

Work Party 1, CCWG on Enhancing ICANN Accountability

Comment analysis: Mechanism to Empower the Community

Draft 1 - 14 June 2015

Tag count

Total comments:	45
Agreement:	29
Concern:	20
Confusion:	7
Divergence:	5

Macro level / overarching issues

- Avoid a system that allows for “ICANN insider” capture (224, 226, 227, 229, 241)
- Linkage of SO/AC system to relevant stakeholders or the “global public” (224, 229, 234, 262)
- Legal challenge for states in any “joining” re GAC, others (225, 237, 241, 252)
- Cascading accountability concerns - how are mechanism participants held accountable (224, 225, 226, 227, 229, 230, 235, 236, 241)
- Mutual, not just linear, accountability (227, 229)
- Don't have courts (any courts) making decisions for ICANN (225, 232, 252, 265)
- Diversity of participation (224, 229, 234, 236, 241, 243, 252)
- Promote effective govt involvement on public policy issues/relevant issues (226, 233, 234, 241)

Membership model

Support membership model generally incl legal persons (223, 235, 236, 237, 238, 239, 240, 242, 245, 247, 251, 253, 254, 257, 258, 259, 260)

Support membership model but limited to enforcement only (248, 265)

Concerns with membership model

- UAs may risk higher hurdles for involvement of ccTLDs in the ccNSO where govt is the manager (225, 255)
- Do not remove influence of voices outside the SO/AC structure (255)
- Restrictions from UAs for govt based participants or others (225, 232, 241, 255, 264)
- Be sure legal risk to participants is not changed (236)

Does not support membership model

- complexity (225, 249)
- Not allow existing stakeholders to participate (225, 232, 249)
- risk of legal exposure for participants (225, 232, 265)

Allow individual participants to join, not SOs/ACs (223)

Let SOs and ACs choose their own model - UA or other legal form or individuals (237, 251)

Impact testing of membership model (262)

Sees UAs for membership as simple (251)

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What if an SO/AC chooses not to become a member, impact? (262)

Don't "transform" the SOs ACs into UAs - use them only for acct'y powers (263)

Prefer designator model (260)

Designators not sufficient (251)

Voting weights / Influence

Support proposed voting weights (231, 236, 240, 242, 245, 247, 250, 256, 259, 260)

Changes to proposed voting weights (226, 232, 249, 251, 255, 258, 259, 260, 261, 262, 265)

- GNSO needs more influence:
 - 7 votes suggested (249)
 - More flexible votes so more GNSO influence when needed (251)
 - Business interests need more weight (258)
- Prefer GAC remain advisory (226, 237, 255)
- Query SSAC votes of advisory (259)
- Prefer Alternative A for votes (238)
- More closely align votes to Board appointment shares (260)
- Better alignment between stakeholders and numbers - more for SOs, none for SSAC, less for ALAC, none for GAC (261)
- Equal voice for SSAC/RSSAC as others (Alternative B) (232, 262, 265)
- RSSAC prefers to remain advisory as a Board appointed ctte (266)
- SSAC prefers to remain advisory only (267)

Balance represented in chosen thresholds (246)

Enforceability

Supports enforceable model for powers (237, 238, 239, 240, 242, 245, 248, 249, 251, 254, 257, 259)

- board member removal only (265)

Does not agree enforcement of community powers needed (225, 250, 260, 265)

Question whether enforceability undermines multistakeholder approach (225, 260)

Mechanism for community powers

Support a mechanism to allow community powers (248, 250, 251, 252, 259, 260, 264)

Mechanism should be people not weighted votes / greater clarity on this to ensure diverse voices are heard (243, 251, 258)

Detail comments

Time impact on participants - would model be more demanding? (255)

Conflict of Interest obligations on decisionmaking in community mechanism (229, 262)

Risks and scenarios of between-member legal action (262)

Links between advice from ACs and decision-making - how preserved / dealt with? (262)

Indemnify participants against legal action from exercising membership powers (265)

No indemnities for single-member actions (265)

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Avoid future sclerosis (224, 246)

Reconsider two-tier model if this de facto emerges (231)

Encourage broader GAC participation (234)

Avoid creating accountability at expense of expertise (255)

Lack of trust challenge to resolve (246, 265)

Simplicity of approach important (250)

Jurisdiction (252)

New suggestions

Suggest renaming mechanism "Multistakeholder Assembly/Chamber/Council" so it is able to be better understood (224)

Public Accountability Forum proposal (227)

Mutual Accountability Roundtable proposal (227)

Avoid capture / insider influence through e.g. mechanism term limits, no path to Board from mechanism (229)

Strong conflicts of interest policy for mechanism (241)

Review role and structure of NomCom (242)

SO consensus advice should have attention paid as per AC consensus advice (242)

Inappropriate implementation but agreed principles - CCWG should start again (225)

Awaiting / seeking further detail (239, 247, 251, 261, 263, 265)