Introduction

The CCWG-Accountability requests community feedback on its Draft Proposal of proposed enhancements to ICANN's accountability framework that have been identified as essential to happen or be committed to before the IANA Stewardship Transition takes place (Work Stream 1). Mechanisms have been designed and fortified to enhance trust and ensure ICANN adheres to the bottom-up, community-driven multistakeholder approach currently in place, in compliance with the NTIA criteria and CWG-Stewardship requirements. The six Chartering Organizations for the CCWG-Accountability are asked to indicate their support for the recommendations in this proposal. At the same time, public participants not involved with a Chartering Organization are invited to comment on the proposal. The CCWG-Accountability will attempt to reconcile reactions from Chartering Organizations and public comment prior to submission to the ICANN Board of Directors (currently anticipated for late January 2016).

To facilitate responses to proposed modifications as well as enable the collection and aggregation of input, templates for assembling input and individual comments were developed. This tool was tailored for the community's use in submitting their views and to gather valuable feedback on the CCWG-Accountability's work and recommendations for enhancing ICANNs accountability.

The following questions align with each recommendation contained in the Draft Proposal on Work Stream 1 Recommendations. In addition, a box for any additional feedback, including on broader topics e.g. Stress Tests and compliance with NTIA criteria and CWG-Stewardship requirements - can be found in the survey.

The opportunity to respond using this tool will remain open during the public comment period (through 21 December 2015 - 23:59 UTC).

Each proposal contains one question designed to determine whether the broad community supports the recommended enhancements. A comment box has been included to capture feedback for each proposed change.

Survey Monkey will automatically save responses when the responder clicks "Next" and will allow the responder to finish the survey at a later time. Responses can be edited until the last page of this survey is completed up to 23:59 UTC on 21 December 2015. Once the responses are submitted, they cannot be edited.

In order for the survey response to be considered completed, the responder must click "Submit" on the last page. Reminders will be sent to responders who started but did not submit their responses. ICANN staff will post your feedback to the public forum http://forum.icann.org/lists/comments-draft-ccwg-accountability-proposal-30nov15/

