**Subject:** Re: Summary of SOAC-Accountability discussion at CCWG Plenary

**Date:** Thursday, March 16, 2017 at 11:32:10 AM Eastern Daylight Time

**From:** Steve DelBianco

**To:** ws2-so_ac@icann.org

**CC:** Cheryl Langdon-Orr, farzaneh badii, ACCT-Staff, Thomas Rickert, León Felipe Sánchez Ambía, Mathieu Weill

Update: here in Copenhagen I met with 18 leaders of GNSO constituencies and stakeholder groups and asked what they though about the mutual accountability roundtable suggestions floated at the plenary (repeated here from my Friday notes below):

> Prior to each Annual General Meeting (AGM), ICANN staff should ask the chairs of all AC/SOs whether they want to hold a Mutual Accountability Roundtable to discuss SO/AC accountability with respect to activities within ICANN's scope.
> If a majority of AC/SO chairs agree to hold the Mutual Accountability Roundtable:
> ICANN staff would schedule a 90-minute open session at the next AGM, open to all AC/SO/Group chairs, and joined by ICANN CEO and Board Chair. The ICANN board chair would designate a moderator for the session.

GNSO leaders were <u>not</u> in favor of this idea.   They feel it is not a good use of their time, or the time of meeting attendees.  Some points:

> It would be like when AC/SO chairs give "reports" at ICANN meetings.  If each AC/SO takes 5 minutes, that's 35 minutes.  It's over an hour when all GNSO groups are allowed to participate. That is not a good use of time.

> Discussion would just be a "kumbaya" session, instead of tough questions to other AC/Sos

> Michele Neylon suggested AC/SO/groups do annual reports on accountability, and anyone can read them online and ask questions via email.   I immediately told him about Farsi's best practice suggestion for "Annual Reports".

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**From:** Steve DelBianco <sdelbianco@netchoice.org>
**Date:** Friday, March 10, 2017 at 5:08 PM
**Subject:** Summary of SOAC-Accountability discussion at CCWG Plenary

We had a 1-hour discussion with the CCWG plenary today in Copenhagen.  Here's our summary of feedback received during first reading of our draft report:

**Track 1: Best Practices**
First reading revealed no objections to our recommendations, but some possible changes:

> Our draft Exec Summary says we "recommend best practices that should be considered …". Speakers offered alternatives such as "we urge adoption of these best practices.." or "we encourage implementation of …"
> --
> ASO reminded us to clarify we are only talking about AC/SO accountability "within the scope of

ICANN activities", since NRO and IETF exist outside of ICANN, too.

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Outreach and Participation: consider adding diversity dimension to best practices. Perhaps we suggest incorporating recommendations anticipated from the Diversity group of WS2.

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Transparency Recc #4: add appropriate reasons for an AC/SO meeting to be "closed" to members:
(list provided by Michael Karanicolas)

- discussion of trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position.
- discussion of internal strategic planning whose disclosure would likely compromise the efficacy of the the chosen course.
- discussion of information whose disclosure would constitute an invasion of personal privacy, such as medical records.
- discussion of information whose disclosure has the potential to harm the security and stability of the Internet.
- discussion of information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.

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Finn Peterson noted that Transparency Recc 5 and Participation Recc 4 both address minutes of member meetings, and should be more consistent.

> Transparency Recc 5: Minutes for all membership meetings should be published.
> Participation Recc 4: For any meetings, be they closed to members only or open to anyone, the members have to be able to access minutes and/or recordings, subject to exceptions for confidential matters.

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Jan Sholte and several others noted that we could recommend something stronger than just to "consider" these best practices. We answered that our group was not likely to recommend these best practices be placed into ICANN bylaws. Moreover, our 2017 list of best practices would become outdated before long. No decision on what to do here.

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Some commenters want to see a continued focus on SOAC Accountability after the CCWG concludes.
Indeed, on page 2 of our draft report we noted Recommendation 10 of the CCWG Final Proposal (link):

> In Work Stream 2: Include the subject of SO and AC accountability as part of the work on the Accountability and Transparency Review process

We could amend our report to recommend that future ATRTs examine SO/AC accountability, transparency, participation, and outreach. This could be a new item in the Bylaws, at Sec 4.6 b, where potential ATRT issues are listed. Or, we could recommend that ICANN staff add this item to the procedures for ATRT, which would not require a bylaws change. Note that we would not refer future ATRTs back to our 2017 list of best practices. Instead, we'd expect that future ATRTs would undertake a review and develop recommendations similar to what our group did in 2016-

17.


**Track 2: Mutual Accountability Roundtable** (page 31)
First reading revealed significant objection to our recommendation on MARs.
Several speakers prefer a formal discussion of SOAC accountability, at least once each year.

We could amend our report to recommend something like this:
> Prior to each Annual General Meeting (AGM), ICANN staff should ask the chairs of all AC/SOs whether they want to hold a Mutual Accountability Roundtable to discuss SO/AC accountability with respect to activities within ICANN's scope.
> If a majority of AC/SO chairs agree to hold the Mutual Accountability Roundtable:
> ICANN staff would schedule a 90-minute open session at the next AGM, open to all AC/SO/Group chairs, and joined by ICANN CEO and Board Chair. The ICANN board chair would designate a moderator for the session.


**Track 3: IRP** (page 32)
First reading revealed no objections or changes to Track 3 recommendations.

Avri agrees we should mention the Ombudsman as an alternative, but says we should not recommend that the new ICANN Complaints Officer is an alternative to IRP.


Regards,
Steve DelBianco, Cheryl Langdon-Orr, and Farzaneh Badii
Co-Rapporteurs, SOAC Accountability Group, CCWG WS2