

Cross Community Working Group (CCWG) Accountability

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Case

/Jukacz

Danish Comments regarding the CCWG-Accountability Initial Draft Proposal for Public Comment

Denmark would like to thank for the opportunity to provide comments regarding the CCWG-Accountability Initial Draft Proposal for Public Comment.

We would like to thank the CCWG-Accountability, the Co-Chairs, and all participating stakeholders, for their dedicated work, which has resulted in these recommendations for enhancing ICANN's accountability, within a very tight timeframe. Here are the Danish preliminary comments:

Firstly, Denmark welcomes the decision by the NTIA to transition the stewardship of the IANA functions to the global multistakeholder community and to remain fully committed to completing the transition in a timely and responsible manner.

Secondly, our initial assessment of the Initial Draft Proposal, which focuses on developing accountability mechanisms necessary for the IANA transition to take place, is that the overall framework looks promising and ICANN's accountability towards the multistakeholder community would be enhanced when implemented.

In our view the combination of accountability mechanisms proposed provides a set of necessary checks and balances for the global multistakeholder community to hold the ICANN Board and management accountable in the absence of the NTIA in its current role.

In particular, we would like to emphasize the following:

- New and improved appeal mechanisms: An IRP Panel that is binding, affordable, more accessible, broadened in scope as well as a reformed Reconsideration Process.
- Empowering the community with regard to i.e., spilling the Board, reviewing/revoking the budget and strategic/operating plans and amending the Fundamental Bylaws.
- Strengthened principles for ICANN, including a new Mission Statement, Commitments and Core Values, which i.e. aim at keeping ICANN within its technical mandate and focuses on its core mission.

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- Establishing continuous reviews, including transferring relevant parts of the Affirmation of Commitments (AOC) into ICANN's Bylaws,
- Creating a set of Fundamental Bylaws.

In light of the fact that the CWG Stewardship Transition Proposal on Naming Related Functions is dependent on these community powers, these dependencies must not be compromised.

In addition, we would like to underline that stress testing the proposal is of highest importance and we appreciate the work done by the CCWG Accountability in this regard. It is of crucial importance to ensure that the new governance model is truly multistakeholder-based. To this end there must be safeguards against capture from any specific stakeholder group in any way, including in ICANN's policy development processes and decision making functions.

Moreover, it is positive that GAC's input (principles) to the CCWG Accountability appears to have been taken into consideration. However, there are still substantial issues (political and juridical) to be addressed before the transition of the IANA Functions to ICANN and the global multistakeholder community could take place. This includes how to organize the Community and ensure an appropriate role for governments in its advisory role.

The new structure (community mechanism) would be composed of ICANN's SO's and AC's as either members or designators with voting power. With regard to the role of governments, we believe that the Governmental Advisory Committee (GAC) should continue to be an advisory body.

However, governments have a legitimate responsibility with regard to public policy concerns, which should be duly taken into account. As such it is important that governments are given appropriate weight in the proposed multistakeholder reviews, including the ATRT Reviews. Moreover, as the organization will change, new ways for GAC engagement should be explored.

We also note that the CCWG Accountability have decided to fully address the issue of jurisdiction in Work Stream 2, which according to the timeline is to begin this fall. This is a very important outstanding issue, which has to be dealt with adequately. It must also be assured that the global public interest is taken into account with an appropriate role for all relevant stakeholders, including governments.

We are, however, concerned about the complexity of the document as this will make it more difficult to ensure effective participation in the process. This makes the communication and outreach strategy even more important and efforts should be made to engage the broader global community and reach out to stakeholders outside of ICANN.

Finally, Denmark is committed to participating in the CCWG Accountability and in developing an accountable and multistakeholder-based proposal for the IANA transition process together with the global internet community.

Yours sincerely,

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