with the IANA Stewardship transition?

YES

If not, please clarify what amendments would be needed to the set of recommendation.

Do you have any general feedback or suggestion on the interim Work Stream 1 proposals?

IN GENRENAL NIRA SUPPORTS THE WORK DONE SO FAR. HOWEVER, NIRA THINKS THE IMPLEMENTATION SHOULD BE CLEARLY STATED FOR THE COMMUNITY TO BE WELL INFORMED AND AWARE OF THE LEGAL IMPLICATIONS OF THE PROPOSAL

THE REVIEW MECHNISMS BEING PROPSED SHOULD BE HARMONISED WITH ANY SUCH REVIEWS BEING PROPOSED BY THE THREE OPERATION COMMUNITIES WHO ARE DIRECT CUSTOMERS OF IANA.

**Revised Mission, Commitments & Core Values**

1. Do you agree that these recommended changes to ICANN's Mission, Commitments and Core Values would enhance ICANN's accountability?

YES

1. Do you agree with the list of requirements for this recommendation? If not, please detail how you would amend these requirements.

YES

**Fundamental Bylaws**

Additional question:

* The CCWG-Accountability welcomes feedback on whether there is a need, as part of Work Stream 1 (pre-Transition), to provide for any other means for other parts of the ICANN system to be able to propose new Fundamental Bylaws or changes to existing ones.  In particular, the CCWG-Accountability welcomes feedback on whether the Mission should be subject to even higher thresholds of Board or community assent.

NIRA SUPPORTS THAT THE PROPOSAL BE SUBJECTED TO HIGHER ASSENT BY THE COMMUNITY.

1. Do you agree that the introduction of Fundamental Bylaws would enhance ICANN's accountability?

YES

1. Do you agree with the list of requirements for this recommendation, including the list of which Bylaws should become Fundamental Bylaws?

YES.

NIRA EXPECTS THAT THESE FUNDAMENTAL BYLAWS WOULD BE SCARCELY USED, AND WHERE THEY ARE USED, THE WISHES AND POWERS OF THE COMMUNITY WOULD BE ALLOWED TO PREVAIL OVER THAT OF THE BOARD INCLUDING RECALLING THE BOARD.

If not, please detail how you would recommend amending these requirements.

**Independent Review Panel Enhancement**

1. Do you agree that the proposed improvements to the IRP would enhance ICANN's accountability? Do you agree with the list of requirements for this recommendation? If not, please detail how you would recommend

YES

**Reconsideration Process Enhancement**

Do you agree that the proposed improvements to the reconsideration process would enhance ICANN's accountability?

YES

Do you agree with the list of requirements for this recommendation?

YES. HOWEVER, THE PROVISION THAT ICANN BOARD BEARS THE BURDEN OF LEGAL FEES SPECIFIED IN 6 (IN REFERENCE TO 5.1), SOUNDS UNFAIR, AND SHOULD BE RECONSIDERED. THOUGH THERE IS A DISCALIMER IN THE PROPOSAL. NIRA WOULD FOLLOW THE DEVELOPMENT OF THIS RECOMMENDATION.

If not, please detail how you would recommend amending these requirements.

Are the timeframes and deadlines proposed herein sufficient to meet the community's needs? Is the scope of permissible requests broad / narrow enough to meet the community's needs?

YES

**Mechanism to empower the Community**

Additional questions:

* Do you agree that the introduction of a community mechanism to empower the community over certain Board decisions would enhance ICANN's accountability?

YES

HOWEVER, WE ARE NOT SURE WHAT AND HOW THE PROPOSAL ON UNINCORPORATED STATUS FOR SOS AND ACS WOULD WORK, SINCE THIS IS THE ONLY WAY THAT THE COMMUNITY CAN CHALLENGE AND VETO THE DECISIONS OF THE ICANN BOARD BASED ON THE CALIFORNIAN LAW. CCWG SHOULD HAVE A RETHINK ON THE ISSUES AS THEY RELATE TO GAC. NIRA FINDS IT DIFFICULT TO COMPREHEND HOW GOVERNMENT(S) CAN BECOME AN UNINCORPORATED ENTITY IN ANOTHER JURISDICTION.

* What guidance, if any, would you provide to the CCWG-Accountability regarding the proposed options?

