

Role of the Board & SO/ACs in Community Driven Reviews

NCPH Intersessional - Slot M

Ayden Férdeline
Kiran Malancharuvil

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Agenda

- ⦿ Community Discussion: SSR2 Review Team Suspension
- ⦿ Question to the Board: SSR2 Review Team Suspension
- ⦿ Question to the Board: GNSO Review

Community Discussion Topics: SSR2

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- SSR2 Issue: How can we ensure that the SSR2 Team will have the appropriate resources and staff support to continue it's work?
- Consequences of the Board Action – especially with regard to exercising “fiduciary duty”.
- Discussion about the role of GNSO in reviews.
- Other Questions/Further Discussion

Question to the Board: SSR2

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- The Board suspended the SSR2 Review Team by claiming that the Board had a fiduciary responsibility to manage community activities. Can you point to the specific section in the Bylaws that give the Board such authority? This is a vague statement of authority. Can you clarify what the parameters of such a statement are? What are the limits to the Board exercising fiduciary duty? Without clear limits to that statement, it seems like the Board would be able to supercede everything that happens at ICANN under the guise of “fiduciary duties”. This is concerning to us and we would like a clarification.

- Other Questions/Further Discussion

Question to the Board: GNSO Review

Background: GNSO Review

- ICANN bylaws require the Board to conduct Periodic Organizational Reviews of AC/SOs (except the GAC).

- **Bylaws Section 4.4:**

*The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization, council or committee has a continuing purpose in the ICANN **structure**,*

*(ii) if so, whether any change in **structure** or operations is desirable to improve its effectiveness and*

*(iii) whether that organization, council or committee is **accountable** to its constituencies, stakeholder groups, organizations and other stakeholders.*

Background: GNSO Review

- The next, external GNSO Review will be in 2019.
- Work Stream 2 project on SO/AC Accountability achieved consensus around the concept of “accountability” in these reviews:

ICANN SOs and ACs are only accountable to the designated community they were created to serve and represent

- It has been suggested that...

Each SO/AC is accountable to the stakeholders who decide that it is worthwhile to participate and assert their views

Questions to the Board: GNSO Review

- How much input will the GNSO have into the development of the Terms of Reference for the vendor selection process which the Board will use to carry out the GNSO Review?
 - Should it include the GNSO's structure?
 - How can purpose and effectiveness be measured?
Is the effectiveness of SO/AC policies in serving the targeted community more important than whether an SO/AC decision was made with the full participation of all conceivable stakeholders?
- Other Questions/Further Discussion

Questions