At-Large Workspace: Recommendations to Improve SO/AC Accountability

Public Comment Close	Statement Name	Status	Assignee(s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
26 May 2017	Recommendations to Improve SO/AC Accountability	ADOPTED 11Y, 1N, 0A	Alan Greenberg	23 May 2017	26 May 2017	26 May 2017	01 June 2017	26 May 2017	Patrick Dodson patrick.dodson@icann.org	AL-ALAC-ST-0517-06-01-EN

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- Comments Forum

Brief Overview

Purpose: This public comment proceeding seeks community input on the CCWG-Accountability Work Stream 2 (WS2) draft recommendations to Improve SO/AC Accountability. These draft recommendations were developed by the CCWG-Accountability as required by Annex 12 of the final report of the Cross Community Working Group on Enhancing ICANN Accountability, Work Stream 1 (CCWG-Accountability, WS1).

Current Status: The CCWG-Accountability reviewed these draft recommendations at its 29 March 2017 plenary meeting and approved their publication to gather public comments.

Note: A minority of CCWG members prefer that the optional annual Accountability Roundtable discussion described on page 32 be expanded to include "mutual" accountability, where each SO/AC is held accountable to the other SO/ACs.

Next Steps: Following the public comment period the inputs will be analyzed by the CCWG-Accountability WS2 who will consider amending its recommendations in light of the comments received and will publish a report on the results of the public consultation. If significant changes are required as a result of the public consultation the CCWG-Accountability WS2 may opt to have a second public consultation on the amended recommendations. If there are no significant changes required, the CCWG-Accountability WS2 will forward the final recommendations on improving ICANN's Transparency to its Chartering Organizations for approval and then to the ICANN Board for consideration and adoption.

Section I: Description, Explanation, and Purpose

This WS2 project obtains its mandate and scope from ICANN bylaws and the CCWG-Accountability, WS1 Final report. ICANN's new bylaws reflect the CCWG Supplemental Final Proposal1 on Work Stream 2 (WS2):

> *Section 27.1. WORK STREAM 2, (b) The CCWG-Accountability recommended in its Supplemental Final Proposal on Work Stream 1 Recommendations to the Board, dated 23 February 2016 ("CCWG-Accountability Final Report") that the below matters be reviewed and developed following the adoption date of these Bylaws ("Work Stream 2 Matters"), in each case, to the extent set forth in the CCWG-Accountability Final Report:*
>
>> *(iii) Supporting Organization and Advisory Committee accountability, including but not limited to improved processes for accountability, transparency, and participation that are helpful to prevent capture;2*

This Bylaws mandate for this project specifically mention capture, a concern raised by NTIA in Stress Tests 32-34, regarding internal capture by a subset of SO/AC members, and concern that incumbent members might exclude new entrants to an SO/AC.

This WS2 project was described in greater detail in the CCWG Final Proposal, Recommendation 123:

> *Supporting Organizations and Advisory Committee accountability, as part of WS2.*

- Include the subject of SO and AC accountability as part of the work on the Accountability and Transparency Review process.
- Evaluate the proposed "Mutual Accountability Roundtable" to assess viability.
- Propose a detailed working plan on enhancing SO and AC accountability as part of WS2.
- Assess whether the IRP would also be applicable to SO and AC activities.

The recommendations presented in this report address all these requirements.

As part of its standard processes the CCWG-Accountability will seek public input on all its proposed recommendations.

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1 CCWG Final Proposal, 23-Feb-2016, at https://community.icann.org/pages/viewpage.action?pageId=58723827

2 ICANN Bylaws, 27-May-2016, p. 135, https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf [PDF, 1.42 MB]

3 Annex 12 of CCWG Final Report, 23-Feb-2016, pp. 5-6, at https://community.icann.org/pages/viewpage.action?pageId=58723827&preview=/58723827/58726378/Annex%2012%20-%20FINAL-Revised.pdf [PDF, 242 KB]

Section II: Background

To address the requirements from Annex 12 of the CCWG-Accountability WS2 Final Report with respect to SO/AC Accountability the sub-group separated its work into 3 tracks:

1. Review and develop recommendations to improve SO/AC processes for accountability, transparency, and participation that are helpful to prevent capture.
2. Evaluate the proposed "Mutual Accountability Roundtable" to assess its viability and, if viable, undertake the necessary actions to implement it.
3. Assess whether the Independent Review Process (IRP) should be applied to SO/ACactivities.

