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Executive Summary

The SO/AC Accountability project for Work Stream 2 had its genesis at an early stage of the CCWG-Accountability track, when SO/AC representatives insisted on new powers to hold the ICANN corporation accountable to the global internet community. ICANN board members and staff then asked, "What about SO/AC accountability?" And as one of our independent experts asked, "Who watches the watchers?" Those questions led to a creation of a Work Stream 2 project to review and recommend improvements to accountability, transparency, and participation within ICANN SOs, ACs, and Groups listed on page 5.

This draft report reflects several months of research and deliberation, starting with exploration of *to whom* ICANN ACs and SOs are accountable. On that question, our working group reached quick consensus: each AC and SO is accountable to the segment of the global internet community that each SO/AC was designated to represent in the ICANN Bylaws.

This conclusion was the basis for Track 1 of our work: reviewing accountability, transparency, and participation in ICANN with respect to the designated community of each SO/AC and Group. We were keen to examine the extent to which SO/AC/Groups were reaching out to, and open to, members of their designated community who were not yet participating. In Track 1 we recommend 25 "best practices" that each SO/AC/Group should implement, to the extent these practices are applicable and an improvement over present practices. We are not recommending changes to the ICANN bylaws to reflect these best practices, although we recommend that future Accountability and Transparency Review Teams (ATRT) should be encouraged to examine implementation of these best practices among SO/AC/Groups.

In Track 2, we considered the suggestion for a "Mutual Accountability Roundtable," originally described as a concept where "multiple actors are accountable to each other". That concept clashed with the fundamental consensus that ICANN SOs and ACs are only accountable to the designated community they were created to serve and represent. On this basis, we recommend that a Mutual Accountability Roundtable be an optional addition to the Annual General Meeting, subject to approval of SO/AC chairs.

Track 3 was where we assessed whether the new Independent Review Process (IRP) should also become a tool to challenge AC and SO activities. On this question, we conclude that while the IRP *could* be made applicable by amending bylaws significantly, the IRP should not be made applicable to SO & AC activities, because it is complex and expensive, and there are easier alternative ways to challenge an AC or SO action or inaction.

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

This WS2 projects obtains its mandate and scope from ICANN bylaws and the CCWG Final report. First, ICANN's new bylaws reflect the CCWG Supplemental Final Proposal[1] 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]

This Bylaws mandate for this project specifically mentions capture, a concern raised by NTIA in Stress Tests 32-34, regarding internal capture by a subset of SO/AC members, and concern that incumbent members might exclude new entrants to an SO/AC.

This WS2 project was described in greater detail in the CCWG Final Proposal, Recommendation 12[3]:

> Supporting Organizations and Advisory Committee accountability, as part of WS2.
>
> - Include the subject of SO and AC accountability as part of the work on the Accountability and Transparency Review process.
> - Evaluate the proposed "Mutual Accountability Roundtable" to assess viability.
> - Propose a detailed working plan on enhancing SO and AC accountability as part of WS2.
> - Assess whether the IRP would also be applicable to SO and AC activities.

Regarding the first bullet above, Recommendation 9 of the CCWG Final Proposal noted that SO/AC accountability could be improved by the accountability review process (ATRT), which includes:

> d) assessing the extent to which ICANN's decisions are embraced, supported, and accepted by the public and the Internet community[4]

In addition, Recommendation 10 of the CCWG Final Proposal noted that further enhancements to SO/AC accountability should be accommodated through the accountability review process.[5]

> The CCWG-Accountability recommends addressing the accountability of Supporting Organizations (SOs) and Advisory Committees (ACs) in a two-stage approach:
>
> - In Work Stream 1: Include the review of SO and AC accountability mechanisms in the independent structural reviews performed on a regular basis.
> - In Work Stream 2: Include the subject of SO and AC accountability as part of the work on the Accountability and Transparency Review process

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[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

[3] Annex 12 of CCWG Final Report, 23-Feb-2016, pp. 5-6, at https://community.icann.org/pages/viewpage.action?pageId=58723827&preview=/58723827/58726378/Annex%2012%20-%20FINAL-Revised.pdf

[4] Annex 9 of CCW Final Report, 23-Feb-2016, p. 11, at https://community.icann.org/pages/viewpage.action?pageId=58723827&preview=/58723827/58726375/Annex%2009%20-%20FINAL-Revised.pdf

[5] Annex 10 of CCW Final Report, 23-Feb-2016, pp. 1-4, at https://community.icann.org/pages/viewpage.action?pageId=58723827&preview=/58723827/58726376/Annex%2010%20-%20FINAL-Revised.pdf

Per the Bylaws and CCWG mandates, the SOAC Accountability project team embarked on 3 tracks:

1. Review and develop recommendations to improve SO and AC processes for accountability, transparency, and participation that are helpful to prevent capture. (Note that we look only at SO/AC accountability within the scope of ICANN activities)

2. Evaluate the proposed "Mutual Accountability Roundtable" to assess its viability and, if viable, undertake the necessary actions to implement it.