Thank you for taking the time to answer these questions. Your feedback is important and will be considered by the CCWG-Accountability.
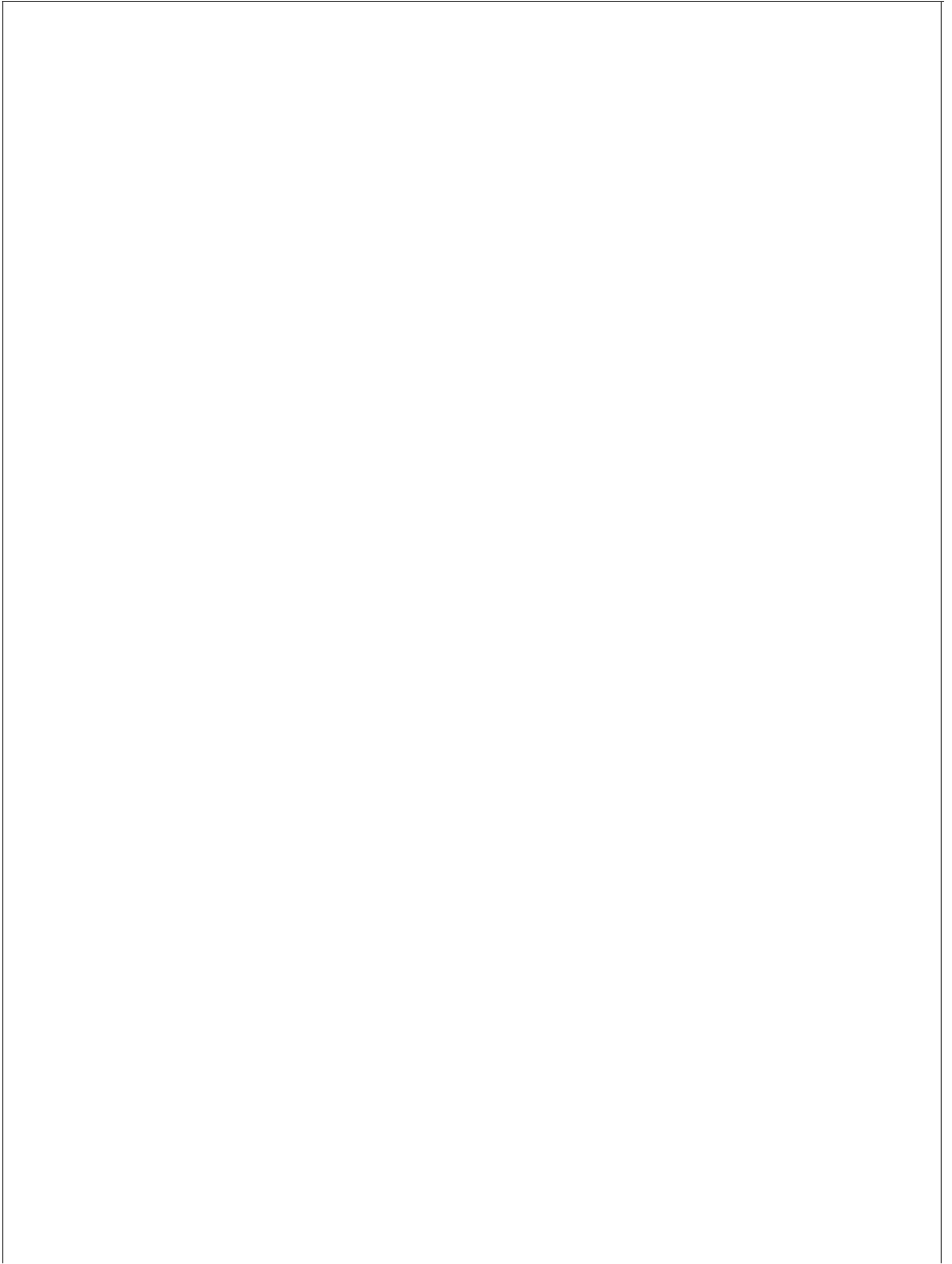
Personal Information

* Name

* Affiliation

* Responding on behalf of

Recommendation 1

Establishing An Empowered Community For Enforcing Community Powers

Under ICANN's current Bylaws, the ICANN Board has the final responsibility for all decisions.

With removal of NTIA as a perceived enforcement body over ICANN, the CCWG-Accountability requires a mechanism to ensure that decisions produced by community accountability mechanisms can be enforced, including in situations where the Board may object to the results.

To manage the process of enforcement on the community's behalf, the CCWG-Accountability recommends creating a new entity, taking the form of a "Sole Designator" model available under California law. The entity created using the Sole Designator model will be referred to as the "Empowered Community."

Under California law, the Empowered Community only has the legally guaranteed power (statutory right) to appoint and remove ICANN Board Directors (whether an individual Director or an aggregate entire Board).

The CCWG–Accountability accepts that only having the above statutory power is sufficient given:

- The creation of Fundamental Bylaws that can only be modified jointly by the ICANN Board and Empowered Community.
- All recommended Work Stream 1 accountability mechanisms are constituted as Fundamental Bylaws.
- The right of inspection is granted to the Sole Designator, as outlined in the California Corporations Code 6333, as a Fundamental Bylaw.

The process for the Empowered Community to use a Community Power is outlined in Recommendation #2: Empowering the community through consensus: engage, escalate, enforce.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 2

Empowering The Community Through Consensus: Engage, Escalate, Enforce

Engagement

Today, the ICANN Board voluntarily consults with the community on a variety of decisions including the annual budget and changes to the ICANN Bylaws. To gather feedback, the ICANN Board uses mechanisms such as public consultations and information sessions to gauge community support and/or identify issues on the topic. These consultation mechanisms are referred to as an 'engagement process.'

