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FARZANEH BADI: Welcome to the fourth meeting of the SOAC Accountability Subgroup. Today I'm going to do a brief on what we discussed the last meeting, and then we're going to discuss effectiveness.

If, Steve or Cheryl, if you don't have any other remarks, I'll start with Agenda Item #2.

STEVE DELBIANCO: Go ahead, Farzi. This is Steve. I'll be able to summarize the changes we made to the document since our last call when you let me know that it's time to do that.

FARZANEH BADI: Okay. In our last call, we discussed several things. One was our problem statements, which I have also put in the report and titled as Problem Statement so we are clear on what we are working on.

We also discussed whom the SOs and ACs are accountable to. There were several viewpoints, which we will capture. Then there were a couple of comments on the Mutual Accountability Roundtable as well, which we have captured in the document, but if you do not see it in the Google doc, feel free to comment and add suggestions to the MAR.

This was kind of like a brief of what we discussed during the last meeting. If anyone has any comments on that or would like to add anything to the agenda today – okay.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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No one. Okay. Great. Steve, I think you can go and we can discuss the changes you made to the document and the Table we provided. Thank you.

STEVE DELBIANCO:

Farzi, thank you. Farzi and I, as co-rapporteurs – Cheryl had been in recovery mode last week – made several specific changes to the group’s document in the past seven days. The first was to define the mandate and problem statement as headings for the parts of the report that we already had in there on pages 1 and 2.

We also, on the Mutual Accountability Roundtable, added in an entire page of comments from an e-mail that Kavouss had sent, and that’s parked into the Mutual Accountability Roundtable section. John Curran and Athena wanted to clarify that, for organizations such as the ASO, their mandate is to a whole group of stakeholders outside of ICANN, like the IETF, and therefore they wanted to be sure to articulate that, when one examines the accountability of a group like that it’s their accountability within the ICANN context that we are to look at. We’re not actually supposed to examine whether ASO is accountable to other groups outside of the context of what ICANN is doing with respect to numbers.

Then we added a [inaudible] table, which I constructed. I promised it at the end of the last call because I realized not everyone was very familiar with what the Affirmation of Commitments and the existing Bylaws have said for years about the organizational reviews that are conducted every fifth year and the ATRT. This looks at SO/AC accountability. So

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that Table is inserted in the document, and we also distributed it as a standalone, and I do hope that will be a topic of discussion for today.

The final change was that Farzi articulated four different tracks that we're working on. We're all familiar with this track on effectiveness and Mutual Accountability Roundtable, but Farzi also reminded us that we have a track on deciding whether the Independent Review Process would be applicable to SOs and ACs, as well as a work plan on enhancing accountability.

So that's the updates to the document. You all have a link to the doc. It's a Google Doc, where each of you can suggest changes when you see fit. Calls like this are a great opportunity to discuss the changes that came in.

Thank you, Farzi.

FARZANEH BADI: Thank you, Steve. Kavouss, your hand is up.

KAVOUSS ARASTEH: Good day to everybody. Still I am not sure. Is there any echo? I hear an echo. Do they have to call the [inaudible]?

FARZANEH BADI: Yes, Kavouss, we can hear an echo.

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KAVOUSS ARASTEH: I'm not having any microphone open, so where does the echo come from? Is it okay now?

FARZANEH BADII: I think it is better.

STEVE DELBIANCO: Yeah, it's okay now.

KAVOUSS ARASTEH: Okay. I still have serious difficulty with accountability of SOs and ACs. This came to Work Stream 1 from the mouth of someone. Everybody said, "Yes, yes," and then we're starting to discuss. What does it mean – accountability of an SO and AC? Accountability is for executive body with respect to the legislator or respect to the supervising body.

So what is the supervising body of any SO and AC to which the SO and AC should be accountable? We should really understand that. Thank you.

FARZANEH BADII: Okay. Thank you, Kavouss. Anyone have a response to Kavouss?

STEVE DELBIANCO: Farzi, it's Steve. The Table, Kavouss, that we circulated – the first column of the Table says, "The community represented and the role within ICANN." So each of the SOs and ACs were created by ICANN in

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our Bylaws, and in those Bylaws, it articulated who and SO and AC is comprised of and what their role is within ICANN.

I think that's a direct answer to your question of: who are the constituents that an SO and AC is designed to serve and to whom is it accountable? Thank you.

