**AFRALO Statement on the CCWG Report**

**30 Mai 2015**

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The AFRALO community members have received the report of Cross Community Working Group on enhancing the ICANN accountability (CCWG) put for public comment and present the following remarks on the report:

They want first to congratulate the CCWG for the huge amount of work undertaken in a short period of time. Nevertheless, they want to make the following comments:

* The creation of fundamental bylaws that require the consent of the community to be changed is a good approach and would enhance the accountability of ICANN board to the community. AFRALO members believe that the fundamental bylaws should include the fundamental standing issues such as the mission and the core values of the organization, excluding any functional or operational issue.
* While giving the community the power of recalling the whole board is an appropriate accountability mechanism, it should be the very extreme step to be taken. AFRALO members wish this would never happen. The majority of 75% proposed in the report for such decision looks acceptable.
* Recalling one or more board members without reason is an aberration in itself; Its impact would be that the Board directors will act in the interest of the SOs or ACs that appointed them rather than acting in the interest of the entire community ( ICANN as an organization). The AFRALO members believe that such a power shouldn’t exist in the CCWG recommendations.
* It shouldn’t exist also because the Board directors appointed by the NomCom would have a different recalling procedure that makes the whole members of ICANN board not having an equal treatment.
* AFRALO members appreciate the reinforcement of the Independent review Process, as well as the reconsideration mechanism proposed in the report.
* They do not see the unincorporated associations as a good means for SOs and ACs to exercise the powers included in the report because the practical application of the UA setup seem to be problematic and complicated. One of the problems is the fact that some of the community stakeholders may be unable and/or unwilling to become a UA, which means that they will not contribute to the community decision making process while exercising the proposed community powers. Also creating the UA may expose the SO/AC to legal issue as they may be sued within the California jurisdiction, which may harm the community members.
* Any other form of legal entity to represent the SOs and ACs wouldn’t be acceptable if it leads to suing those entities in courts.
* All the accountability mechanisms should avoid leading to courts as much as possible. In fact, the AFRALO members do not accept that ICANN affairs be managed by courts in whatever the jurisdiction is.
* The community group that will act on behalf of the respective community stakeholders to exercise the powers mentioned in the report should be as inclusive as possible. AFRALO members prefer equal footing for all SOs and ACs, but can live with the composition proposed in the report.

The AFRALO community members express their support to the CCWG and think that the report needs further work to find the best ways to empower the community using the right means and avoiding ICANN the risk of being weakened or losing its independence, its inclusiveness and its multi-stakeholder nature.