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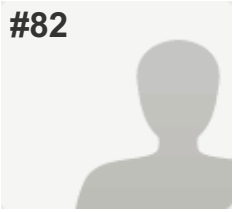**Collector:** Web Link 1 (Web Link)
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PAGE 2: Personal Information

Q1: **Name**	Matthew Shears
Q2: **Affiliation**	Center for Democracy & Technology (CDT)
Q3: **Responding on behalf of**	Center for Democracy & Technology (CDT)

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)

Comment
CDT supports the establishment of an empowered community for enforcing the Community Powers. CDT supported the Sole Member model in the prior proposal but can also support the Sole Designator model. However, we continue to be concerned with the disproportionate empowering of certain parts of the community and the inconsistency between this empowerment and one of the tenets of the accountability work which was that "The accountability improvements set out in this document are not designed to change ICANN's multistakeholder model, the bottom-up nature of policy development, or significantly alter ICANN's day-to-day operations." Disproportionately empowering certain parts of the community over others will change the ICANN model and its operations. It is unclear what the ramifications of these changes will be and that lack of clarity, combined with a lack of clarity in terms of decisional participation to exercise the Community Powers, is worrying.

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)

Comment
CDT supports the intent and purpose of the Engage, Escalate ad Enforce (3E) model. However, considerable work remains to be done particularly as this mechanism is the central piece in the exercising of Community Powers. The CCWG needs to address the following, among others: The lack of clarity w/r/t the all important "extensive engagement" process that is central to mitigating the likelihood of the Board and the community having to use the 3E process The extremely demanding and most likely unrealistic timelines between the steps in the escalation process The lack of clarity as to how an issue will be deemed resolved between the Board and the community. As mentioned earlier, we also have concerns with what appears to be a built in uncertainty when matters of significant import to the community and to ICANN's governance are being addressed in the 3E process. For example, it is unclear what entities are decisional participants, what are their obligations and whether or not they might participate in the mechanism.

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.

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.

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)**

Comment
CDT supports the need for enhanced accountability of all parts of the ICANN community. CDT does not support the goal, feasibility or scope of the reviews being shaped by Board determined criterion or standards. Common review goals, criterion and standards should be determined by the community. Further, all SOs and ACs should be subject to such reviews. This means that the GAC, particularly given its proposed empowerment through the community mechanisms and community powers, should also be subjected to such community driven and determined reviews.

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)

Comment
CDT remains uncomfortable with the proposed approach. CDT objected to moving to a 2/3rds threshold in 2014 and remains concerned that this further weighting of the GAC's advice is contrary to the interests of the ICANN community as a whole and to the ICANN model, particularly when coupled with the empowerment of the GAC in exercising the community powers. We remain concerned that this overall empowerment of the GAC will present challenges when considering the merits of the overall proposal vis-a-vis NTIA's requirement elaborated in Annex 14 para 7.

PAGE 14: Recommendation 12

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.,

Comment
CDT fully supports WS2 and its contents. We appreciate the Board's support for WS2 as indicated in its communication of November 13 2015. We believe that WS2 will be critical to ensuring the ongoing accountability of ICANN to its community and to the further elaboration of key elements addressed in WS1. This said, CDT has also long argued that there needs to be a mechanism in place to assess the degree to which the accountability enhancements are delivering the results that the community had anticipated when drafting the recommendations. We encourage the CCWG to discuss and and assess the need for such a mechanism to be a part of WS2.

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.

Additional comments:

1. Additional key inputs need to be fully taken into account by the CCWG, including:

The communication by the CWG IANA Transition to the CCWG Accountability as a part of the consultation - input dated 20 December 2015. The CCWG needs to pay close attention to those concerns raised by the CWG that could lessen the efficacy of the community powers thereby imperiling the dependencies on the CCWG's work and therefore the transition.

The communication by outside counsel on 19/20 December entitled: Third Draft Proposal - substantive Comments/Edits. This communication highlights a range of concerns and comments that the CCWG needs to take on board to bring greater clarity and comprehensiveness to the proposal.

2. The truncated public comment period may prove to have been counter-productive and has made many question the legitimacy of the process in its final stages. As CDT has maintained all along it is more important to get this transition right than to rush it and rue the consequences.

3. CDT remains concerned that the community is pushing to agree the proposal without having seen any of the proposed new bylaws language.

4. We commend the work of the CCWG and its co-Chairs in pulling together a comprehensive proposal that provides far more detail and clarity than proposal v2. There is still work to be done on WS1, but CDT feels that the proposal as a whole is on the right track and that the CCWG is in the final stages of an incredible marathon. We look forward to working in the CCWG to implement these proposals and to start working on WS2.