KAVOUSS ARASTEH: Can you tell me to whom that is accountable? I don't care about the Table. Can you tell me to whom GNSO is accountable?

STEVE DELBIANCO: Certainly. I can refer you to the second page of the Table. The GNSO is open to registries, registrars, commercial stakeholders, like the BC, the IPC, and the ISPC, and non-commercial stakeholders, and its role is to develop and recommend to the Board substantive policies relating to generic TLDs.

So the answer is, GNSO is accountable to registries, registries, commercial stakeholders, and non-commercial stakeholders. That's been in the Bylaws for I think going on 16 years.

KAVOUSS ARASTEH: [inaudible]. I don't understand that.

FARZANEH BADI: Thank you –

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KAVOUSS ARASTEH: I don't understand that.

FARZANEH BADI: [inaudible] you have a comment?

KAVOUSS ARASTEH: [inaudible] be maintained. Have you done during the last 16 years accountability of GNSO with respect to registry and registrar? [inaudible] exactly.

STEVE DELBIANCO: That's right, Kavouss. Every five years, all of the ACs and SOs, except yours – except the GAC – are required in the Bylaws to do a review. This is also described in the Table we circulated. It's Bylaw Section 4.4, where the Board has to cause an independent periodic review of each SO and AC except the GAC, which has to provide its own mechanism.

You'll see in the document where we've highlighted what that review looks like. Of course, the review looks at whether the SO and AC is accountable to its constituency stakeholder groups and other stakeholders.

So that accountability is looked at every five years by an independent review required in the Bylaws. The GNSO has been through it twice. When we get to that section of the agenda today, I think we'll see a robust discussion on how those reviews have gone and how we in our charter should attempt to, I think, improve those reviews so that the words like "effectiveness" and "accountable" get more definition.

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I know Alan's hand is up, so I certainly don't want to make this about Bylaws just between Kavouss and I.

FARZANEH BADII: Thank you, Steve. Alan?

ALAN GREENBERG: Thank you very much. Kavouss started by saying that accountability is to the executive body. Certainly that is not how we have been using it in the whole CCWG, that we've been looking at accountability of the executive body to the stakeholders, whoever the stakeholders are. In the case of ICANN, we have largely said it is the ACs and SOs that comprise ICANN.

I think we have an analog here, too; that whoever it is that's supposed to be comprising the AC or SO is indeed who we are accountable to. Now, it's a much more difficult group to identify, and, indeed, the actual people who care is typically a very small subset of the group that it represents by name. So ALAC does not try to be accountable individually, one by one, to all four billion users. But we should be accountable to the concept of users, and that is why we're meeting here today and trying to figure out how to do it.

Now, if "accountability" is not the right word, then we've been using the wrong one all along, and we need to change the word. But the intent of this group, whether it's the right word or not, is to try to make sure that, whoever we claim to be representing within the ACs and SOs or representing the interests of and the needs of, we can demonstrate that we're in fact doing a good job.

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So I don't really want to quibble over the word. We've been using the word "accountability" in this context all along, and it's probably too late to change it now. Thank you.

FARZANEH BADI: Thank you, Alan. Kavouss, your hand is up?

KAVOUSS ARASTEH: My hand is up, saying that changing the term I have no problem with. I have no problem with a review every three years or every one year or every five years. I have no problem. It's good that we review. Everybody reviews is actions [until] on the Board. They stand for improvement, and improvement is only possible when you review – when you sit down and see what you have done, what you should have done, and ask: what is the shortcomings? But it is not accountability. Reviewers have no difficulty, but it is not accountability.

Listen, co-Chair, you can put whatever you want in this term with design of the words by Steve or by [if and by] and so on and so forth, but when you cannot implement, it is just senseless. We should put something so that we can implement that. I have no problem with the review. I even have no problem with a call a roundtable for reviewing of the activities of SOs and ACs, with all of the people getting together – the chiefs of the SOs and ACs, plus many other people – reviewing what they have done. But it is not accountability. So you have to find the proper terms.

I don't want to waste your time at this meeting, but please look at the situation as to whether you can have an alternative for that. Thank you.



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FARZANEH BADI: Thank you, Kavouss –

GREG SHATAN: This is Greg Shatan. Can I get in the queue, please?

FARZANEH BADI: Go ahead, Greg.