NIRA WOULD SUGGEST A FURTHER EXPLORATION OF GLOBALIZATION OF ICANN THAT CAN PROVIDE A LEGAL FLEXIBILITY IN THE BYLAWS THAT CAN ALLOW THE COMMUNITY EXERCISE AN OVERSIGHT ROLE SIMILAR TO WHAT NTIA CURRENTLY DOES WITH ICANN

* Please provide the underlying rationale in terms of required accountability features or protection against certain contingencies.

THE FACT THAT THERE ARE RESTRICTIONS WITHIN THE EXITING LEGAL STATUS OF ICANN THAT HAS THE BOARD AS THE FINAL ARBITER IN ANY POLICY DEVELOPMENT AND PROCESSES INCLUDING BUDGETS AND BYLAW CHANGES.

1. What guidance, if any, would you provide to the CCWG-Accountability regarding the proposed options related to the relative influence of the various groups in the community mechanism?

NIRA WELCOMES THE PROPOSAL, HOWEVER, IT IS UNCLEAR HOW THE GAC FITS IN HERE, BEARING IN MIND ITS WORKING METHODS.

Please provide the underlying rationale in terms of required accountability features or protection against certain contingencies.

THE LEGAL STATUS OF ICANN BASED ON CALIFORNIA LAW.

**Power: reconsider/reject budget or strategy/operating plans**

1. Do you agree that the power for the community to reject a budget or strategic plan would enhance ICANN's accountability?

YES.

Do you agree with the list of requirements for this recommendation?

YES. HOWEVER FURTHER SAFEGARD SHOULD BE PROVIDED AGAINST ABUSE, E.G. NUMBER OF TIMES THE BUDGET CAN BE REJECTED BY THE COMMUNITY, AND WHAT OPTIONS THE BOARD MAY HAVE IN SUCH SITUATIONS.

If not, please detail how you would recommend amending these requirements.

**Power: reconsider/reject changes to ICANN "standard" Bylaws**

1. Do you agree that the power for the community to reject a proposed Bylaw change would enhance ICANN's accountability?

YES

Do you agree with the list of requirements for this wOU?

YES. HOWEVER, NIRA IS OF THE OPINION THAT A LIMIT SHOULD BE PROVIDED ON NUMBER OF TIMES THE COMMUNITY CAN REJECT CHANGES.

If not, please detail how you would recommend amending these requirements.

**Power: approve changes to "Fundamental" Bylaws**

1. Do you agree that the power for the community to approve any fundamental Bylaw change would enhance ICANN's accountability?

YES

Do you agree with the list of requirements for this recommendation?

YES

If not, please detail how you would recommend amending these requirements.

**Power: Recalling individual ICANN Directors**

1. Do you agree that the power for the community to remove individual Board Directors would enhance ICANN's accountability?

YES. NIRA SEEKS CLARIFICATION AS TO THE STANDING OF DIRECTORS. WOULD THEY ALL BECOMEVOTING MEMBERS OF THE BOARD?

Do you agree with the list of requirements for this recommendation?

YES

If not, please detail how you would recommend amending these requirements.

**Power: Recalling the entire ICANN Board**

1. Do you agree that the power for the community to recall the entire Board would enhance ICANN's accountability?

YES

Do you agree with the list of requirements for this recommendation?

YES.

If not, please detail how you would recommend amending these requirements.

**Incorporating the Affirmation of Commitments into the ICANN Bylaws**

1. Do you agree that the incorporation into ICANN's Bylaws of the Affirmation of Commitments principles would enhance ICANN's accountability?

YES

Do you agree with the list of requirements for this recommendation? If not, please detail how you would recommend amending these requirements.

1. Do you agree that the incorporation into ICANN's Bylaws of the Affirmation of Commitments reviews would enhance ICANN's accountability? Do you agree with the list of requirements for this recommendation?

YES

If not, please detail how you would recommend amending these requirements.

**Bylaws changes suggested by Stress Tests**

1. Do you agree that the incorporation into ICANN's Bylaws of the above changes, as suggested by stress tests, would enhance ICANN's accountability? Do you agree with the list of requirements for this recommendation?

YES

If not, please detail how you would recommend amending these requirements.