The CCWG-Accountability is recommending that engagement processes for specific ICANN Board actions be constituted in the Fundamental Bylaws. Although the ICANN Board engages voluntarily in these processes today, this recommendation would formally require the ICANN Board to undertake an extensive 'engagement process' before taking action on any of the following:

- Approving ICANN's Five-Year Strategic Plan
- Approving ICANN's Five-Year Operating Plan
- Approving ICANN's Annual Operating Plan & Budget
- Approving The IANA Functions Budget
- Approving any modifications to Standard or Fundamental Bylaws
- ICANN Board decisions relating to reviews of IANA functions, including the triggering of Post-Transition IANA separation

If it is determined that there is divergence between the ICANN Board and the community after the engagement process, the community may choose to use a Community Power as an Empowered Community by way of a respective 'escalation process.'

The community may begin an 'escalation process' to:

- Reject a Five-Year Strategic Plan, Five-Year Operating Plan, Annual Operating Plan & Budget or the IANA Functions Budget.
- Reject a change to ICANN Standard Bylaws.
- Approve changes to Fundamental Bylaws and/or Articles of Incorporation.
- Remove an individual ICANN Board Director.
- Recall the entire ICANN Board.
- Initiate a binding Independent Review Process (where a panel decision is enforceable in any court recognizing international arbitration results).
- Reject ICANN Board decisions relating to reviews of IANA functions, including the triggering of Post-Transition IANA separation.

Escalation Process

The 'escalation process' can differ, sometimes significantly, from one Community Power to another.

One of the most standardized versions of the escalation process is required for all Community Powers to 'reject', removing individual Nominating Committee appointed Board Directors or recalling the entire Board.

This escalation process is comprised of the following steps:

1. An individual starts a petition in a Supporting Organization or Advisory Committee that is part of the Empowered Community (See Recommendation #1: Establishing an Empowered Community for enforcing Community Powers).

▪   If the petition is approved by that Supporting Organization or Advisory Committee it proceeds to the next step
▪   If the petition is not approved by that Supporting Organization or Advisory Committee the escalation process is terminated.

2. The Supporting Organization or Advisory Committee that approved the petition contacts the other Supporting Organizations or Advisory Committees to ask them to support the petition.

▪   At least one additional Supporting Organization and/or Advisory Committee must support the petition (for a minimum of 2) for a conference call to be organized to discuss the issue.

   • If the threshold is not met the escalation process is terminated.
   • Else if the threshold is met, an open conference call is organized to discuss the issue of the petition.

3. ICANN hosts a conference call that is open to all of the community.

▪   If the ICANN Board and the Empowered Community can resolve their issues on the conference call, the escalation process is terminated.
▪   Else if not, the Empowered Community must decide if it wishes to hold a Community Forum to discuss the issue further.

4. The Empowered Community decides whether to hold a Community Forum.

▪   If the threshold for holding a Community Forum is not met, the escalation process is terminated.
▪   Else if the threshold for holding a Community Forum is met, it will be organized.

5. An open 1-2 day Community Forum is organized for any interested stakeholder in the community to participate.

▪   If the ICANN Board and the Empowered Community can resolve their issues at the Community Forum the escalation process is terminated.
▪   Else the Empowered Community must decide if it wishes to use its Community Power.

6. The Empowered Community considers use of a Community Power

▪   If the threshold to use a Community Power is not met, or there is more than one objection, then the escalation process is terminated.
▪   Else if the threshold is met for using the Community Power, and there is no more than one objection, the Empowered Community advises the ICANN Board of the decision and asks it to comply with the decision (As outlined in the Fundamental Bylaws for this Community Power).

7. The Empowered Community advises the ICANN Board

▪   If the Empowered Community has decided to use its power, it will advise the ICANN Board of the decision and direct the Board to take any necessary action to comply with the decision.

   • If the ICANN Board refuses or fails to comply, the Empowered Community decides whether to begin the 'enforcement process.'

Enforcement

If the ICANN Board refuses or fails to comply with a decision of the Empowered Community using a Community Power, the Empowered Community must decide if it wishes to begin the 'enforcement process.'