GREG SHATAN: Thanks. I'm sorry I'm only on audio. Kavouss early on asked an interesting question, which is: who are the SOs and ACs accountable to? That's a question we need to return to. I fully agree with Alan Greenberg that we're using the word "accountability" in what I think is the right way, and the way we always have been. To try to take the word "accountability" off the table as such doesn't make any sense.

Furthermore, clearly organizations are accountable to their members. That's a minimum standard of accountability. I've been thinking a little bit, especially as talked about the Mutual Accountability Roundtable, about 360 degree accountability, whether or not that's something we want to adopt.

But the questions we need to look at is: who decides the actual members that the SOs and ACs are accountable to? As Alan notes, accountable to the larger stakeholder that they represent, whether or not they're actually members. Are they accountable to each other? Are they accountable to ICANN? Are they accountable in some other way?

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So I think we need to figure out what the accountability vectors are, in addition to the obvious one – and it's more of those. But we need to make sure we answer that question that was so widely posed. Thank you.

FARZANEH BADI:

Thank you, Greg. I just wanted to make one promise, and then Steve can speak. We discussed, Filiz and I, last week to whom the different actors are SOs and ACs are accountable to, and the scenarios were: they're accountable their stakeholder group, and they're accountable to each other – to other SOs and ACs – and they're accountable to the public global Internet users.

Steve mentioned that, as we can see on page 2 of the Google Doc, the stress tests 33 and 34 – the scenario that they are accountable to the stakeholder groups actually fits to the stress tests, which requires us to come up with mechanisms that prevent excluding new entrants to an AC or SO.

The discussion went on, and also there were other opinions. This was laid out as our goal being to enhance accountability mechanisms to have SOs and ACs accountable to their stakeholder groups.

The other thing is that we are actually are discussing here is that there were other opinions about this. For example, they said that SOs and ACs also should be accountable to each other. Whether this is something that we should discuss in our group, it's something open to discussion still, and we might want to just come to a conclusion on whether we want to discuss SOs and ACs being accountable to each other or not.

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Steve, go ahead.

STEVE DELBIANCO:

Thank you, Farzi. I realize that in the agenda we've already dived into the part of the agenda with respect to the accountability mechanisms we already have, which was the subject of the table that was up earlier. But if you wish, you could simply scroll to the Table because it's in the Google Doc as well, beginning on page 4.

This Table ended up being exactly on point to Kavouss' question, Alan's response, and even Greg's because our charter was to look at accountability of the ACs and SOs. If you ask to whom are they accountable, we have two scenarios to look at. We know at the very least that ALAC is accountable to individual Internet users. That's what ALAC was created for. I think we've covered that topic.

It's also possible that ALAC is accountable to the global stakeholders of ICANN in some way. That's where this Mutual Accountability Roundtable could come in, and that's another track.

But for now, for today's discussion, what would be useful is for folks to appreciate from this table that the Bylaws have required this organizational reviews. I'm interested to hear some feedback from the rest of you who've endured these reviews, who've done two of the GNSO's.

When you do the review, I have highlighted the keywords in there: "effectiveness" and "accountable." So those words are in the Bylaws. It sounds like a fool's errand to try to change the words. But we are certainly within scope to add some meat to the bones and flesh out

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what those words should mean because, if we don't, then, as each group does its review, it's really up to the consultant that ICANN hires, the independent reviewer, to determine what those words mean, if anything at all. This is a great opportunity for us to use the structure that's in the Bylaws and to be explicit about what effectiveness means and what "accountable to its constituencies" means.

I the previous three calls, in the draft document that we laid out I was suggesting to you that representation of the community that you're supposed to represent can be looked at in a couple of ways. You can look at the participation of the target community. Have you got participants from every part of the world, from every part of the community? If not, have your outreach efforts been robust to reach them? Have you been exclusionary to folks who wanted to join but couldn't get in? Is your group accessible, and is the processes that you accessible to newcomers? That would be a participation aspect of representation.

The only other element is interests. Alan Greenberg brought this up. At the end of the day, if the GNSO reached a decision based on the people who showed up on the working group – the people who showed up on council and voted – you could ask the question: "Wow. Was that decision representative of the interests of the actual community the Bylaws require the GNSO to serve?"

