

China Academy of Information and Communication Technology

Comments on The Proposal on Enhancing ICANN Accountability

ICCWG-Accountability published the draft proposal in May. China Academy of Information and Communication Technology (CAICT) appreciates the efforts and contributions CCWG members and communities have made, and provides the following comments on this draft.

This Draft is a significant step forward in enhancing the process of developing ICANN accountability program, and is the basis of further discussions among the communities. Unfortunately, this draft fails to provide versions in Chinese and other languages in a timely manner, and the comment period is too short to collect sufficient amount of comments from various stakeholders. Especially considering this draft is not a consensus based proposal, CAICT hopes ICANN and CCWG can provide full versions in multiple languages as soon as possible, extend the comment period, and put greater emphasis on enhancing accountability program development process, in order to avoid imbalance between enhancing ICANN accountability and IANA's function stewardship transition processes.

The IANA's function stewardship transition proposal implies the decision-making position of ICANN, and gives ICANN greater power. However, when looking at the AOC-based review mechanism

and actual performance of the supervisors, the existing accountability mechanism's effect on ICANN is limited, and its effectiveness depends on whether ICANN is willing to implement it, so it is necessary to strengthen the power of the communities, enhance ICANN's accountability and transparency to the communities, and place ICANN under a neutral or international legal framework. Otherwise, even if IANA function contract and AOC are canceled, ICANN is still governed by US laws (there may be situations that ICANN needs to make decisions according to US laws which are contrary to the interests of the communities in other countries), and whether it can achieve full transparency and effective accountability remains a question.

Since CCWG's draft proposal has critical impact on the transfer process and ICANN's future institutional design, CAICT provides the following suggestions: first, CWG and CCWG's plans should be taken into consideration as a whole, with both accountability and transparency mechanism design issues resolved prior to transfer, and the transfer can happen only when both of the plans are confirmed by the communities; second, CCWG's draft proposal should first reach consensus within each community and then get consensus of all communities; third, CAICT hopes the US government show its opinion on CCWG draft proposal in GAC as early as possible, and

comply with GAC's consensus; fourth, enhance power of the communities, as changing the existing operating mechanism of ICANN is a major change that demands comprehensive assessment and careful decision making, not only considering the impact of US laws, but also asking for comments from governments and communities of other countries, showing respect to different requirements for accountability in different countries, and considering the possibility and feasibility of ICANN signing AOC with governments of different countries or their representative organizations; fifth, enhancing accountability requires changing council election mechanism, reforming NomCom and enhancing its accountability and transparency to the communities, and strengthening the review and supervision rights of governments of various countries and GAC over decisions related to public policy.

China Academy of Information and Communication Technology again thanks for the hard work of CCWG, and hopes CWG and CCWG can communicate and cooperate more closely, to make sure IANA's function stewardship transition and ICANN accountability enhancing processes can progress simultaneously and smoothly.