The Internet Corporation for Assigned Names and Numbers

14 December 2015

Dear SOs and ACs and CCWG Accountability,

The Board appreciates the opportunity to provide comments on the Third CCWG-Accountability Draft Proposal on Work Stream 1 Recommendations as part of the CCWG's process. The Board is pleased with the extent of agreement within the CCWG reflected in the Third Draft Proposal, and expects that the input by the SOs and ACs, and the broader community, during this final public comment phase is important to finalize a consensus document. In line with the CCWG Chairs' communication to the SO and AC leadership, the Board is sharing its comments with the respective SOs and ACs, in addition to filing them with the CCWG.

In these comments, the Board expresses its agreement and support for nearly all of the recommendations in the Third Draft Proposal. For areas where the Board has remaining concerns consistent with what it has raised, including in response to the 15 November Summary, we provide recommendations and suggestions for addressing the concerns.

The Board has reviewed the Proposal and provides its feedback also in view of the 16 October 2014 resolution, identifying areas where the Board is concerned that the Final Report may include recommendations for which the specifics may need to be reviewed for meeting the global public interest. For all the comments, in particular where there are proposed solutions, the Board has provided its rationale for the positions.

As noted above, the Board believes the governance and accountability portions of the proposal are sound and we are in almost complete agreement with those recommendations. Where the recommendations are on issues of redefining the scope of ICANN's commitment (such as on the mission statement or human rights), the Board fundamentally agrees with the need for change, but has some specific suggestions to ensure that ICANN is responsible to and conscious of its mandate. Some of these matters need to be addressed as part of the final report while others can be addressed in bylaw implementation.

Areas of greater concern are on scope and implementation of inspection rights (a part of Recommendation 1); veto of the IANA budget (a part of Recommendation 4); contractual enforcement in the Mission statement (a part of Recommendation 5), integration of human rights considerations (Recommendation 6), and specifics for WS2 (a part of Recommendation 12). Specifics of the Board's comments are reflected in the attached document. In summary, they are:

- **Recommendation 1:** The Board Supports the Establishment of the Empowered Community including the Sole Designator Model with Powers of Board Appointment, Removal, and Enforcement
    - *Inspection Rights:* With regards to inspection rights, the Board also agrees to Inspection Rights for the Community that are Well-Defined
- **Recommendation 2:** The Board Supports This Recommendation and Suggests Further Defining the Thresholds
- **Recommendation 3:** The Board Supports This Recommendation
- **Recommendation 4:** The Board Supports the Community Powers. With regards to specific community powers:
    - *The Power to Reject ICANN's Budget or Strategy/Operating Plans:* The Board recommends a Clarification to Both the IANA Budget and ICANN Caretaker Budget
    - *The Power to Reject Changes to ICANN Standard Bylaws:* The Board recommends clarifying the Interrelation of Policy-Related Bylaws Changes
    - *The Power to Remove Individual ICANN Board Directors:* The Board recommends the process include a Clear Rationale
    - *The Power to Recall the Entire ICANN Board:* The Board Supports this Recommendation, and recommends Maintaining High Thresholds
    - *The Power to Approve Changes to ICANN Fundamental Bylaws and Articles of Incorporation:* The Board Supports This Recommendation
    - *The Power to Initiate a Binding Community Independent Review:* The Board recommends a Clear Demonstration of Community Support
    - *The Power to Reject ICANN Board Decisions Relating to Reviews of IANA Functions, Including Triggering of Post-Transition IANA Separation:* The Board recommends a Clarification of Footnote 5
- **Recommendation 5:** The Board Supports the Recommendations On Core Values and Commitments.
    - *Mission Statement:* The Board Supports Modifying the Mission Statement with an Emphasis on Clear, Concise Language
- **Recommendation 6:** The Board Supports Integrating Human Rights Considerations in ICANN, with Clear Timetable to Define Human Rights Framework
- **Recommendation 7:** The Board Supports this Recommendation but Requests Enhancements to Uphold the CCWG-Accountability's Stated Purpose of the IRP
- **Recommendation 8:** The Board Supports This Recommendation
- **Recommendation 9:** The Board Supports This Recommendation
- **Recommendation 10:** The Board Supports This Recommendation
- **Recommendation 11:** The Board Supports This Recommendation
- **Recommendation 12:** The Board Supports Further Accountability Work And Confirms Commitment to How It Will Consider Further Recommendations

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Detailed specifics, including rationale, are reflected in the Board comments. We are sending our comments in advance of the end of the public comment period for consideration by the CCWG with the other comments received, and also communicating them to the SOs and ACs so that these may be considered in their approvals as Chartering Organizations of the CCWG-Accountability.

We look forward to receiving the Final Proposal, and for the entire community coming together to finalize Work Stream 1 of the Enhancing ICANN Accountability process. We are at a historic time in the transition of the IANA Stewardship functions to the global multistakeholder community.

Sincerely,

Dr. Stephen Crocker
Chair, ICANN Board Of Directors