

Appendix A – Documenting Process of Building Consensus

- 1 The Draft Proposal on Work Stream 1 Recommendations was developed in a bottom-up, multistakeholder approach, which included multiple “readings” of each recommendation. Each draft was posted publicly and open to comment by CCWG-Accountability members and participants. The Draft Proposal on Work Stream 1 Recommendations was circulated for review and comment by the CCWG-Accountability on 20 November 2015, with a first reading taking place during the 24 November 2015 plenary meeting. A final reading took place on 26 November 2015.
- 2 Following the final reading, the Draft Proposal on Work Stream 1 Recommendations was sent to the CCWG-Accountability for a 24-hour period to note any errors, comments, or statements for the record. Chartering Organizations’ approval is requested by early January to deliver to the ICANN Board by mid-January 2016.
- 3 The CCWG-Accountability is pleased to provide its Chartering Organizations with the enhancements to ICANN's accountability framework it has identified as essential to happen or be committed to before the IANA Stewardship Transition takes place (Work Stream 1) for consideration and approval as per its Charter.
- 4 The Draft Proposal on Work Stream 1 Recommendations is the result of extensive work by the CCWG-Accountability’s 28 members, 172 participants and a team of highly qualified legal advisors over the past year, which included over 185 calls or meetings, two public consultations and more than 10,150 email messages. It represents a carefully crafted balance between key requirements, specific legal advice and significant compromises by all who participated. It also includes diligent attention to the input received through the public comment proceedings.
- 5 **Minority statements or objections will be noted below if/when they are received.**

Minority Views

1. Dissenting Opinion of Member Robin Gross (GNSO-NSCG)

- 6 The CCWG-Accountability make a number of helpful recommendations to improve organizational accountability at ICANN, however one aspect of the plan is deeply flawed: changing the role of ICANN's Governmental Advisory Committee (GAC) from purely an “advisory” role to a “decision making” role over fundamental matters at ICANN, including its governance. Consequently the proposal marginalizes the role of Supporting Organizations (SO's) compared to today's ICANN governance structure. The degree of governmental empowerment over ICANN resulting from the proposal's community mechanism is dangerous to the success of the proposal's political acceptance as well as to its ultimate impact on a free and open Internet.

- 7 The creation of a community mechanism to hold ICANN accountable on key issues made a critical error by departing from the existing power balance between SO's and AC's as determined by relative board appointments. Instead, the proposed community mechanism elevates the AC's relative to the SO's compared with today's balance on ICANN's board of directors, which does not currently provide a decision making role to GAC, and which retains the primacy of the Supporting Organizations on key decisions, particularly those within the SO's mandate. The devaluing of the Supporting Organizations in ICANN's key decisions was a common theme in both previous public comment periods, however the recommendations not only failed to address this widespread concern, but went even further in devaluing SO's in the community mechanism in the 3rd report. The community mechanism failed to take into account the appropriate roles and responsibilities of the various SO's and AC's, and the dangers inherent in changing those roles with a "one size fits all" approach to critical decision making. These points were raised in NCSG's Public Comment submission of September 12, 2015: <https://forum.icann.org/lists/comments-ccwg-accountability-03aug15/msg00053.html>
- 8 Additionally, NCSG objects to the proposed departure from ICANN's typical 30-day public comment period on the 3rd report for CCWG-Accountability. The 3rd report's public comment only allows for 9 days of public comment after the language translations are scheduled to be published, which is far too short of a public comment period for a report of this significance and with so many important changes since previous drafts.