For an ICANN
accountable, diverse, open, transparence, multistakeholder and who gives confidence

Without involving US justice
in the relationship between ICANN groups[1]

I would like to bring to the discussion, my **own** view from the user perspective by an Internet end user of the Internet.

The original version of this text is in French – the English translation os by the author.

To make it clear (transparent), I wish to inform the readers of my involvement (past and present) in and around ICANN

- Starting to follow ICANN activities: 2001 as business users voice (France).
- Elected Chair of the French Chapter of the Internet Society in 2004 and participated to the creation of EURALO in 2007. Member of ALAC 2007 – 2010.
- Member of the ICANN Board selected by At-Large: 2010-2014.
- Member of the Board of Directors of IFFOR: 2011-2014.
- Member of the Board of AFNIC, selected by the user committee (2013-2016).
- Accountability-CCWG member appointed by EURALO / At Large.

1. Accountability for all

Board Accountability is absolutely essential.

But it can not be overlooked by organizations (SO, AC, Ralo ...) which are not themselves accountable.

These organizations must put their accountability as a mandatory piece of their operation vis-a-vis their members and other components of ICANN.

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[1] Board, SO, AC, SHG, « Constituencies », RALOs ...

2. The trust is paramount … for all

To be clear and direct, I do not support any solutions that require the creation of structures (AU or others) complementary to existing organizations.

For several reasons
- **Inequality**: Some organizations may not / will not want to set up such structures.
- **Complexity**: this adds a layer to the already complex ICANN system.
- **Legalistic**: favoring recourse to the courts to resolve disputes that could be settled by other means (consensus-building, mediation and eventually using the independent review process - IRP).

Confidence should / must be the cornerstone of the accountability system.

But if that is not enough, the objective being that the representatives of the "Community" access to certain powers - the five currently proposed powers (see discussion of these power later in the document) - must be integrated in the articles of ICANN bylaws' before the transition.
So start by defining in detail the composition, selection and operation of the structure that will represent the "Community" and the changes needed to the bylaws that it receives the credentials that will ultimately wanted.

And if in the context of these new bylaws, a significant disagreement between the Board and the "Community" existed, a Reconsideration will be triggered and eventually the independent review process - IRP.

Trust, looking for consensus and transparency must be the key processes involving the 'Community' and the Board of Directors. Replace with a legalistic solution can only undermine the strategic objectives of the organization and the spirit in which volunteers are involved - particularly the end users.

3. Open to all

The organization has made great progress in this area, since the arrival of Fadi Chehadé. We must continue those efforts.
The implementation of the new ICANN meetings' strategy in 2016 should allow the improve of
- the functioning of meetings,
- intra and inter works
- unscheduled exchanges
- diversity of the countries visited and thus
- the openness, of ICANN and its work to everyone.

We will need continuing improvement to welcome new participants and ensure that they can take find a seat, including responsibility, in the organization.

4. Multi-stakeholder for all and by all

Continue giving the opportunity to all to find its place in the multi-stakeholder ICANN system is essential to enable both a transition of the IANA function to the multi-stakeholder community and an accountability of existing structures and future ICANN.

This requires allow some flexibility to change the current structure by modifying or creating SO, AC, SHG, Constituencies or other grouping of individuals and / or entities.
This is not an issue addressed in this report but it should be a point taken into account in future work of the working group (workstream 2)
- Who can create a new structure?
- How?
- With the agreement of who?
- ...

At the same time, the structure of ICANN by player should not be the only form of organization, possibility of exchange and building positions.
From this perspective, AFRALO by organizing and coordinating at each global ICANN meeting, a meeting of all the participants from Africa (AfrICANN) shows an example for other regions.
In another way, Women DNS does too.
The expression by player, by region, by language ... should be encouraged. This requires (and will) to better take into account the diversity, or rather the **diversities**.

5. Diversity an absolute need

Improving the diversity in all its aspects and at all levels should be a constant objective of ICANN.
This should be taken into account, including in the current proposals of the working group on accountability (workstream 1) - but also in the proposals of the working group on IANA transition of the NTIA stewardship.
In each proposal we need to have at least one representative per region and if there are more than 5 members, other seats should be divided equally between some regions.
But this is not enough.
The inclusion of diversity must be multidimensional
- Region
- Culture
- Gender
- Age
- ...
- And of course by player.

