

*Enhancing ICANN's
Accountability*

Afnic's reply

afnic

Afnic, is a multi-registry operator of the top-level domains corresponding to the national territory of France (the .fr TLD and those of several of the overseas territories) and of seventeen French projects for new Internet top level domains (TLDs).

Afnic is happy to provide its comments to the public dialogue on Ican accountability.

Afnic commend ICANN for having launched this public dialogue along with the consultations dealing with the IANA transition, as we think this is difficult to separate artificially these two different questions.

Nevertheless, we find the method slightly confusing in that the questions raised are extremely broad, and it is unclear at what stage of which process we are currently standing. The call for comment spans only 21 days for a key structural discussion, which surely means that this is just the first of several rounds. This is Afnic's hope that there will be other occasions to discuss deeply these very important matters.

We refer in our comments to the "Enhancing Ican Accountability" page

<https://www.icann.org/resources/pages/enhancing-accountability-2014-05-06-en>

This page announces the upcoming formation of a Working group, and raises questions for community discussion.

Afnic's understanding of these questions is that :

1) There is an agreed upon definition of accountability, which lies in the recent Sao Paulo multistakeholder declaration¹. This definition should be the one and only basis guiding the process for Ican. This definition is

"Mechanisms for independent checks and balances as well as for review and redress should exist."

2) Before launching any working group on the topic, the goal of the process should be clarified. Accountability is not a goal, but a mean. Ican's accountability aims at reinforcing, among all stakeholders, the trust in Ican and, more importantly, in the management of the Internet's system of unique identifiers. Unless this goal is clarified, shared and promoted, whatever efforts made will not build trust.

3) Trust in the process to review Ican's accountability is as critical as the improved trust expected as an outcome. In that regard, we warmly welcome the principles of openness, transparency and inclusion set forth for the working group. These are key foundations to build trust in the process itself.

¹ <http://netmundial.br/netmundial-multistakeholder-statement/>

4) Afnic suggests that the group adopt a structured problem solving approach to drive its efforts.

Typical steps are:

Problem definition (see comment above), current state assessment, root cause analysis, elaboration of countermeasures / solutions / experimentations, Effect confirmation, follow up actions.

The benefits of such approaches are well known: - association of stakeholders at each stage-generate common understanding - greater trust in proposed solutions- more efficient and sustainable solutions.

For example, the first step of the working group should be to assess all of Ican's identified accountability mechanisms against the Sao Paulo definition criteria (is it independent? Does it provide for review? Redress? How many times so far?) Providing the working groups with resources to run a perception study across stakeholders within and outside Ican also appears key to obtain a relevant current state assessment.

5) To avoid confusion between Ican's interest as an organization and Ican's role in coordinating this debate, Ican should rely on independent and professional consultants trained in problem solving to steer the debate and provide secretariat to the working group. Special attention should be given to the consultant's independence, unless trust in the process itself would be undermined.

6) Ican should devote special attention in appointing the working group to address the necessary balance between:

- The requested level of knowledge about Ican and its ecosystem
- the potential conflicts of interest for stakeholders already involved in the past in accountability discussions, or whose decisions within Ican might be subject to discussions within the working group.

In corporate governance, it is good practice that Audit committees includes a majority of and be chaired by Independent Board members, independent being neither belonging to management nor belonging to the major shareholders.

In order to demonstrate Ican's openness and willingness to fully address the issue of accountability, Afnic recommends this principle for the composition of the working group.

In the case of Ican this would usefully translate into a giving the majority of, and the Chair, to stakeholders who have not exercised any Ican mandate (Board, Chair of SO/AC, member of ATRT or review panels...) for the last 3 years./