As I said in the Google Doc weeks ago, it is extremely challenging to second-guess whether a decision reached by the participants is truly representative of the interests of those who didn't show up. If we can devise a mechanism to evaluate that, I think it would be heroic. I believe

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that will be very challenging, and then thereby we should try to focus on the participation. That includes: have we done outreach? Are we acceptable? Are we sure that we don't exclude anyone?

At least with respect to the decisions that are made, we can always ask whether there's been anything like capture within a given AC and SO. Capture in that context is the idea that one group of legitimate stakeholders have somehow achieved an outside, unbalanced degree of influence, either through voting rules, by heavy tactics, or infiltration of other members of the SO and AC. There may be some scenario by which a single group has captured, for purposes of a decision, an AC and SO. That was one of the stress tests as well.

So the Table here is just designed perhaps to focus folks on things that they weren't aware of. I think I have shared a little bit about the GNSO's experience with the reviews, where "effectiveness" and "accountability" had no definition at all by either of the consulting groups that we worked with. And the Board didn't choose to define those words before the reviews began.

I'd be interested to hear from others on the call who were part of other ACs and SOs about your experiences with those five-year reviews, as well as your opinion about whether we should attempt to define what "effectiveness" is and what "accountable" is, the yellow, highlighted words.

Thanks, Farzi.

FARZANEH BADII:

Thanks, Steve. Kavouss?

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KAVOUSS ARASTEH: I'm very sorry, but I cannot agree with one thing you have said. But I agree with the other things. 99% I agree with you. To review, to look at the situation – I don't agree that it is called "accountability." Although we use this word in ATRT with many years without knowing what it means, but the action we're doing has nothing to do with accountability. It's more or less review. I have no problem with review. 100% agree with you to have review every period that is decided – five years, three years, and so forth. But it is not accountability. You gave an example of accountability of GNSO, not that it means that the entire GNSO is accountable to registries and again the entire GNSO is accountable to registrar and accountable to [ITC] and accountable to the commercial [inaudible], accountable to non-commercial [inaudible], accountable to service providers. How is, has been established and how will this be done? This does not bring any result at all. But if you [inaudible] review, no problem at all. If you tie to uplift with the following that the group dealing with SO/AC [inaudible] accountability after the second [inaudible] to the conclusion that accountability in this [inaudible] understood to be [inaudible] understanding. But not accountability within [inaudible]. We return that we have used anywhere with respect to the executive [inaudible] legislator or to the supreme body [inaudible]. If you can find something [inaudible]...

FARZANEH BADI: Sorry, Kavouss. I have trouble hearing you.

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KAVOUSS ARASTEH: [inaudible] I can agree with that. But not [inaudible]. It is not [inaudible] to make the entire GNSO accountable to ITC. It is no way to do that. Thank you.

CHERYL LANGDON-ORR: Farzi, Cheryl here. Kavouss, your audio wasn't particularly good at the end, so if you would just make sure that you perhaps could put some bullet points on your points you were making and reiterating into the chat. That will help us capture it.

Farzi, I believe the next in queue is Alan Greenberg.

FARZANEH BADI: Yes, Alan. Go ahead.

ALAN GREENBERG: Thank you. Two things. First of all, Steve a number of times has said the Bylaws say that the review should verify if the organization is accountable to its various stakeholders.

Let's be clear. Those are the new Bylaws, so we shouldn't be asking how well have the reviews in the past verified if the organizations are accountable to their stakeholders. Those words were never there in the past. We added them, and they only take effect once the new Bylaws kick in.

So it's an interesting questions to say, "Did the reviewers in the past look at accountability when they weren't asked to?" But I'm not sure how relevant it is to this discussion.

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We're here in Work Stream 2 because we added those words to the Bylaws, and we now have to make sure that, in the future, the reviews, among other mechanisms, perhaps, do look at accountability. So let's not get hung up on whether the people in the past had good imaginations and checked accountability or not.

Number two. I don't know if this is where Kavouss is coming from, but it strikes me as I was listening to him that the ground rules are different depending on what the ACs and SOs are. If you look at the GAC, for instance, I'm not sure that the GAC has to demonstrate that it is accountable to all of the world's governments or representatives of all of the world governments.

There's almost a bilateral relationship that the GAC should be responsive to each of the governments, but I'm not sure as a whole it should be accountable to all of them. So the GAC may be a different situation than the others because its construct is different. It actually has representatives, nominally but potentially up every government, whereas none of our other groups – say our ultimate goal is to have a representative of every business in the world or every intellectual property lawyer or every user in the world.

