

The Registrar Stakeholder Group (RrSG) appreciates the opportunity to provide a comment on the [Proposed Bylaws Updates to Limit Access to Accountability Mechanisms](#). We thank ICANN org for their work in drafting these guidelines at the request of the ICANN Board.

The RrSG has reviewed the proposed bylaw amendment which would limit ICANN's Reconsideration Request and Independent Review Process ("Accountability Mechanisms") in cases where a Cross-Community Working Group (CCWG) with the requisite SO/AC involvement recommends limiting or restricting one or more Accountability Mechanism(s). We understand that this proposed update is in reaction to the CCWG on Auction Proceeds' Recommendation 7 which recommends that, via bylaw amendment, applicants to ICANN's grant program are prevented from using Accountability Mechanisms to challenge a decision from the Independent Project Applications Evaluation Panel to approve or not approve an application. The Board has proposed the current broader bylaw amendment in order to eliminate the need for an additional, subsequent Fundamental Bylaws Amendment process that would implement the same recommendation already deliberated and made by a CCWG. The RrSG does not agree with this proposal.

Robust Accountability Mechanisms are a lynchpin of ICANN's broader accountability structure. They should only be disallowed, if ever, in very specific circumstances, and as a result of the full bylaw amendment process. The proposed bylaws amendment vests CCWGs with the power to disallow Accountability Mechanisms which we believe is inappropriate. The rules around CCWGs are not well-defined (and certainly less defined than GNSO PDPs) and their work may not always be closely monitored by their chartering organizations. Therefore they should not have the power to disallow Accountability Mechanisms unless, as is the case with Recommendation 7, such recommendations are coupled with a formal bylaw amendment. Even then, they should be afforded close scrutiny by the ICANN Community.

We also note that this Recommendation 7 is the first instance in ICANN history in which the Community has recommended disallowing an Accountability Mechanism, so we do not anticipate that this will be a common occurrence going forward. Accordingly, we don't believe the broader amendment will necessarily save future time and effort.

The RrSG recommends that the Board follow the plain language of Recommendation 7 and propose the narrow bylaw amendment envisioned therein. This will give the Community the opportunity to properly analyze the work of the CCWG and determine whether this narrow bylaw amendment is acceptable.