

Track 1 of the SO/AC Accountability subgroup for Work Stream 2 (WS2)

The mandate for SO/AC Accountability in Work Stream 2 (WS2)

This WS2 project obtains its mandate and scope from the ICANN bylaws and the CCWG Final report. First, 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

The SO/AC Accountability project team solicited documentation from each SO and AC (and from subgroup constituencies and stakeholders groups) in order to review and assess existing accountability mechanisms. We sought response to the following questions and topics:

1. What is your interpretation of the designated community defined in the Bylaws? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?
2. What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve?
 - 2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.
 - 2b. Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.
 - 2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections
 - 2d. Were these policies and procedures updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?
3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include link where they can be consulted.
4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.

Compare and Contrast responses from: ASO, BC, NCUC, ccNSO, GNSO, GAC, SSAC

1. The designated community in SO/ACs and if they go beyond the ICANN bylaws

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>

As well as the definition of the bylaws, the ASO designated community is the overall Numbers community .

BC and NCUC's designated community is specified both in ICANN Bylaws and in BC Bylaws.

GNSO designated community is the same as the ICANN bylaws indicate.

For CCNSO, the designated community that is said in ICANN is not inclusive and precise and they have considered a broader definition of designated community (i.e. IDNs) as their

designated community. SSAC does not go beyond the ICANN bylaws designated community.

GAC's designated community is mentioned in ICANN bylaws as well as its operating principles.

2. Rulemaking mechanisms in SO/ACs (bylaws, operation documents, customary mechanisms)

The ASO has 5 regional RIRs, with their own rules and procedures and have regional policymaking. The NRO Number Council (NRO NC) performs the function of the ASO AC and has its own procedures. BC has its own bylaws, and also complies with GNSO and CSG procedural rules. NCUC also has its own bylaws. The accountability processes are also entrusted in an executive committee. GNSO Council has its operational procedural. CCNSO has bylaws and is developing new practices and methods through its Guideline Review Committee. NCUC has its own bylaws.

GAC also has operational procedures. It advises the Board through Communiques and uses consensus.

3. Unique accountability mechanisms (what is only specific to some SO/ACs?)

Openness: In some of the SO/AC (for example ASO and GNSO) anyone can participate in their policymaking process without having to be a member.

Interpretation: GAC has interpretation for its meetings. This might be the case in other groups as well but so far only GAC has such mechanism which indicates in its response.

Transparency: ASO provides glossary for acronyms, takes minutes of NRO meetings and has a FAQ page which it uses as a mechanism for a transparent and understandable process.

A procedural tool: CCNSO has a working group which is reviewing current practices and related documentation of the ccNSO. If considered necessary by the GRC, updates of the documentation and/or new guidelines are suggested.

Outreach: some groups have outreach mechanisms such as Newsletter, and an outreach committee that carries out outreach plan before meetings. They also collaborate with their respective ICANN global engagement group.

Most SO/ACs had internal review processes.

In GNSO , they need to provide an SOI. Transparency mechanisms include notes and recording of all the meetings. BC and GNSO have been reviewed.

GAC has funded an independent secretariat from ICANN. It believes that such independent secretariat. The ability to have policy and procedural analysis and advice independent of ICANN corporate support has enhanced the GAC's ability to communicate effectively with Members and the broader community on substantive issues, and to implement many of the recommendations from the ATRT1 and ATRT2 Reviews.

4. Convergence of mechanisms and answers

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5. Divergence in response and mechanisms if any

sometimes there are no formal appeal mechanisms for decision and elections. Due to the nature of some Acs, they have closed meetings.

While reviews take place in almost all SO/Acs, some do the reviews annually while others do so less frequently.