So how we use the word may be different for different groups, and I think we have to be cognizant of that as we go forward. Thank you.

FARZANEH BADII:

Thank you. Steve?



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STEVE DELBIANCO: Alan, it's Steve. The part about effectiveness has been in the Bylaws all along, and then Item 3, little I 3, was the part that was new – whether they're accountable to the constituency stakeholder groups, organizations, and other.

Let's think back to the last two years. Do we believe that that was meant to clarify what we all understood to be the case? Were we seeking to add something that wasn't there? What was your view – and anyone else's on the CCWG – on where that change arose from and what it was intended to do?

ALAN GREENBERG: It's Alan. If you're asking me directly, there's absolutely no doubt in my mind that we added something new. Accountability may be something that peripherally was looked at in the reviews, but it is incidental and it would depend on which group you were reviewing.

I cannot remember in several of the reviews any reference to that or any even evaluation of that. Is it responsible to the people who are actually participating? Yes. Is it accountable to the global group with that name? I don't think we ever did that before. I believe we added that. Thank you.

STEVE DELBIANCO: Alan, I was confirming that we did add the three little I, and I was asking if you recalled or whether you even believe that we always understood that was what each AC and SO was accountable to. Or did we seek to break new ground when we added that at CCWG? I'm asking a little bit more about why we did that as opposed to whether we did it.

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ALAN GREENBERG: I think we've always known that groups are responsible for representing specific interests. I don't think we thought of it as accountability to them. And I don't believe, in general, that the reviewers looked at that aspect.

STEVE DELBIANCO: I can add to this; that little I 3 was added partly in response to stress tests that worry about things like capture or exclusion of the target group that an SO and AC is supposed to be representing. It was one of the ways in which we designed mechanisms to address those stress tests.

Now that it's there in the Bylaws, isn't it on us to try to discover whether we want to further define what effectiveness or what accountable means in that context?

I'll stop there. I think that Alan and Cheryl both have hands up.

FARZANEH BADI: Go ahead, Alan.

ALAN GREENBERG: Thank you very much. You were one of the key people for stress tests, so you think of it as added in response to stress tests. That's not why I think we added it. Each of us may have our own view of the world.

I think we added it because people like Jan Scholte said, "It's fine to make sure the Board is accountable, but to be blunt, who the hell are

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we, the ACs and SOs, to say we know better?” The only rationale for saying, “We should be able to second guess them and correct the Board is if we have some rationale for having authority, and that means it can’t just be the 12 people who participate in a particular constituency that calls the shots for everyone else who falls into that category in the rest of the world.

That’s, in my mind, we added it: people like Jan – he wasn’t the only one – were asking, “Where does our authority come from to be able to second guess the Board?” which is essentially what we did with the whole accountability process.

So, yes, maybe it was referenced in Stress Test 2, but even without the stress tests, if they had never existed, the subject would have come up and is a crucial one to justifying and rationalizing why we believe we could do a better job than the people we appointed to the Board at some occasions. Thank you.

CHERYL LANGDON-ORR:

Thanks, Alan. Yes, Kavouss, I note you’re next in the queue. But pretty much also in the queue, briefly, his responsive to [inaudible] on the nature of what external reviewers had done in the past, at least in relationship to the first external review of the At-Large Advisory Committee. There I think it’s important to note that the fitness for purpose of the structure of the At-Large Advisory Committee was one of the matters that was looked at in considerable detail in the review.

In that initial review, of course we noted that probably more needed to be done to codify and to clarify the mechanism by which any trust or

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belief in a system which had a 15-person advisory committee, albeit balanced in terms of geo-representation and less balanced but still well-balanced in terms of having its participants and its active members created by a regional sub-structure, which was in itself a representational model from self-identified and accredited-by-ICANN entities known as At-Large Structures, as well as those people appointed to each regional representational space within the ALAC from the ICANN Nominating Committee.

Just in the process of going through that structure and function review, it was clear that mechanisms by which we could test and be able to demonstrate, both to ourselves within ICANN and indeed to any external viewer, that the activities of these entities in those three layers – the At-Large Structures at the edge of communities, some 200 in number now and about half that number at the time of our first review, the regional infrastructures, which are known as the Regional At-Large Organizations and who act in a geo-regional bundling capacity for entities and individual members who identify themselves as wishing to be involved directly and acting in the best interests of the wider global Internet community and individual domain name registrants, and of course, the specific At-Large Advisory Committee – but even in that first review, I think we were looking at very early days of some of these concepts, contracts, and discussions.

