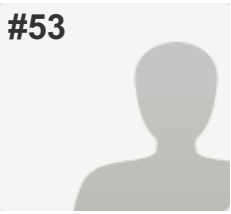


#53



COMPLETE

Collector: Web Link 1 (Web Link)

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PAGE 2: Personal Information

Q1: Name	Abigail Slater
Q2: Affiliation	Internet Association
Q3: Responding on behalf of	Internet Association

PAGE 3: Recommendation 1

Q4: Is establishing an Empowered Community for enforcing Community Powers a solution that is acceptable to you?(Please see Annex 1 - Recommendation #1: Establishing An Empowered Community For Enforcing Community Powers for more information)	Yes, I support this recommendation.
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PAGE 4: Recommendation 2

Q5: Is empowering the community through consensus: engage, escalate, enforce a solution that is acceptable to you?(Please see Annex 02 - Recommendation #2: Empowering The Community Through Consensus: Engage, Escalate, Enforce for more information)	Yes, I support this recommendation.
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PAGE 5: Recommendation 3

Q6: Is redefining ICANN's Bylaws as 'Standard Bylaws' and 'Fundamental Bylaws' a solution that is acceptable to you?(Please see Annex 03 - Recommendation #3: Redefining ICANN's Bylaws As 'Standard Bylaws' And 'Fundamental Bylaws' for more information)	Yes, I support this recommendation.
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PAGE 6: Recommendation 4

Q7: Is ensuring community involvement in ICANN decision-making: seven new Community Powers a solution that is acceptable to you? (Please refer to Annex 04: Details on Recommendation 4: Ensuring Community Involvement In ICANN Decision-Making: Seven New Community Powers for more information)

Yes, I support this recommendation.

PAGE 7: Recommendation 5

Q8: Is changing aspects of ICANN's Mission, Commitments and Core Values a solution that is acceptable to you?(Please refer to Annex 05 - Details on Recommendation #5: Changing Aspects Of ICANN's Mission, Commitments And Core Values for more information)

Yes, I support this recommendation.,

Comment

IA has consistently supported the CCWG's proposal to add language to ICANN's bylaws making clear that ICANN has no ability to "regulat[e] services that use the Internet's unique identifiers, or the content that they carry or provide." Explicitly recognizing that ICANN lacks authority to regulate content "maintain[s] the openness of the Internet" and ensures that it remains a global platform for the exchange of information. At the same time, IA does not object to language stating that "ICANN shall have the ability to negotiate, enter into and enforce agreements with contracted parties in service of its Mission." Predictability regarding the contracting process is important to IA members. However, while this language recognizes that enforcing contracts does not per se run afoul of ICANN's mission, particular interpretations of the contract or enforcement actions may still be challenged as violating ICANN's mission and bylaws. Put another way, any and all actions taken to enforce either the Registry Agreement or the Registrar Accreditation Agreement do not become immunized from scrutiny by acknowledging that developing and enforcing these contracts is within ICANN's mission. Recent e-mails exchanged on the CCWG-Accountability list appear to reflect this understanding, but it should be fully reflected in the final draft submitted to the Board and NTIA.

PAGE 8: Recommendation 6

Q9: Is reaffirming ICANN's commitment to respect internationally recognized human rights as it carries out its Mission a solution that is acceptable to you?(Please refer to Annex 06 - Recommendation #6: Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries Out Its Mission for more information)

Yes, I support this recommendation.

PAGE 9: Recommendation 7

Q10: Is strengthening ICANN's Independent Review Process a solution that is acceptable to you?(Please refer to Annex 07: Recommendation 7: Strengthening ICANN's Independent Review Process for more information)

Yes, I support this recommendation.

PAGE 10: Recommendation 8

Q11: Is fortifying ICANN's request for reconsideration process a solution that is acceptable to you?(Please refer to Annex 08 - Recommendation #8: Improving ICANN's Request For Reconsideration Process for more information)

Yes, I support this recommendation.

PAGE 11: Recommendation 9

Q12: Is incorporation of the Affirmation of Commitments a solution that is acceptable to you?(Please refer to Annex 09 - Recommendation #9: Incorporation of the Affirmation of Commitments for more information)

Yes, I support this recommendation.

PAGE 12: Recommendation 10

Q13: Is enhancing the accountability of Supporting Organizations and Advisory Committees a solution that is acceptable to you?(Please refer to Annex 10 - Recommendation #10: Enhancing the Accountability of Supporting Organizations and Advisory Committees for more information)

Yes, I support this recommendation.

PAGE 13: Recommendation 11

Q14: Is Board obligations regarding GAC Advice (Stress Test 18) a solution that is acceptable to you?(Please refer to Annex 11 - Recommendation #11: Board obligations regarding GAC Advice)

No, I do not support this recommendation.,

Comment

We believe that the requirement of a 2/3 majority for the board to reject GAC advice is a significant change of both the status quo and the CCWG's previous proposals. This proposal has previously been considered and overwhelmingly rejected by the ICANN community. Moreover, the proposal causes concern because the GAC tends not to actively participate in policy development processes. Instead, it often waits until those policies are complete and then provides advice, sometimes at odds with the will of the community. By raising the threshold for the Board to reject advice, GAC advice is more likely to overturn bottom up policies. Therefore, if the community decides to raise the threshold to two-thirds, certain steps must be taken to ensure the quality and clarity of GAC advice. First, GAC advice must be accompanied by a rationale. The CCWG's suggestion to include language stating that "the Advisory Committee will make every effort to ensure that the advice provided is clear and supported by a rationale" is not sufficient. A reasoned explanation should be a prerequisite for special treatment of GAC advice. Second, any mutually agreeable solution agreed by the Board and GAC must be consistent with ICANN's bylaws. Third, GAC advice must be approved by general agreement in the absence of formal objection. The CCWG's proposed language regarding the GAC's operating procedures is very ambiguous and should be deleted. Our proposed edits are below. Without these or substantively similar changes, the IA is unlikely to be able to support this aspect of the proposal. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. Any GAC advice approved by a full GAC consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection, and accompanied by a rationale, may only be rejected by a vote of two-thirds (2/3) of the Board, and the Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution that is consistent with ICANN's bylaws.

Q15: Is committing to further accountability work in Work Stream 2 a solution that is acceptable to you? (Please refer to Annex 12 - Recommendation #12: Committing to further accountability work in Work Stream 2)

Yes, I support this recommendation.

PAGE 15: Additional Information

Q16: Please submit comments you have in addition to the information provided above, including on NTIA criteria, CWG-Stewardship requirements and Stress Tests.

Respondent skipped this question