JP NIC Japan Network Information Center

September 11, 2015

JPNIC Response to Proposed Accountability Enhancements by CCWG-Accountability

Thank you for the opportunity to comment on the second proposed accountability enhancements developed by CCWG.

JPNIC believes in the following general principles as priorities in considering ICANN Accountabilities, including its implementation:

- The stability of ICANN as an organization operating the management of the critical internet resources and policy development forum for names related policies should be maintained.

- Accountability proposal should ensures open, bottom-up and community based decision making process in names related policy development.

- Accountability mechanism should be simple, to be comprehensible to be used and pragmatically adoptable in reasonable timeframe.

- Accountability proposal and implementation should not be a delaying factor in the IANA Stewardship Transition.

We should be careful of over-considering accountability measures which could lead to destabilizing the organization. Further, overly complex system often leads to instability, with unintended affect which makes it harder to be identified when making changes.

These principles remain consistent as our priorities since our submission to the first version of the CCWG proposal.

Please see our response to the question from CCWG as below.

- **Do you agree that the CCWG-Accountability proposal enhances ICANN's accountability?**

  Yes, we agree that the CCWG-Accountability proposal generally enhances ICANN's accountability and believe the mechanism of

enhancing community powers based on existing SOs and AC is reasonable. This mechanism enables to put adequate checks and balances for the Board of Directors in place, which is a common feature for non-profit organisations. Basing the community empowerment on existing ICANN structure, rather than establishing something completely new would give us proven experiences as well as minimises considerations needed and unexpected elements in is implementation. It is important to have balance of powers between the existing SOs and ACs, to prevent a particular SO or AC to be dominant in exercising the community powers, and we believe it is sufficiently addressed in the proposed composition.

Below is our opinion for key additional elements suggested in the 2nd version of the proposal:

Community Empowerment Model:

In our opinion, the enhanced community powers accommodated by a Single Designator Model are sufficient for checks and balances. We would not oppose to a Single Member Model proposed by the CCWG, if this model achieves community consensus in a timely manner, for the CCWG to finalise its proposal in line with the target timelines.

While it would not be a show-stopper in moving forward with the proposal, and we observe a high threshold is defined for community to exercise its powers, we would like to confirm the specific procedures for the community to take steps in making a decision to take ICANN to court. This must be designed with care to prevent instability to ICANN.

Description about Human Rights in the ICANN Bylaws:

We would not oppose to adding description on human rights in the ICANN Bylaws, given it would be within the scope of ICANN's Mission and Core Values.

Enhancing Accountability of existing SOs/ACs:

We observe high level of accountability and transparency in the discussions and process by the existing SOs and ACs and do not observe any major issue. Given that exiting SOs and ACs will have

additional powers based on community mechanism, we have no issue about ICANN Board requesting a third party review as proposed by the CCWG. It should however not be a heavy review to affect the regular activities and operation of the existing SOs/ACs.

- **Are there elements of this proposal that would prevent you from approving it transmission to Chartering Organizations?**

No. We do not observe any element which causes concerns for the existing SOs/ACs.

- **Does this proposal meet the requirements set forward by the CWG-Stewardship?**

We believe the CCWG proposal meets the requirements listed by CWG-Stewardship. Further, we understand that CCWG and CWG Chairs are closely coordinating to ensure that CWG requirements which need to be addressed by CCWG are met.