But, yes, we are very much at the beginning today and in the last couple of weeks of our discussions of the very important matters of accountability that do go hand-in-glove with transparency on a number of levels. The “Who watches the watchers?” discussion that Alan has

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just brought to the table is another one we need to put a pin in and make sure we come back to.

I'd also, just before I go to Kavouss – you'll be next – just note the contributions they made in the chat bar. Matthew, thank you for all of that. Matthew: "It seems that another way of slicing and dicing or doing the analysis as you proposed would be well-worthwhile."

If any one of you has a better-than-what-we're-currently-using analytical tool, please make sure it's our group. You're all more than welcome to share and contribute and to make sure that we look at this through a many filters and as many options as possible.

Before we go back to the next agenda item or continue on with drifting through our agenda item, Kavouss, back to you very briefly.

KAVOUSS ARASTEH:

Just a short comment, if you allow me. Could either the co-Chair or the main architect of this accountability, mutual – Steve DelBianco – write something that he or we assumes that accountability of each of the seven SOs and ACs could be understood as [and we say that]? I was participating in the ICG for two years. When we talked about the ASO, they said that they don't need any accountability outside. They had internal accountability.

Similarly, the parameter is impossible. They said that they don't need any accountability because they have internal accountability to [IRP]. The only thing that remains are the names.

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So that we should know to whom these are accountable is our assumption, but is not the reality. It's an assumption. Could we have that? I don't think that, A) that could be accountable to the Board, or B), it is not possible at all. Nor could the ASO be accountable to [inaudible].

So could we have some assumption of our understanding? Then we go to the next agenda item in the future. Thank you.

FARZANEH BADII:

Thank you, Kavouss. In response to that, we have in the document that – it's a part of the effectiveness of the community representation of SOs and ACs in which it is stated that, ultimately, SOs and ACs are accountable to their stakeholders who decide that it is worthwhile to participate and assert [the reviews]. So what we could do is highlight it in the document and you can comment on it.

The other thing that you raised is the scope of the accountability of SOs and ACs, which was also raised by John Curran and Athena. We will go through that. That could be another agenda item for next week, and we can discuss that.

I can see Matthew says that – okay. So you mean that the working plan for enhancing SO and AC accountability, Matthew? I suppose you are suggesting that we first start from the working plan for enhancing SO and AC accountability?

Steve, please take the mic.

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STEVE DELBIANCO:

Thank you, Farzi. The word “effectiveness” has been a part of these reviews since the Bylaws were created. The word “effectiveness” has never been defined, and that invited us to consider ways in which it might be there. You could look at effectiveness as the degree to which an AC or SO has done a good job getting representation from a target community.

You could look at it more mechanically; an effectiveness of GNSO would be: does it work effectively? Does it actually result in decisions? Do its working groups generate policies, as their charter requires them to? Do these policies take too long? Do the policies lack detail and have to be revised significantly during implementation?

There are many ways that we could go to measure effectiveness, and I imagine that effectiveness for ALAC is going to be different than it is for GNSO because GSNO is charged with the development of generic TLD policy. Because of that, it’s not just providing advice the way ALAC does, but the SO actually develops through PDPs actual policies and recommendations that the Board approves and that the staff implements.

So effectiveness has been part of these reviews. I don’t really know for sure if that’s why the last two reviews in GNSO, at least the first one, looked at restructuring GNSO. We’ll have to go back, perhaps, as Matthew was indicated, and look at that review. This is a big exercise, do let’s not do it lightly; to understand how effectiveness is translated for the purpose of GNSO.

So I’m open to the possibility that the word “effectiveness” are unique to each AC and SO. What’s effectiveness in the case of the GNSO won’t

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necessarily work for GAC and RSSAC and SSAC. I'm sticking with the agenda, because effectiveness is a track and effectiveness is part of what's on here.

It's also possible that we punt on effectiveness and just focus on what was added to this notion of being accountable to the constituencies. We could go either way. We could decide to tackle effectiveness or focus on accountability. I'm interested to see what others think of that.

FARZANEH BADI:

Thank you, Steve. Alan, go ahead.

