

## Richard Hill's comments

- *Subject:* Richard Hill's comments

---

Submitted on behalf of Richard Hill

Dear ICG,

A portion of the work of CCWG-Accountability is directly related to the transition proposal that you are coordinating.

CWG-Accountability does not have, as far as I know, a public comments form such as the this one, and it does not accept comments from the general public, so I'm posting this message here and requesting that it be forwarded to CWG-Accountability.

I refer to the draft summary of comments on the CWG-Accountability proposal published at:

<http://mm.icann.org/pipermail/accountability-cross-community/attachments/20150915/8167a9d5/2nd-draft-CCWGtrends-v4-0001.pdf>

This file is referenced on the page at:

<https://www.icann.org/news/blog/building-momentum-an-update-from-the-ccwg-accountability-co-chairs>

I detail below my concerns.

1. Who are the stakeholders?  
=====

Slide 2 of the PDR referenced above presents a "Stakeholder Distribution of Comments Received". The identified categories of stakeholders are:

- \* Governments
- \* ccTLDs
- \* Advisors to the CCWG-Accountability
- \* Chartering Organizations
- \* CWG-Stewardship
- \* Technical Community

Does this imply that individuals and civil society organizations are not stakeholders? Does this imply that comments from individuals and civil society organizations were not considered?

## 2. Misleading statistics

=====

Slides 8 ff. of the PDF present breakdowns of responses. For example, it is stated that 27 responses agreed that the CCWG-Accountability proposal enhances ICANN's accountability while 61 did not provide an answer.

It may be correct that 61 comments did not explicitly answer that question, but at least six responses did answer it negatively, albeit implicitly, see:

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00081.h>  
tml

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00080.h>  
tml

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00078.h>  
tml

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00067.h>  
tml

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00064.h>  
tml

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00004.h>  
tml

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00002.h>  
tml

The statistics presented are misleading because they imply that "did not provide answer" implies support for the proposal, which is not necessarily the case.

### 3. Role of the ICANN Board

=====

I refer to the comments submitted by the ICANN Board, at:

<http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00045.html>

In essence, the Board is rather critical of the proposal.

But I don't understand what its role is supposed to be with respect to the narrow accountability question that relates directly to the IANA Transition.

As I understand it, NTIA mandated ICANN to convene a process by which the global multistakeholder community would develop a proposal for the transition, and set certain pre-conditions for the nature of the proposal.

ICANN mandated the ICG to develop the proposal regarding the transition properly speaking, and created the CCWG-Accountability to deal with (1) the accountability issues specific to the transition and (2) other, more general accountability issues.

So the proposal to address the accountability issue specific to the transition should be developed and agreed by the global multistakeholder community, not by ICANN or its Board.

Thus, it appears to me to be inappropriate for the ICANN Board to make inputs at this stage.

One might argue that ICANN, via its Board, is a stakeholder and so should comment. This is correct, but it seems to me that ICANN should comment at the end of the process, when the proposal is delivered to NTIA and it is published by NTIA for public comment.

It seems to me that to have the convenor of the process, ICANN, comment

during the process creates a conflict of interest that would be best avoided.

Sincerely,  
Richard

From: Richard Hill <rhill@xxxxxxxxx<<mailto:rhill@xxxxxxxxx>>>  
Date: Thursday, September 24, 2015 9:04 AM  
To: Alice Jansen  
<alice.jansen@xxxxxxxxx<<mailto:alice.jansen@xxxxxxxxx>>>  
Cc: 'ACCT-Staff' <acct-staff@xxxxxxxxx<<mailto:acct-staff@xxxxxxxxx>>>  
Subject: RE: Your comments to ICG forum

Yes, please.

Thanks and best,  
Richard

From: Alice Jansen [<mailto:alice.jansen@xxxxxxxxx>]  
Sent: jeudi, 24. septembre 2015 18:00  
To: Richard Hill  
Cc: ACCT-Staff  
Subject: Your comments to ICG forum

Dear Richard,  
The ICG secretariat has forwarded a comment you submitted to the ICG forum on 20 September to our our accountability staff list:  
[http://mm.ianacg.org/pipermail/icg-forum\\_ianacg.org/2015-September/000005.html](http://mm.ianacg.org/pipermail/icg-forum_ianacg.org/2015-September/000005.html)  
Please confirm whether this comment is intended for the CCWG-Accountability and whether you would like your contribution to be recorded in the CCWG-Accountability public comment forum.  
Thank you  
Best regards  
Alice