



18 May 2017

Subject: SAC093: SSAC Comments on the Draft Recommendations of the CCWG-Accountability-WS2 on SO/AC Accountability

On 14 April 2017, the Internet Corporation for Assigned Names and Numbers (ICANN) opened a public comment forum to obtain input on the Cross Community Working Group (CCWG)-Accountability Work Stream 2 draft recommendations to Improve Supporting Organization/Advisory Committee (SO/AC) Accountability.¹

The SSAC thanks the CCWG for this opportunity to provide input. Per its Charter,² the Security and Stability Advisory Committee (SSAC) focuses on matters relating to the security and integrity of the Internet's naming and address allocation systems. This includes operational matters (e.g., pertaining to the correct and reliable operation of the root zone publication system), administrative matters (e.g., pertaining to address allocation and Internet number assignment), and registration matters (e.g., pertaining to registry and registrar services). The SSAC engages in threat assessment and risk analysis of the Internet naming and address allocation services to assess where the principal threats to stability and security lie, and advises the ICANN community accordingly. The SSAC has no authority to regulate, enforce, or adjudicate.

Patrik Fältström
SSAC Chair

Attachment 1

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¹ See <https://www.icann.org/public-comments/soac-accountability-2017-04-14-en>

² See <https://www.icann.org/groups/ssac/charter>.

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1. The SSAC wishes to thank the Supporting Organization/Advisory Committee (SO/AC) Accountability Sub-Group for its enormous effort over a significant period of time and for this excellent report.

2. The introductory paragraphs of the SO/AC Accountability Report state as background that:

“The SO/AC Accountability project for Work Stream 2 had its genesis at an early stage of the CCWG- Accountability track, when SO/AC representatives insisted on new powers to hold the ICANN corporation accountable to the global internet community. ICANN board members and staff then asked, ‘What about SO/AC accountability?’, and as one of the independent experts asked, ‘Who watches the watchers?’”

and

“...the CCWG-Accountability reached quick consensus: each AC and SO is accountable to the segment of the global internet community that each SO/AC was designated to represent in the ICANN Bylaws. “

3. In the context of these recommendations on SO/AC Accountability, it is relevant to note that:

- The SSAC has chosen to not exercise any of the new powers and will not participate as a decisional member of the Empowered Community.
- SSAC members are “appointed by the [ICANN] board” to “advise the ICANN community and Board on matters relating to the security and integrity of the Internet’s naming and address allocation systems.”³
- While noting that the SSAC is ultimately accountable to the Board, the SSAC considers its designated community to be comprised of the individuals appointed by the Board to be SSAC members.

4. The SO/AC Accountability Report notes that the CCWG-Accountability WS2 only looked at SO/AC accountability within the scope of ICANN activities. In the context of that report and in these comments, the term “Groups” refers only to constituencies or stakeholder groups within the SO/ACs.

Track 1. Review and develop recommendations to improve SO and AC processes for accountability, transparency, and participation that are helpful to prevent capture.

5. The SSAC notes the Summary of Best Practice Recommendations for Accountability, Transparency, and Participation within SO/AC/Groups and agrees that it

³ See ICANN bylaws, <https://www.icann.org/resources/pages/governance/bylaws-en>

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would be beneficial to determine and implement those best practices which are applicable to SSAC's structure and purpose.

6. However, the SSAC does not believe it is appropriate to incorporate into the scope of future Accountability and Transparency Reviews (ATRTs) a review of the extent to which SO/AC/Groups have implemented best practices in the areas of accountability, transparency, participation, and outreach. The scope of ATRTs is already extensive and it would be more appropriate to incorporate such a review into the 5-yearly independent organizational reviews required by ICANN bylaws Section 4.4.⁴ Such inclusion does not warrant a change to ICANN's bylaws and could simply be added by ICANN staff to documented procedures for accountability and transparency reviews.

Track 2. Evaluate the proposed “Mutual Accountability Roundtable” to assess its viability and, if viable, undertake the necessary actions to implement it.

7. The report recognizes that a “Mutual Accountability Roundtable”, one in which SO/ACs are accountable to each other, is inappropriate. It nevertheless proposes a very formal approach to an “Accountability Roundtable” involving a 90 minute Public Session at an ICANN AGM Meeting, open to all SO/AC/Group chairs, and joined by the ICANN CEO and Board Chair, subject to the agreement of a majority of SO/AC chairs. The SSAC considers that a more informal approach should be adopted, which involves the exchange of views, experiences and best practices during the course of regularly scheduled meetings between SO/AC chairs only.

Track 3. Assess whether the Independent Review Process (IRP) should be applied to SO/AC activities.

8. The SSAC agrees that the IRP should not be made applicable to activities of SO/AC/Groups.

⁴ See ICANN bylaws, Section 4.4, <https://www.icann.org/resources/pages/governance/bylaws-en>