The enforcement process can proceed in two ways:

1. Initiate mediation and community Independent Review Process procedures
2. Initiate an escalation process to recall the entire ICANN Board

The 'escalation process' may terminate with a resolution or proceed into an 'enforcement process'. The results of both enforcement processes are legally enforceable in court.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 3

Redefining ICANN's Bylaws As 'Standard Bylaws' And 'Fundamental Bylaws'

Currently ICANN only has one class of Bylaws.

- All ICANN Bylaws can be changed by a 2/3 vote of the ICANN Board.
- The Board is not required to consult the ICANN community or the wider public before changing these but has voluntarily done so up to this point.

The CCWG–Accountability is recommending splitting the ICANN Bylaws into "Fundamental Bylaws" and "Standard Bylaws" where Fundamental Bylaws will be more difficult to change.

Specifically the CCWG-Accountability recommends that:

- Public consultations be required on all changes to ICANN Bylaws, both Fundamental and Standard.
- The requirement for public consultations is added to the ICANN Bylaws as a Fundamental Bylaw to ensure that ICANN must continue to engage with the community in the future.
- Any changes to Fundamental Bylaws require approval from both the ICANN Board and community as outlined in the respective Community Power (see "Recommendation #4: Ensuring community involvement in ICANN decision-making: Seven new Community Powers").
- The threshold for ICANN Board approval for changing a Fundamental Bylaw is raised from 2/3 to 3/4.

Why is the CCWG–Accountability recommending this?

- The CCWG-Accountability felt that it was crucial to ensure that ICANN Bylaws that embody the purpose of the organization (Mission, Commitments and Core Values) and are meant to ensure the accountability of the ICANN Board cannot be changed by the ICANN Board acting alone.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 4

Ensuring Community Involvement In ICANN Decision-Making: Seven New Community Powers

The CCWG-Accountability has recommended seven Community Powers that should be in place to improve accountability and ensure community engagement. These are:

- Reject Budget or Strategy/Operating Plans
- Reject changes to ICANN "Standard" Bylaws
- Approve changes to "Fundamental" Bylaws and/or Articles of Incorporation
- Remove individual ICANN Board Directors
- Recall the entire ICANN Board
- Initiate a binding Independent Review Process (where a panel decision is enforceable in any court recognizing international arbitration results).
- Reject ICANN Board decisions relating to reviews of IANA functions, including the triggering of Post-Transition IANA separation.

The powers and associated processes were designed to ensure that no stakeholder can singlehandedly exercise any power and that under no circumstances would any individual section of the community be able to block the use of a power.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 5

Changing Aspects Of ICANN's Mission, Commitments And Core Values

The CCWG-Accountability is recommending changes to the ICANN Bylaws to assure that the Bylaws reflect the CCWG-Accountability recommendations.

● Note: The language proposed in this recommendation for ICANN Bylaw revisions is conceptual in nature at this stage. External legal counsel and the ICANN legal team will draft final language for these revisions to the Articles of Incorporation and Bylaws.

Mission Statement
The CCWG-Accountability recommends the following changes to ICANN's "Mission Statement," (Bylaws, Article I, Section 1):

- Clarify that ICANN's Mission is limited to coordinating the development and implementation of policies that are designed to ensure the stable and secure operation of the Domain Name System and are reasonably necessary to facilitate its openness, interoperability, resilience, and/or stability.
- Clarify that ICANN's Mission does not include the regulation of services that use the Domain Name System or the regulation of the content these services carry or provide.
- Clarify that ICANN's powers are "enumerated." Simply, this means that anything that is not articulated in the Bylaws is outside the scope of ICANN's authority.

○ Note: This does not mean ICANN's powers can never evolve. However it ensures that any changes will be deliberate and supported by the community.

Core Values
The CCWG-Accountability recommends the following changes to ICANN's "Core Values" (Bylaws, Article I, Section 2 and Article II, Section 3):

● Divide ICANN's existing Core Values provisions into Commitments and "Core Values".

