

Staff Accountability

During the first public comment period on the draft document built by the CCWG, there were several comments with regards to ICANN staff accountability and how the proposed mechanisms, so far, centered their impact only in ICANN's Board of Directors.

The comment made by CENTR recommends that an "accountability literacy, culture and attitude" is created by establishing training and audit programs for ICANN staff in order to have staff be accountable on their day-to-day actions.

In general, management and staff should be accountable to working for the benefit of the Internet community and in line with ICANN's purpose and mission. While it is obvious that they report to the Board (the President & CEO) or the President & CEO (management & staff), the purpose of their accountability is the same as that of the Organization:

- Complying with ICANN's rules and processes;
- Comply with applicable legislation;
- Achieve certain levels of performance as well as security;
- Make their decisions for the benefit of the public and not in the interest of a particular stakeholder or set of stakeholders or ICANN the organization alone.

After considering the comments received by the community, the CCWG established WP3 to propose ways to address the concerns raised during the first public comment period.

As a result of this work, WP3 divided its work into the following steps:

1. Identify the existing accountability mechanisms in place applicable to ICANN staff.
2. Review existing mechanisms in order to assess if they address the concerns expressed by the community during the first public comment period.
3. Build a list of activities that should be taken in both WS1 and WS2.

The reviewed documents were:

1. [ICANN bylaws](#)
2. [The Affirmation of Commitments](#)
3. [ATRTR 1 recommendations](#) and [ATRTR 2 recommendations](#)

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

Also, the reviewed documentation shows that most, if not all, mechanisms currently in place are aimed at holding ICANN Board of Directors accountable but they do not refer to Staff as part of that accountability effort in a way that

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, are centered in commitments undertaken by the Board of Directors and not necessarily by Staff. Therefore, while recognizing that Staff is part of ICANN the Organization, there should be specific expectations and commitments established for Staff to be held accountable not only to the internal hierarchy of the Organization but also to those SO/ACs and the larger internet community to which their day-to-day actions should benefit.

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

- a) AoC paragraph 9.1 e)

ATRT

Although Staff is constantly referred to in the ATRT recommendations, there is no particular recommendation that relates directly to Staff accountability.

Bylaws

ICANN bylaws establish different mechanisms that subject Staff to be held accountable not only to the ICANN community but also to the larger community outside ICANN. The identified existing mechanisms are:

- a) Article IV, Section 2.2 a.
- b) Article IV, Section 2.3 f.
- c) Article V, Section 2.
- d) Article XIII, Section 4.

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

- a) Review its current document so in the next version the currently proposed mechanisms are also applicable to Staff action or inaction.
- b) Include a work plan as part of WS2 that considers the creation of a Code of Conduct, transparency criteria to be followed by Staff in relation to their

interactions with all stakeholders, establishment of regular independent (internal + community) surveys/audits to track progress and identify areas that need improvement, establish appropriate processes to escalate issues that enable both community and staff members to raise issues.

- c) Establish a commitment to carry a detailed working plan on enhancing Staff accountability as part of WS2.