



CCWG-Accountability Third Draft Proposal Contribution from the Government of Canada

December 21, 2015

The Government of Canada welcomes the opportunity to provide feedback on the third draft proposal of the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability). We recognize the immense effort that has gone into developing such a comprehensive report and thank all those who have contributed.

1. Overall comments

Canada broadly supports the draft proposal and the suite of recommendations contained within it. We agree with key objectives underpinning the proposal, namely:

- Enhancing ICANN's accountability framework through measures that effectively replace the U.S. backstop role and safeguard against disproportionate influence over ICANN's multistakeholder processes;
- Not altering ICANN's multistakeholder model and its bottom-up nature of policy development, or significantly impacting ICANN's day-to-day operations; and
- Ensuring compatibility of mechanisms with ICANN's current organizational structure, while retaining flexibility to evolve that structure.

Canada also supports the open, inclusive, bottom-up process by which the proposal was developed. We appreciate the initiative of the CCWG-Accountability to persist through difficult issues in order to address concerns and reflect a diversity of perspectives, and we support the proposal moving forward.

More specific comments on key areas reflected in Work Stream 1 recommendations follow. With respect to Work Stream 2, it will be important to ensure that work undertaken remains consistent with ICANN's scope and mission, and does not introduce elements beyond its core mandate.

2. ICANN's Mission and Core Values

ICANN's Mission, Commitments and Core Values should reinforce well established principles of: security, stability and resiliency; competition; representation; and private sector leadership in the management of Internet technical functions. [Canada's response](#) to the United States' White Paper of 1998 on the reform of the Domain Name System (DNS) outlines our long-standing views in this area.

Canada supports an effective multistakeholder system of Internet governance, led by the private sector, with bottom-up policy development processes, to allow for continued competition, innovation and development. We agree with the proposed conceptual



revisions to ICANN's Bylaws, which are consistent with the principles outlined above. It will be important to ensure that in implementing the proposed Bylaws revisions, ICANN's flexibility to enforce contractual obligations and act upon the public policy advice of the Governmental Advisory Committee (GAC) is not inadvertently impacted.

3. Stress Test 18

Canada continues to support the GAC's current practice of full consensus, understood to mean the absence of any formal objection, as providing a basis for robust and actionable public policy advice that the ICANN Board of Directors can implement. We also support the Board's obligation to find a mutually acceptable solution if choosing not to accept consensus GAC advice.

We agree with the proposed Bylaws revision relating to how the ICANN Board responds to GAC advice, which recognizes the value the Board attributes to receiving consensus advice, as reflected in the GAC's Dublin communique. The proposed revision only applies to the Board's obligation. We do not consider that it inhibits the GAC's autonomy to define consensus or continue to convey a range of views to the Board.

Extending the Board's obligation to anything less than full consensus risks empowering the Board to negotiate between sovereign governments, which Canada would not support. From our perspective, it also has potential to dilute GAC advice. Looking forward, it is incumbent on us to find the most robust and stable construct for ICANN post transition. Stress Test 18 provides predictability by ensuring that when governments speak with one voice, the Board listens.

4. Community Empowerment Mechanism

The GAC plays a prominent role at ICANN by providing high-level public policy advice to the Board of Directors. This is recognized by the Board's unique obligation to provide a rationale when deciding not to follow GAC advice, and subsequently, to find a mutually acceptable solution as outlined above. Canada supports maintaining and reinforcing the GAC's advisory role, including through further efforts to build capacity and enhance meaningful participation from developing countries.

We recognize that there may be public policy aspects that arise from the consideration and use of the community powers. We would support the GAC engaging and advising on public policy considerations around the use of community powers.

5. Conclusion

We reiterate our appreciation to participants of the CCWG-Accountability for their substantial undertaking. Canada supports the third draft accountability proposal moving forward.