To improve diversity, ICANN could learn from the example of Amadeus (Global Distribution System for travel - GDS). At its creation by four airlines (Air France, Lufthansa, Iberia, SAS), they divided among themselves the most important functions. The headquarters is in Spain, the President is Finnish, the development center is in France, and the data center is in Germany.

For ICANN, we could imagine (dream;)):
- The Headquarter in the USA
- The President - CEO (if the two functions remain together) would be from Europe *
- The Chair of the Board of Directors would be from Latin America *
- The Vice President of the Board would be from Africa *
- The Chair of the Board of PTI would be from Asia Pacific *
- …
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- These regions are, of course, interchangeable.
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6. The five powers

1) Reconsider/reject budget or strategy/operating plans

a) My only comment to this power is that it must compatible with the budget development planning (or strategic and operational plans). I would prefer a solution where consensus building is done during the development of these documents, before the discussions and the decisions of the Board of Directors.

b) Avoiding adding rigidity to the functioning of ICANN.

c) A solution for a better community participation in budget debates (and accounts) would be, for example, to publish all financial data of the organization in **open data**.

2) Reconsider / Reject changes to ICANN « standard » Bylaws
3) Approve changes to « Fundamental » Bylaws

a) The articles of association of ICANN should be divided into 3 parts
   - i) The Fundamental articles
   - ii) The Basic articles and
   - iii) The articles that should go into an operational document

b) If we take the distinctions of the International Olympic Committee
   - i) The Fundamental principles
   - ii) The Bylaws
   - iii) The Rules

c) The validation modes will be
   - i) Fundamentals: A priori by the community
   - ii) Bylaws: A posteriori by the community
   - iii) Rules: A direct agreement between the Board, the staff and the AC or SO concerned

4) Removing individual ICANN Directors
5) Recalling the entire ICANN Board

a) Each year five members of the Board are elected for 3 years. I really struggle to understand why you want to replace them before the end of this term of 3 years. This may allow the takeover by a small group.

  i) So before trying to find a solution to replace members of the Board outside of regular elections, perhaps could we fix an **open, transparent and understandable to all ... for all elections** to the Board?

  ii) The establishment of an **Election Office** (of all elections within ICANN) would be a first step.

b) I am, therefore, opposed to the current proposals on the replacement of members of the Board of Directors.

  i) Removing a member of the Board, by its electoral group, due to disagreement, contradicts its independence.

  ii) Recalling the whole Board
    (1) Either the process will be too complex and will never be used but part of the time of the participants and staff will distracted instead of advancing work related to the functions of ICANN.
    (2) Either it will be so difficult for ICANN (the whole organization) that this will be his death and a transfer to an intergovernmental structure (what we do not want).

c) **Alternative proposal**

  i) During a given year the community will be able to recall up to **7 members of the Board of Directors**.

  ii) The proposed 7 allows to retain 9 members who then can stay in charge of the day-to-day business until the election of seven new members.

  iii) With the annual election of 5 members, that makes up to 12 members who can be changed each year.

7. Additional comments and conclusions

All the above leads me to the following comments:

- **Complexity**
  the proposals of cwg - IANA Stewardship Transition complemented by those of CCWG - Accountability are too complex.
  - *Not to mention the proposals that will come from the IANA Stewardship Transition Coordination Group - ICG.*
  o Especially if one takes into account the new structures that are proposed and whose members will be selected from participants in the work of ICANN.
  o How many structures and how many members?
    - PTI - Post Transition IANA   (3 to 5 members)
    - CSC - Consumer Standing Committee (4 memb + x + 1 liaison)
    - IFRT - IANA Function Review Team (11 members + 1 liaison)
    - SCWG - Separation CCWG   (12 members + 2/4 liais)
    - The "Community"   (29 members)
- There should be a clear objective to **ban on holding more than one office**/mandate.
- So we need to find for all those structures over 60 people with the necessary expertise and diversity.

- **Elections**
  o Whatever the existing or new structures, we must establish an **Election Office** in charge of taking into account
    - An open and transparent process
    - The bylaws
    - The Diversity(ies)
    - The NO holding more than one office/mandate (at a given time and / or with time limit on re-election periods).
    - …

- **Systemic View**
  o To ensure an acceptable, understandable and implementable final result, it is mandatory to take into account a systemic view of
    - The ICANN organization
    - It's reviews by
      - Structures
      - Topics
    - The Proposals
      - From cwg - IANA Stewardship Transition
      - The ccwg - Accountability
      - The IANA Stewardship Transition Coordination Group (ICG)

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