- Incorporate ICANN's obligation to 'operate for the benefit of the Internet community as a whole, and to carry out its activities in accordance with applicable law and international law and conventions through open and transparent processes that enable competition' into the Bylaws.
- Note: These obligations are currently contained in ICANN's Articles of Incorporation.

● Designate certain Core Values as "Commitments". ICANN's Commitments will include the values that are fundamental to ICANN's operation, and are intended to apply consistently and comprehensively.

Commitments will include ICANN's obligations to:

- Preserve and enhance the stability, reliability, security, global interoperability, resilience, and openness of the DNS and the Internet;
- Limit its activities to those within ICANN's Mission that require, or significantly benefit from, global coordination;
- Employ open, transparent, bottom-up, multistakeholder processes; and
- Apply policies consistently, neutrally, objectively and fairly, without singling any party out for discriminatory treatment.

● Slightly modify the remaining Core Values to:

- Reflect various provisions in the Affirmation of Commitments, such as efficiency, operational excellence, and fiscal responsibility.
- Add an obligation to avoid capture.

Balancing or Reconciliation Test

The CCWG-Accountability recommends modification to the "balancing" language in the ICANN Bylaws to clarify the manner in which this balancing or reconciliation takes place. Specifically:

These Commitments and Core Values are intended to apply in the broadest possible range of circumstances. The Commitments reflect ICANN's fundamental compact with the global Internet community and are intended to apply consistently and comprehensively to ICANN's activities. The specific way in which Core Values apply, individually and collectively, to each new situation may depend on many factors that cannot be fully anticipated or enumerated. Situations may arise in which perfect fidelity to all Core Values simultaneously is not possible. In any situation where one Core Value must be reconciled with another, potentially competing Core Value, the balancing must further an important public interest goal within ICANN's Mission that is identified through the bottom-up, multistakeholder process.

Fundamental Bylaws Provisions

The CCWG-Accountability recommends that the revised Mission Statement, Commitments and Core Values be constituted as Fundamental Bylaws. (See: Recommendation #3: Redefining ICANN's Bylaws as 'Standard Bylaws' and 'Fundamental Bylaws')

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.

◯ No, I do not support this recommendation.

Comment

Recommendation 6

Reaffirming ICANN's Commitment To Respect Internationally Recognized Human Rights As It Carries Out Its Mission

The subject of including a Commitment to Human Rights in the ICANN Bylaws has been extensively discussed by the CCWG-Accountability.

The CCWG-Accountability sought legal advice on whether, upon the termination of the IANA Functions Contract between ICANN and the NTIA, ICANN's specific Human Rights obligations could be called into question. It was found that, upon termination of the Contract, there would be no significant impact on ICANN's Human Rights obligations. However, the CCWG-Accountability reasoned that a commitment to Human Rights should be included in ICANN's Bylaws in order to comply with the NTIA criteria to maintain the openness of the Internet.

This proposed Draft Bylaw on Human Rights would reaffirm ICANN's existing obligations within its narrow scope and Mission, and would clarify ICANN's commitment to respecting Human Rights.

Amendments to the proposed Draft Bylaw text since Draft 2 aim to prevent Mission expansion or 'Mission creep' by stating that ICANN's commitment to respect internationally recognized Human Rights is conducted "within its mission and in its operations".

The proposed Draft Bylaw does not impose any enforcement duty on ICANN, or any obligation on ICANN to take action in furtherance of the Bylaw.

Additionally, the CCWG-Accountability has identified several work areas that need to be undertaken as part of Work Stream 2 in order to fully operationalize ICANN's commitment to Human Rights, including the development of a Framework of Interpretation.

To ensure that the work assigned to Work Stream 2 takes place, the CCWG-Accountability proposes that an interim Bylaw that outlines the specific areas to be addressed is added to the current Bylaws. This interim Bylaw will exist temporarily in the ICANN Bylaws up until a Framework of Interpretation for the actual Human Rights Bylaw is published.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 7

Strengthening ICANN's Independent Review Process

The overall purpose of the Independent Review Process is to ensure that ICANN does not exceed the scope of its limited technical Mission and complies with its Articles of Incorporation and Bylaws.