To support this work the CCWG-Accountability WS2 solicited input and documentation from each SO and AC (and from Group constituencies and stakeholders groups) in order to review and assess existing mechanisms for accountability, transparency, and participation.

The draft report reflects several months of research and deliberation, starting with exploration of whom ICANN's SO/ACs are accountable to. Track 1 recommendations present 25 best practice recommendations for the SO & ACs to consider implementing in the areas of Accountability, Transparency, Participation, Outreach and Updates to Policies and Procedures. Track 2 recommendations include not implementing the Mutual Accountability Roundtable (where a minority of CCWG-Accountability WS2 members disagreed with this) while Track 3 concludes that the IRP should not be made applicable to activities of SO & ACs.

Section III: Relevant Resources

- CCWG-Accountability Work Stream 2 – Draft Recommendations to Improve ICANN's Transparency [PDF, 838 KB]

Section IV: Additional Information

- CCWG-Accountability Work Stream 2 – SO/AC Accountability Subgroup Workspace
- CCWG-Accountability Charter
- CCWG-Accountability Work Stream 1 – Final Recommendations Annex 12

Section V: Reports

Staff Contact

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FINAL VERSION TO BE SUBMITTED IF RATIFIED

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.

AL-ALAC-ST-0517-06-01-EN.pdf

Sebastien Bachollet's reason for voting against the Statement:

As I am the only one to vote against the ALAC Statement on the Recommendations to Improve SO/AC Accountability, I will try to explain why.

Firstly, I don't think we have had a real exchange in any ALAC call about this statement.

Secondly, I totally support #1 even if I don't quite support the concept of "best practices" in this case. A good practice for one may not be a good practice for another. I support all the exchanges on good practices.

Thirdly, I do support the need to have some cross SO/AC accountability and a place to exchange views about accountability matters, about all the best practices and the possibility to share them.

Fourthly, as there is no forum to have (as it was requested at ATLAS 2) a systematic review of the organization (of the whole of ICANN) I consider that asking the ATRT to review the "best" practices, of all the ICANN structures, could be a good way to start.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

The ALAC supports the general direction of the recommendations, but does offer the following specific comments.

1. The "best practices", one by one, each make sense. However, together the ALAC has concerns about the impact on groups remembering that these are all volunteers with often relatively minimal staff support. Accountability is important, but a fully accountable group that does nothing other than be accountable has no value within ICANN.
2. The ALAC supported the original position of the SOAC-Accountability Working Group to not pursue the accountability roundtable. That was overruled by the CCWG. As currently proposed there is a high likelihood that it will become a meaningless exercise taking up valuable time at ICANN meetings with little benefit. That notwithstanding, if the decision is made that it should be kept, further thought needs to be given to exactly what it will do and what its aims are.
3. The ALAC does not support the explicit incorporation of AC/SO best practices reviews into the ATRT scope. The periodic organizational reviews are a more appropriate opportunity to do such reviews. If a future ATRT chooses to do such a review, it is already wholly within its scope and prerogative.

FIRST DRAFT SUBMITTED

The first draft submitted will be placed here before the call for comments begins.

The ALAC supports the general direction of the recommendations, but does offer the following specific comments.

1. The "best practices", one by one, each make sense. However, together the ALAC has concerns about the impact on groups remembering that these are all volunteers with often relatively minimal staff support. Accountability is important, but a fully accountable group that does or nothing other than be accountable has no value within ICANN.
2. The ALAC supported the original position of the SOAC-Accountability Working Group to not pursue the accountability roundtable. That was overruled by the CCWG. As currently proposed there is a high likelihood that it will become a meaningless exercise taking up valuable time at ICANN meetings with little benefit. That notwithstanding, if the decision is made that it should be kept needs to be further thought given to exactly what it will do and what its aims are.
3. The ALAC does not support the explicit incorporation of AC/SO best practices reviews into the ATRT scope. The regular organizational reviews are an appropriate opportunity to do such reviews and the ATRTs should not be burdened with this responsibility. If a future ATRT chooses to do such a review, it is already wholly within its scope and prerogative.