Accountability and Transparency Review Team – Working Group 1

In its Affirmation of Commitments with the US Department of Commerce, ICANN undertook to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders.

Working Group 1 (WG1) of the Accountability and Transparency Review Team (ATRT) is addressing the first specified element of this commitment – the assessment and improvement of ICANN Board performance, including governance, selection, composition, accessibility and decision-making.

WG1 has taken stock of community feedback received as part of the ATRT process to-date – most notably input from consultations at the ICANN Brussels meeting and responses the public comments period opened on 9 July. Two topics relating to the workings of the ICANN Board stood out as common themes and WG1 will focus on these issues in its deliberations.

Composition of the ICANN Board and the role of the Nominating Committee

The way in which the ICANN Board is composed is an important element in determining how accountably and transparently it operates.

Directors elected to the Board by the various SOs and ACs may possess a range of skills, but their primary qualification for participation is the skills and knowledge of the community from which the come. More specialised expertise should not be assumed.

Deleted: their ability to represent the interests of their constituency.

However, it is also extremely important to ensure the Board possesses an appropriate mix of broader skills – e.g. public policy, corporate governance, legal, finance and audit experience - to properly perform its functions. The ICANN Board's ability to diligently execute responsibilities in these areas is directly proportionate to how accountable it will be to its stakeholders.

WG1 will consider what structures and mechanisms will deliver these capabilities. One such mechanism may be the introduction of independent ICANN Board directors who are specifically recruited to fill skill-set requirements and whose autonomy from ICANN's SOs and ACs not only adds to the accountability and transparency of the Board, but also the perception of A&T.

As part of these deliberations, WG1 will necessarily consider the tasking of ICANN's Nominating Committee in relation to delivering an open, accountable and transparent Board.

Transparency of the Board's decision-making and explanation of decisions to the community

The second theme that WG1 noted arose repeatedly during community feedback was the need for transparency in the way the Board took its decisions and the efficiency and effectiveness with which it communicated these decisions to the community.

To address this, WG1 will develop recommendations for clear mechanisms and procedures to ensure accountability and transparency in all elements of ICANN Board decisions. This includes how:

- issues are identified as requiring Board decision;
- these issues are then considered by the Board;
- consultation occurs and how feedback is assessed and incorporated into the decision; and
- how these decisions are communicated to the community.

As a preliminary indication, some of the steps involved in a refined decision-making process may include:

- A clear preliminary statement on the issue the Board is considering and the decision required
- Clear, predictable, reasonable periods for community consultation and input
- The publication of all staff briefing papers
- Assessment of which constituencies may be affected by the Board decision
- Assessment of whether advice has been received from these relevant constituencies (e.g. GAC input on issues with public policy elements)
- The publication of Board deliberations
- An explanation of the decision to stakeholders, including which elements of community input were accepted, which were rejected, and why.