The consultation process undertaken by ICANN produced numerous comments calling for overhaul and reform of ICANN's existing Independent Review Process (IRP). Commenters called for ICANN to be held to a substantive standard of behavior rather than just an evaluation of whether or not its action was taken in good faith.

The CCWG-Accountability therefore proposes several enhancements to the process to ensure that the Independent Review Process is:

- Accessible, both financially and from a standing perspective
- Transparent
- Efficient
- Designed to produce consistent and coherent results that will serve as a guide for future actions.

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.

◯ No, I do not support this recommendation.

Comment

Recommendation 8

Fortifying ICANN's Request For Reconsideration Process

Currently, any person or entity may submit a request for reconsideration or review of an ICANN action or inaction as provided for in Article IV, Section 2 of ICANN's Bylaws.

The CCWG-Accountability proposes a number of key reforms to ICANN's Request for Reconsideration process, whereby the ICANN Board of Directors is obliged to reconsider a recent decision or action / inaction by ICANN's Board or staff, including:

- Expanding the scope of permissible requests
- Extending the time period for filing a Request for Reconsideration from 15 - 30 Days
- Narrowing grounds for summary dismissal
- Making ICANN Board of Directors responsible for determinations on all requests (rather than a committee handling staff issues)
- Making ICANN's Ombudsman responsible for initial substantive evaluation of the requests

The CCWG-Accountability also proposes several enhancements to transparency requirements and firm deadlines in issuing of determinations are also proposed, including:

- Recordings/transcripts of Board discussion should be posted
- Provision of a rebuttal opportunity to the Board Governance Committee's final recommendation
- Hard deadlines should be added to the process, including an affirmative goal that final determinations of the Board be issued within 60 days from request filing wherever possible, and in no case more than 120 days from the date of the request.

ICANN's Document and Information Disclosure Policy will be addressed in Work Stream 2. The CCWG-Accountability recommends that the policy should be improved to accommodate the legitimate need for requesters to obtain internal ICANN documents that are relevant to their requests.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 9

Incorporation of the Affirmation Of Commitments

Based on stress test analysis, the CCWG-Accountability recommends incorporating the reviews specified in the Affirmation of Commitments, a 2009 bilateral agreement between ICANN and the NTIA, in ICANN's Bylaws. This will ensure that Community Reviews remain a central aspect of ICANN's accountability and transparency framework.

Specifically, the CCWG-Accountability proposes to:

o Add the relevant ICANN commitments from the Affirmation of Commitments to ICANN Bylaws.

o Add the four review processes specified in the Affirmation of Commitments to ICANN Bylaws. Including:

- Ensuring accountability, transparency and the interests of global Internet users
- Enforcing its existing policy relating to WHOIS, subject to applicable laws
- Preserving security, stability and resiliency of the Domain Name System
- Promoting competition, consumer trust, and consumer choice

In addition, to support the common goal of improving the efficiency and effectiveness of Reviews, ICANN will publish operational standards to be used as guidance by community, staff and Board in conducting future Reviews. The community will review these operational standards on an ongoing basis to ensure that they continue to meet community's needs.

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.

◯ No, I do not support this recommendation.

Comment

Recommendation 10

Enhancing the Accountability of Supporting Organizations and Advisory Committees

The CCWG-Accountability recommends addressing the accountability of Supporting Organizations and Advisory Committees in a two-stage approach:

- In Work Stream 1: Include the review of Supporting Organization and Advisory Committee accountability mechanisms in the independent structural reviews performed on a regular basis.
- In Work Stream 2: Include the subject of Supporting Organization and Advisory Committee accountability as part of the work on the Accountability and Transparency Review process.

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.

○ No, I do not support this recommendation.

