

DRAFT
Proposed NCSG Statement on ICANN Staff's Accountability Plan v.01

The NCSG appreciates this opportunity to provide feedback regarding the ICANN staff's proposed plan for "Enhancing Accountability" at ICANN.

NCSG notes its disappointment, however, 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. Staff had stated it was working on this during GNSO Council and SO/AC leadership calls since the London meeting, and that was over a month ago; normally, staff can produce a synthesis of a comment period with 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. 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 intellectual justification for staff's proposal seems imprudent at best. From its inception, the community should have been engaged in the formulation of the proposal on the table, 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 engenders mistrust. A number of public comments and discussions in London focused on the inherent conflict of interest behind staff developing its own accountability mechanisms, so it was disappointing to see that input had not been taken into account by staff in the development of this proposal.

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, 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. 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. And advisors' role must be clarified as an informational role, rather than a decision making role that representatives of stakeholder interests would hold in a bottom-up process. 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.