ALAN GREENBERG:

I put a note in the chat. I think we're getting hung up on definitions, and I really think it is problematic. We may need a disclaimer at the beginning of our document.

As I put in the chat, At-Large is not accountable to the four billion users in the sense that they could take us to court if we're not doing our job properly. We don't have an itemized list of all the people that we are accountable to. It is very much more a philosophical thing, and I think we need to be clear on how we're using the word "accountable." It may not be in the same way in each of the groups, but in each of those cases, we have an overall constituency (lower case "c") whom we are supposed to be ensuring having a voice within ICANN processes. That is the accountable that we're supposed to be ensuring.



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So Kavouss may well be right that, in some cases, it's the wrong word, but I think we simply have to define what we mean by it and go ahead. Thank you.

FARZANEH BADI:

Thank you, Alan. I did mention this several times, and also it was brought up during last week's discussion about to whom we are accountable to. There were a couple of discussions, and I think that the group needs to come up with the solution to whether they agree that the different SOs and ACs are accountable to the stakeholders that participate and assert their views in the SOs and ACs.

Would that be a solution? We have that in the document. We can highlight that more and we can also discuss it.

Having said that, for effectiveness we considered two measures. One is a representation. By "representation," it means that representation [is] the SOs' and ACs' decision. The other is outreach.

The question here is, how do we measure representation? How do we measure outreach? What sort of mechanisms do we have or should we come up with to measure these two elements?

The other thing that might be related – this is just a suggestion – is that effectiveness might be also related to transparency measures, so we could also discuss transparency under effectiveness if that is acceptable.

Maybe we can discuss – actually, it's ten to four, so we have ten minutes – measuring representation now and understand what sort of mechanisms and what sort of measures should be there to actually

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decide whether there is enough representation of SO and AC [inaudible].

Is there any comment on that? Steve?

STEVE DELBIANCO:

Thanks, Farzi. One aspect of representation is to measure whether the targeted community for an AC or SO is actually members. Have they joined and do they participate?

I'll just pick an example. The ccNSO is supposed to represent all ccTLD managers who agreed to be members of ccNSO. So you would say that, if you counted all the members, you'd have 100% participation. But what if we said, "You should probably measure it as a function of all the ccTLDs that are in the root"? There may not be 100% coverage there. You could then, if it's less than 100% coverage of all ccTLD managers, do the next level of diving and see whether those who do not join – they don't agree to be members of ccNSO – are a part of a certain region of the world. Are they part of a certain linguistic community? That would be an indication that the representation is less than full, and in fact the representation might be lacking in a particular region. All this would do is help to point out improvements in outreach to achieve more full representation.

So we could go through that exercise for each of the ACs and SOs. In some respect, it's a statistical analysis, something we could potentially do as part of our report. But it would have to be redone whenever reviews are being conducted, to the extent to which effectiveness and accountability rely on – understand whether it's truly represented. So

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we could at least do it one time to demonstrate how one would analyze the statistics.

How does that sound?

CHERYL LANGDON-ORR:

Steve, Cheryl here. Just perhaps to take your example in terms of ccNSO a little further – and that is of course whether one has 100% of the ccTLD managers or 100% of all the possible governments in the GAC advisory committee – whilst being an analytical point, one can also look in that second level of digging in, as you described it, at whether or not there are any barriers to participation or barriers to consideration of the non-directly-represented groups.

Certainly, in the ccNSO world, great care is taken to ensure that there is facilitation, and, if not direct and obvious facilitation, certainly no or minimal barriers to participation from non-member ccTLD managers.

I suspect that, if we look at, as you're proposing, our future work tracks, an analysis of current state of play in each representations or opportunities, we may find that different ACs and SOs are at different points in their aspirations and development, where we may not necessarily find a numerical, specifically high in some cases – we may find that there is a [inaudible] to some extent, or a compensational opportunity, so that, if there isn't a [form] of the desirable representation and participation, there is minimal barriers to the opportunity for doing so. But that's another node that we will hopefully discuss further on down the track. We probably just need to put a pin in that.

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I noticed a number of other things are coming up in the chat today, so let's make sure we come back up to them and capture them in some form later on.

I believe, Kavouss, this is a new hand? If so, over to you.