3. Assess whether the Independent Review Process (IRP) should be applied to SO & AC activities.

The recommendations for each track are described next.

Track 1. Review and develop recommendations to improve SO and AC processes for accountability, transparency, and participation that are helpful to prevent capture.

The new Bylaws tasked us to:

> "review and develop … recommendations on SO/AC accountability, including but not limited to improved processes for accountability, transparency, and participation that are helpful to prevent capture"

Note that we look only at SO/AC accountability within the scope of ICANN activities.

First, we assumed that "accountability" of each SO and AC is to the designated community for each SO/AC, as defined in ICANN bylaws:

- ALAC is "the primary organizational home within ICANN for individual internet users"
- ASO is "the entity established by the Memorandum of Understanding [2004] between ICANN and the Number Resource Organization ("NRO"), an organization of the existing RIRs"
- ccNSO is "ccTLD managers that have agreed to be members of ccNSO"
- GAC is "open to all national governments [and to] distinct economies as recognized in international fora, and multinational governmental organizations and treaty organizations on the invitation of the GAC through its Chair."
- GNSO is "Open to registries, registrars, commercial stakeholders (BC, IPC, ISPCP), and non-commercial stakeholders"
- RSSAC "members shall be appointed by the Board" to "advise the ICANN community and Board on matters relating to the operation, administration, security, and integrity of the Internet's Root Server System"
- SSAC members are "appointed by ICANN board" to "advise the ICANN community and Board on matters relating to security and integrity of the Internet's name and address allocation systems."

This does not imply that each SO and AC make its decisions without regard to the broader Internet community outside of its designated community. Rather, the global public interest is a fundamental consideration of the ICANN board in approving and implementing advice and policy recommendations from ACs and SOs.

Moreover, ICANN Bylaws require independent Organizational Reviews (Bylaws Sec 4.4) every 5 years, examining each SO, Council, and AC (other than the GAC) to determine:

> (ii) whether any change in structure or operations is desirable to improve its effectiveness and
>
> (iii) whether that organization, council or AC is accountable to its constituencies, stakeholder groups, organizations.

Second, the project team solicited documentation from each SO and AC (and from Group constituencies and stakeholders groups) in order to review and assess existing mechanisms for accountability, transparency, and participation. We sought response to the following questions:

> 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 SO/AC 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 SO/AC.

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 SO/AC 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 SO/AC 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 SO/AC maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.

We received responses from the following SO/ACs and Groups, as of 3-Mar-2017:

ALAC (At-Large Advisory Committee)

ASO/NRO (Address Supporting Organization)

ccNSO (Country Code Names Supporting Committee)

GAC (Governmental Advisory Committee)

GNSO (Generic Names Supporting Committee)

GNSO-BC (Business Constituency)

GNSO-IPC (Intellectual Property Constituency)

GNSO-ISPCP (Internet Service Providers and Connectivity Providers)

GNSO-NCSG (Non-Commercial Stakeholders Group)

GNSO-NCUC (Non-Commercial Users Constituency)

GNSO NPOC (Not-for-Profit Operational Concerns Constituency)

GNSO-RySG (Registries Stakeholder Group)

GNSO-RrSG (Registrars Stakeholder Group)

RSSAC (Root Server System Advisory Committee)

SSAC (Security and Stability Advisory Committee)

All responses received are available at the work group wiki,
https://community.icann.org/pages/viewpage.action?pageId=59643284

Below we have detailed reviews of responses received. But first, we present a summary of our recommended best practices.

Summary of Best Practice Recommendations for Accountability, Transparency, and Participation within SO/AC/Groups

Our review leads us to recommend that each SO/AC/Group should implement the following "best practices", where applicable to their structure and purpose:

Accountability	1. SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding 2. SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision. 3. SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member. 4. SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws. 5. SO/AC/Groups should publish an annual report on what they have done during the prior year to improve accountability, transparency, and participation, describing where they might have fallen short, and any plans for future improvements.
Transparency	1. Charter and operating guidelines should be published on a public web page and updated whenever changes are made. 2. Members of the SO/AC or Group should be listed on a public web page. 3. Officers of the SO/AC or Group should be listed on a public web page. 4. Meetings and calls of SO/ACs and Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include 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. • internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course. • information whose disclosure would constitute an invasion of personal privacy, such as medical records. • information whose disclosure has the potential to harm the security and stability of the Internet. • information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice. 5. Notes, minutes, or records of all membership meetings should be made publicly available. 6. Filed comments and correspondence with ICANN should be published for anyone

	to view
Participation	1. Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures. 2. Where membership must be applied for, the process of application and eligibility criteria should be publicly available. 3. Where membership must be applied for, there should be a process of appeal when application for membership is rejected. 4. For any meetings, be they closed to members only or open to anyone, the members have to be able to access notes, minutes, and/or recordings, subject to exceptions for confidential matters. 5. A publicly visible mailing list should be in place. 6. A glossary for explaining acronyms used by SO/AC /Groups is recommended
Outreach	1. Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member. 2. Each SO/AC/Group should maintain a publicly- accessible website/wiki pages to advertise their outreach events and opportunities 3. Each SO/AC/Group should consider creating a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating. 4. Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures 5. Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership ranks
Updates to policies and procedures	1. Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review. 2. Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions. 3. Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than 1 year, and temporary measures should be considered if the review extends longer.

