Governmental Advisory Committee

23 March 2015

Mr. Mathieu Weill
Mr. Thomas Rickert
Mr. Leon Sanchez
Co-Chairs
Cross Community Working Group (CCWG) on ICANN Accountability

Dear Mathieu, Thomas and Leon,

Since the ICANN meeting in Singapore in February this year, the Governmental Advisory Committee (GAC) has been working on a set of principles to help inform the CCWG's work on ICANN's accountability. Based on a best effort consultation within the GAC, I would like to communicate the following set of principles as a contribution from the GAC to the upcoming face2face meeting in Istanbul:

GAC contribution to the CCWG accountability f2f meeting in Istanbul, 23-24 March 2015:

- ICANN should operate in accordance with a set of basic principles, providing inter alia for:

  o A concise description of its limited mandate and a clear commitment to operate within it.

  o Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.

  o A guarantee of its multistakeholder nature, as a not-for-profit organisation with stakeholder communities worldwide, including with representation from developed and developing countries, contributing to a transparent, bottom-up policy development processes, duly taking into account the advice of the Governmental Advisory Committee on public policy issues.

  o Principles of checks and balances, strengthened rules on conflicts of interests, good governance and with clearly implementable, transparent, efficient and verifiable accountability mechanisms. Consistent with these principles, ICANN should have policies that are predictable, transparent, necessary and sufficient, and should institute effective compliance monitoring and consistent enforcement mechanisms.

  o ICANN should be based on principles of continuous improvement, with regular community-led and independent reviews of its key governance structures and processes

  o Obligation to serve the global public interest in the operational stability of the Internet. The concept of public interest should be seen as encompassing the larger interests of the different communities affected by ICANN's processes and not be limited to the interests and objectives of any particular group or set of stakeholders. In this regard, ICANN should be open, inclusive and with institutional safeguards that prevent capture by any specific sector or community interests.

o   Obligation to duly respect principles of international law and human rights, as well as national laws applicable to the matters under consideration. ICANN should commit to sharing information regarding issues within its mandate, as part of a positive dialogue with other international and global organisations working on and with interests in internet governance.

o   Facilitating cultural, gender, geographic and linguistic diversity and representation in all of its activities.

- ICANN's mechanisms for review, reconsideration and redress should be continuously improved, taking into account considerations of timeliness, effectiveness, affordability, neutrality and independence to more effectively meet ICANN's commitment to accountability.

- Likewise, the GAC is of the view that the CCWG elaborate on the implications for ICANN's mission and its accountability associated with jurisdictional differences among the actors involved and legal jurisdictional aspects applicable to ICANN.

Yours sincerely,

Mr Thomas Schneider
Chair, Governmental Advisory Committee