KAVOUSS ARASTEH:

Yes. I think what Steve explained means that he wants to draw a line in the water. It's impossible. Totally impossible. What he explained – the representation of ACs and SOs – does not mean the participation of 100% of all of the ccTLD managers in the activities. With those who are members – of those there are not many; there are some who are not members – if participation has no impact on the effectiveness – there are participation that are totally inactive, the ccNSO and GNSO have councils, so there are representations of them if the council doesn't work. What we are doing we are doing into the micromanagement of each SO and AC.

To reply to Farzaneh, the output for many, many years, since 1990 – every organization, every entity, tried to measure the output. The only thing that came up was the KPI – Key Performance Indicators – which totally doesn't work. It does not bring anything to the people but brings money to the authors of these texts.

So I don't understand how you can measure the output of ccNSO. How can you measure that? How can you measure the output of the ACs and SOs? PDP? I guess that is a bad PDP. Good PDP? Effective? Not effective? What do you want to do? Who is going to do that? How will it

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be done? If it is not done well, what do we do? Do we change the entire council immediately?

Please look at what we are doing. Thank you.

CHERYL LANGDON-ORR: Thank you, Kavouss.

FARZANEH BADI: Thank you, Kavouss.

CHERYL LANGDON-ORR: [inaudible] because it could be used to raise, for the audio record, if you have a connection into audio, some of the excellent points you're making. Matthew, is it possible?

KAVOUSS ARASTEH: Do you want me to put all of this in a paper?

CHERYL LANGDON-ORR: [inaudible] or a standalone paper? Or course. That would be more than welcome. I'm just asking if Matthew – no, he has no mic. Okay. Thanks, Matthew. If you don't mind, I might read your last point to the record then.

Matthew has raised the following, and hopefully, perhaps, in the future we might see if we can dial out to you, Matthew, if it's not inconvenient, because you're making some very good points. We will capture the

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chat, but it would be nice to have them interspaced into the audio record as well as appropriate.

Matthew Shears has just stated in chat: “We need then an accepted set of criteria that could be used to measure accountability of the SOs and ACs, appropriately tailored to the ICANN space.”

In his opinion, he states the following: “We are jumping the gun by having discussions of representation. Such a topic has to be measured against something and the ACs’ and SOs’ performance. But we need criteria first.”

Thanks, Matthew. I think that’s a plea that many on this call would agree with and think that that’s another way of cutting through here. We do need to try to remember, again, as I said earlier, that we are at early stages of discussion, and it would be nice if, a little later on, we do manage to agree on terminology. But let’s not get too stuck in it for now. This is I think something that we’re far from finalizing anything on. So everything is open. Everything is possible.

To answer Kavouss, yes, if you would like to contribute to the Google Doc or a standalone paper, of course that’s more than welcome.

The hand has stopped – yes, we all have a hard stop at the top of the hour, Alan, for several of us because of another meeting. We have only a couple minutes left. Steve, briefly back to you, and Farzi to wrap up the call. Thank you.

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STEVE DELBIANCO:

This will only take a moment. Matthew, the two criteria that we know we have are the criteria that are in the Bylaws that specifically handed out as a mandate the criteria of effectiveness of an AC and SO, an accountability to its underlying constituencies and stakeholder groups. So those two words – “effectiveness” and “accountability” – are the criteria, and we haven’t jumped that gun. Instead, we are trying to discover what the specific aspects are that we can put into what effectiveness means and what accountability means. That’s where representation, outreach, accessibility, and exclusion – those are extra terms that we are trying to add to fit within the criteria of “effectiveness” and “accountable.”

So I believe we probably jumped that gun a long time ago because we knew we had to deal with effectiveness and accountability. I would welcome your help in deciding how we put some meat on those bones in order to get a report done. Thank you.

FARZANEH BADI:

Thanks, Steve. I’m going to wrap up the call now. Thank you, everyone, for attending. We are going to look at the transcript and the record and take note of the comments you made and put them in the Google Doc. Let’s please do make changes in the Google Doc yourself.

Okay. Thank you very much. Kavouss, your hand is up, and our time is [inaudible] now.

KAVOUSS ARASTEH:

[inaudible] please advise the staff [inaudible] to revise the schedule of the meetings for the coming weeks? Not only with the CCWG, but also

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include the CWG because we're also numbered in order not to miss any of this. It is very much appreciated. Thank you.

FARZANEH BADII: Okay. Thank you very much. Goodbye, everyone.

CHERYL LANGDON-ORR: Bye, everyone.

**[END OF TRANSCRIPTION]**