

30 January 2015 -- Letter to CWG-Stewardship Accountability Dependencies

From: Thomas Rickert

Time: 30 January 2015

CC: Mathieu Weill; León Felipe Sánchez Ambía

To: Lise Fuhr, Jonathan Robinson

Subject: CWG-Stewardship accountability dependencies

Dear Lise and Jonathan,

Thank you for the very useful call last Friday, 23 January. It was helpful to hear updates from the CWG, and I hope the overview we provided of the CCWG's face-to-face meeting, Frankfurt 19-20 January, was informative and showed we are working in the same direction.

We held a session in Frankfurt to discuss the draft "CWG-Stewardship accountability dependencies" document, and the summary outcome of that discussion follows. You can also find details of the sessions, including staff notes and transcript on the CCWG wiki at <https://community.icann.org/pages/viewpage.action?pageId=51418500> and at <https://community.icann.org/display/acctcrosscomm/Session+%234--+Action+items+for+initiating+WS1+and+preparation+for+Singapore>.

We first presented your letter to the group and then, at the end of the meeting, came back to that point and discussed our response.

• Budget Accountability and Transparency

While the CCWG is considering reinforcing ICANN's accountability with regards to budget, the mechanisms would most probably not specifically address the IANA budget at a level of detail the CWG is likely to ask for. Therefore, we encourage the CWG to recommend measures to enhance transparency regarding the IANA budget and we will support requests for increased transparency.

• Accountability for (re)delegations

As you can see from the transcript, the CCWG has extensively discussed this point, particularly to ensure the demarcation between the remits of the CCWG and the CWG is well understood. This relates especially to the sensitivities of ccTLD Registries related to (re)delegations and we would like to stress that we understand that the role of the ICANN Board with respect to (re)delegations should not go beyond its current role. Also, there is no intention by the CCWG to give an accountability mechanism decision-making powers relating to the (re)delegation of ccTLDs.

Notwithstanding the above and to the extent that the Board may take future decisions in this area, the CCWG intends to recommend accountability mechanisms that will be relevant. In any event, we expect to recommend a strengthened reconsideration process for Board as well as management/staff decisions.

• Independent Review of Board Actions

CCWG is discussing introducing binding mechanisms of redress to the independent review process for certain decisions of the Board. We are very much in tune with CWG approach.

• Independent Appeals Panel

We expect CCWG recommendations to be supportive to the CWG proposals, we aligned in our thinking/approach, but the CCWG is cognizant of the fact that the CWG might need to explore its own mechanisms .

• Control over ICANN Board decisions.

When we met, this was a new section of the document and CCWG members had not had chance to review before the meeting. The CCWG is now considering options to challenge and overturn ICANN Board decisions. We are very aware of the need for caution so as not to undermine the bottom-up nature of the ICANN policy decision-making process. Community oversight of Board decisions would probably not extend to the ability to mandate a specific decision, but rather to overturn a Board decision or require the Board to make a decision in the case of inaction.

This avenue of work will be one of the focuses of CCWG attention for the coming weeks.

Kind regards,

Mathieu Weill, León Sánchez, Thomas Rickert