Comment

Recommendation 11

Board obligations regarding Governmental Advisory Committee Advice (Stress Test 18)

Currently, Governmental Advisory Committee advice to the ICANN Board has special status as described in the ICANN Bylaws Article XI, Section 2:

j. 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. 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.

Stress test 18 considers a scenario where ICANN's Governmental Advisory Committee would amend their operating procedures to change from consensus decisions (no objections) to majority voting for advice to the ICANN Board. Since the Board must seek a mutually acceptable solution if it rejects Governmental Advisory Committee advice, concerns were raised that the ICANN Board could be forced to arbitrate among sovereign governments if they were divided in their support for the Governmental Advisory Committee advice on public policy matters. In addition, if the Governmental Advisory Committee lowered its decision threshold while also participating in the new Empowered Community, some stakeholders believe that this could increase government influence over ICANN.

In order to mitigate these concerns the CCWG-Accountability is recommending changes be made to the ICANN Bylaws relating to Governmental Advisory Committee advice, as described in the following Detailed Recommendations.

The CCWG-Accountability recommends that the following changes be made to the ICANN Bylaws Article XI, Section 2:

j. 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 Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection, may only be rejected by a vote of two-thirds 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.

The Governmental Advisory Committee has the autonomy to refine its Operating Procedures to specify how objections are raised and considered (for example, disallowing a single country to continue an objection on the same issue if no other countries will join in an objection). When transmitting consensus advice to the Board for which the Governmental Advisory Committee seeks to receive special consideration, the Governmental Advisory Committee has the obligation to confirm the lack of any formal objection.

Notes:

- Insert a mention for all Advisory Committees: "The Advisory Committee will make every effort to ensure that the advice provided is clear and supported by a rationale."
- The language proposed in recommendations for ICANN Bylaw revisions are conceptual in nature at this stage. The CCWG-Accountability's external legal counsel and the ICANN legal team will draft final language for these revisions to the Articles of Incorporation and Bylaws (Fundamental/Standard Bylaws)

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)

◯ Yes, I support this recommendation.

◯ No, I do not support this recommendation.

Comment

Recommendation 12

Committing To Further Accountability Work In Work Stream 2

The CCWG-Accountability Work Stream 2 is focused on addressing those accountability topics for which a timeline for developing solutions may extend beyond the IANA Stewardship Transition.

As part of Work Stream 2, the CCWG-Accountability proposes that further enhancements be made to a number of designated mechanisms:

- Improving ICANN's transparency with a focus on:

  - Enhancements to ICANN's existing Documentary Information Disclosure policies
  - Transparency of ICANN's interactions with governments
  - Improvements to the existing Whistleblower policy
  - Access rights to ICANN documents

- Considering improvements to ICANN's standards for diversity at all levels
- Addressing jurisdiction related questions, namely: Can ICANN's accountability be enhanced depending on the laws applicable to its actions?" The CCWG-Accountability anticipates focusing on the question of applicable law for contracts and dispute settlements
- Developing and clarifying a Framework of Interpretation for ICANN's Human Rights commitment and proposed Draft Bylaw
- Considering enhancements to the Ombudsman's role and function

The CCWG-Accountability expects to begin refining the scope of Work Stream 2 during the upcoming ICANN 55 Meeting in March 2016. It is intended that Work Stream 2 will be completed by end of 2016.

The community raised concerns that, post-Transition, there may be a lack of incentive for ICANN to implement the proposals arising out of Work Stream 2. To prevent this scenario, the CCWG-Accountability recommends that the ICANN Board adopt an interim Bylaw that would commit ICANN to implementing the CCWG-Accountability Work Stream 2 recommendations. In a letter dated 13 November 2015, the ICANN Board confirmed its intent to work with the ICANN community and to provide adequate support for work on these issues.

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.

○ No, I do not support this recommendation.

Comment

Additional Information

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

Thank You

Thank you for completing the CCWG-Accountability Survey. Completed responses will be saved in PDF format and will be posted to the Public Comments Forum within one business day.