

**Comments submitted on CCWG-Accountability 2nd  
Draft Proposal on Work Stream 1 Recommendations**

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First, we would like to express our appreciation to the effort made to prepare the CCWG-Accountability 2nd Draft Proposal on Work Stream 1 Recommendations and to the effort made in preparing the proposal for IANA stewardship transition.

We would like to submit to your kind attention our comments on the CCWG-Accountability 2nd Draft Proposal on Work Stream 1 Recommendations:

1. Referencing paragraph 2 and 3 (Executive Summary):
  - 1.1 The 2<sup>nd</sup> draft went into depth of details regarding the accountability of the ICANN to an extent that requires first to know what is the outcome of the IANA stewardship transition. It is important first to have a proposal for the IANA stewardship transition finalized and accepted by the NTIA to move forward on it (taking into consideration the current IANA stewardship transition proposal maybe modified, improved, changed or refused by the NTIA). If this final proposal needs certain measures to address the accountability of the ICANN then we should, as ICANN community, identify the specific accountability issues that need to be addressed and work on improving them with a clear coordinated process to ensure it meets all the requirements of the accepted final IANA stewardship transition proposal.
  - 1.2 Addressing the ICANN accountability based on the ground that the response of the domain name community requires looking into this matter; while the responses of the numbering community and the Protocol Parameters Registries community focused on the accountability mechanism for running the IANA functions (this is the main issue rather than the subject of ICANN Accountability); is a concern that may have a negative impact on the IANA stewardship transition. Final outcomes or measures are the proper ground to introduce a process of change or improvements to ICANN accountability rather than a response of a specific community. Furthermore, this may create a process within the ICANN to the advantage of a specific community rather than the whole ICANN community and the internet. In this regards, We would like to mention that we have witnessed how the ICANN in recent years worked to adopt balanced open inclusive policies and it is praised for that.
2. Referencing paragraph 14 on Designing a community Mechanism:
  - 2.1 The draft report is introducing the sole member model that limits the ICANN community and its powers to support organizations and advisory committees.

Limiting the community to this model is a drawback to the openness of the ICANN, which in recent years and since the WSIS, took significant measures to broaden the participation and contributions to its work and activities were individuals, academics, and other stakeholders enriched its policies and processes. In addition, defining the ICANN community is a major question that needs to have a broad consensus from all stakeholders including the ICANN executive body. This report or process may not be the suitable place for it.

- 2.2 The Sole member model is neither an enhancement nor support to the multi-stakeholder model but rather it is a limitation to it and one step backward. This contradicts with a major condition of the NTIA announcement “Support and enhance the multistakeholder model”.
- 2.3 In the same paragraph the report states the following: “In this model, community decisions in the Community Mechanism would directly determine exercise of the rights”. This statement needs further clarification, it is not only limiting the balancing role of the ICANN board, but it is changing the role of support organizations from its support nature to a decision making body. Multi decision making bodies in a single organization will raise the possibility of a process failure as well as paralyzing it.
3. If the dimensions of accountability according to paragraph 123 are: transparency, consultations, review and redress, then there are so far satisfactory processes that is currently in place within ICANN as an organization to address these dimensions. These processes can be reviewed and changed in a gradual manner rather than the drastic change mentioned in this version of the report.
4. Paragraph 10 lists set of powers to enhance community governance:
  - 4.1 We support the right of a community to have the power to end the term of a director it appointed and reappoint another.
  - 4.2 We do not support the right of the community to recall the entire ICANN board. The report is not clear on what justifications or grounds related to accountability that may trigger such action. The community can press the removal of a board member in case of misconduct or conflict of interest but the removal of the entire board is a disruptive process. The ICANN as an organization is responsible to carry functions related to the day to day operation of the internet, its stability and resilience. Such action like removing the entire board is a disruptive measure that can impact negatively these functions.
  - 4.3 Without a clear justification of why to give this power to the community, The removal of the entire ICANN board is risky and may occur because of a view disagreement between the board and the community that is not necessary related to accountability issues. Eventually such a power can lead to the hijack of ICANN as an organization.