

## **NCSG Statement on ICANN Staff's Accountability Plan, 11 Aug 2014**

The NCSG appreciates this opportunity to provide feedback regarding the ICANN Staff's non-stakeholder led proposal for further work on "Enhancing Accountability" at ICANN.

A number of public comments and discussions in London focused on the inherent conflict of interest behind staff developing its own accountability and transparency mechanisms, so it was surprising to see that input had not been taken into account in the development of this proposal. NCSG notes its disappointment with the staff having skipped the step of providing a synthesis of the community feedback received from the ICANN public comments forum and the London accountability discussions. Over a month ago, staff assured it was working on this during GNSO Council and SO/AC leadership calls since the London meeting; normally, staff can produce a synthesis of a comment period within a week, so we are at a loss to explain this delay.

NCSG reiterates its request to see the synthesis of public input upon which staff relied in the formulation of its accountability proposal. It is impossible to know where the components of staff's proposal come from and on what basis they are called for, without being privy to staff's assessment of the public input on the subject. It is difficult to find those elements in the written comments to effectively evaluate the proposal.

At a time when the world is indeed watching ICANN to discern if it can be trusted without NTIA oversight of its global governance functions, and is particularly interested in the formulation of a proposal for resolving ICANN's accountability crisis; to skip the step of providing the rationale for staff's proposal, including its basis in the community's stakeholder comments, seems imprudent at best. From its inception, the community should have been engaged in the formulation of the proposal, not pressured into signing-off on a staff proposal at the 11th hour. This is an example of top-down policymaking, which runs counter to ICANN's bottom-up methodology and may inspire mistrust on the part of the stakeholders.

Regarding the substance of the staff proposal, the NCSG does not support it as currently drafted. Of particular concern is the proposed Community Coordination Group (CCG), which would prioritize issues identified by the community and build solutions for those issues. As proposed by staff, this group is too heavily controlled by the ICANN board and staff and as such it replicates the problem of ICANN's accountability structures being circular and lacking independence.

We reiterate that given the overwhelming number of public comments submitted supporting the need for an independent accountability mechanisms, it is unclear on what basis ICANN staff proposed a solution in which the ICANN board and staff would fill a large number of the seats on the CCG. It is also unclear on what basis staff thinks board-picked advisors should have an equal voice as representatives of community members. Outside experts are welcome and can

provide valuable input, but they should be selected by and report to the community not the board or staff, for independent accountability to be achieved.

An advisor's role must be clarified as an informational role, as only representatives of stakeholder interests in a bottom-up process hold decision making roles. It is also necessary that the role of any ICANN board or staff on this CCG serve in a non-decision making, support or liaison function. For the CCG to have legitimacy as a participatory form of democracy, the decision-making members must consist of stakeholders, not the ICANN board and staff. The make-up, roles and responsibilities of the members of the proposed CCG must be reformulated in a more bottom-up fashion by the community for this proposal to be acceptable.