

SO/AC Accountability

During the first public comment period on the draft document built by the CCWG, several comments addressed SO/AC accountability and how the proposed mechanisms, so far, centered their impact only in ICANN's Board of Directors.

As new institutional arrangements increase community powers in ICANN, legitimate concerns arise regarding the accountability of the community (organized as SOs and ACs) in enacting those power. In other words, "Who watches the watchers?"

In response to these concerns, the CCWG established WP3 to address these issues in greater depth. On the matter of SO/AC accountability, WP3 divided its work into the following steps:

1. Identify the existing accountability mechanisms in place for SO/ACs.
2. Review existing mechanisms in order to assess whether and how they address the concerns expressed by the community during the first public comment period.
3. Build a list of steps to enhance SO/AC accountability that should be taken respectively in WS1 and WS2.

The reviewed documents were:

1. [ICANN bylaws](#)
2. [The Affirmation of Commitments](#)
3. [ATRT 1 recommendations](#) and [ATRT 2 recommendations](#)
4. Operational rules and procedures of the various SOs/ACs

A first review of existing ICANN documentation shows that there is almost no provisions that oblige SO/ACs to be held accountable to their constituents or the larger internet community with regards to their actions, decisions or advice.

An inventory of existing accountability mechanisms shows that documents reviewed include the following mechanisms:

Affirmation of commitments.-

The AoC includes some key commitments that while oriented to ICANN as an organization, they should also be seen as applicable to the SO/ACs that form the wider ICANN organizational structure as defined in its bylaws.

The identified mechanisms or criteria by which SO/ACs should conduct their work in relation to the DNS are:

- a) AoC paragraph 3.
- b) AoC paragraph 9.

ATRT

No direct recommendations with regards to SO/AC transparency or accountability have been made by the ATRT.

Bylaws

ICANN bylaws state that each SO/AC shall establish its own charter and procedural documents. Further research needs to be done at SO/AC level to verify existing accountability mechanisms put in place for each SO/AC.

It is also important to review whether SO/ACs should be added to specific sections in the bylaws as subject to provisions applicable to ICANN as a corporation. For example, it should be reviewed and discussed if Core Values should be applicable not only to the corporation's actions but also to the SO/ACs activities.

Recommendations

Having reviewed and inventoried the existing mechanisms related to SO/AC accountability, it is clear that current documents do not adequately address the concerns raised by the larger community on this issue. Therefore, the WP3 suggests that the CCWG takes the following actions:

1. Amend its current draft document and include in its next proposal the commitment to have the periodical structural reviews to perform a SO/AC complete review of their existing accountability mechanisms. These reviews should include consideration on the mechanisms that each SO/AC, as the case may be, has in place to be accountable to their respective Constituencies, Stakeholder Groups, RALOs, etc.
2. The subject of SO/AC accountability should be included in the purview of the ATRT process as part of WS2 working plan.
3. Include the evaluation of the proposed "Mutual Accountability Roundtable" as part of the WS2 work in order to assess its viability and if viable, undertake the necessary actions to implement it.
4. Establish a commitment to carry a detailed working plan on enhancing SO/AC accountability as part of WS2.
5. Review its current proposal in order to assess whether the IRP would also be applicable to SO/ACs activities as well.