As noted earlier, we are not recommending that the above best practices become part of ICANN Bylaws, or that SO/AC/Groups be required to implement these best practices. However, there was significant interest among CCWG participants to see sustained attention to SO/AC/Group implementation of best practices. Moreover, Recommendation 10 of the CCWG Final Proposal noted that further

enhancements to SO/AC accountability should be accommodated through the accountability review process.[6]

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

Therefore, we suggest that future Accountability and Transparency Review Teams (ATRTs) could examine the extent to which SO/AC/Groups have implemented best practices in the areas of accountability, transparency, participation, and outreach.

This could be added as a suggested issue in ICANN Bylaws at Sec 4.6 b, where potential ATRT issues are listed. As an alternative to changing ICANN Bylaws, ICANN staff could add this suggested review to documented procedures for Accountability and Transparency reviews.

Review and draft recommendations regarding SO/AC Accountability

The new Bylaws tasked us to:

> "review and develop … recommendations on SO/AC accountability, including but not limited to improved processes for **accountability**, transparency, and participation that are helpful to prevent capture"

We asked each SO/AC/Group to describe:

> 3. Mechanisms for challenging or appealing elections. Does your SO/AC 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 SO/AC maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.

Review: A summary of responses and resources provided on Accountability, supplemented by independent research by the SO/AC Accountability working group:

ALAC:

- At-Large is governed by a number of somewhat inter-related documents. Some are outdated and in need of revision and others have been revised relatively recently. They include the ICANN Bylaws, which are specific in Rules of Procedure, Operating Principles, Memorandum of Understanding between ICANN and RALOs (actually with the organizations constituting the initial RALO members). These include:

  ICANN Bylaws: https://www.icann.org/resources/pages/governance/bylaws-en/#XI-2.4

  ALAC Rules of Procedure and associated documents:
  https://community.icann.org/display/atlarge/Rules+of+Procedure

  RALO documents (see "Organizing Documents" in left sidebar of each page) covering how the entity operates, how decisions are made, how leadership and other positions are selected.

  https://atlarge.icann.org/ralos/afralo

  https://atlarge.icann.org/ralos/apralo

  https://atlarge.icann.org/ralos/euralo

[6] Annex 10 of CCW Final Report, 23-Feb-2016, pp. 1-4, at https://community.icann.org/pages/viewpage.action?pageId=58723827&preview=/58723827/58726376/Annex%2010%20-%20FINAL-Revised.pdf

https://atlarge.icann.org/ralos/lacralo

https://atlarge.icann.org/ralos/naralo

- In general, we do not have rules formally appealing decisions or elections. Some RALOs rely (somewhat inappropriately, but for historic reasons) on the United Nations General Assembly Rules of Procedure (UNGA RoP) and those do include a number of such recourses. On the relatively rare occasion where there has been unease over a decision, the processes within our own rules have been used to address the issue (usually by someone requesting that the issue be re-visited).
- We have only had three situations where the rules and processes we had in place could not address a situation. One was settled somewhat easily by the RALO Leadership deciding (with the support of the membership) to re-hold an election, but first to amend the Rules to cover the situation of a tie vote which had caused the problem.
- The other two were more problematic and occurred in one of the other RALOs. The first was (fortunately) ultimately addressed by a serendipitous action out of our control. The second involved invocation of the UNGA RoP and ended up in extreme crisis, which is still not settled.
- The ALAC RoP do provide to the recall of all appointments (including ALAC Chair and Leadership Team) and the dismissal of ALAC members (both those appointed by RALOs and the NomCom).
- The APRALO revised RoP have comparable recall/removal procedures and it is expected that as other RALOs revise their rules, there will be similar provisions.

ASO/NRO:

- Operating procedures of the NRO NC are available at https://aso.icann.org/documents/operational-documents/operating-procedures-aso-ac/
- To help clarify the work the NRO NC undertakes, an annual work plan is provided to the community. For the current year work plan, see: https://aso.icann.org/documents/aso-ac-work-plan-2016/.
- With regard to disputes or appeals of elections of members of the NRO NC, any such procedures are found at the respective RIR election procedures. The process of decisions made by the NRO NC are available in its Operating Procedures document found at https://aso.icann.org/documents/operational-documents/operating-procedures-aso-ac/ .
- Unwritten: The ASO is committed to the open, transparent and bottom-up nature of the multistakeholder model and pursuant to this commitment, the ASO conducts itself accordingly.

ccNSO:

- The ccNSO has developed a range of guidelines, which define and delineate the accountability of the ccNSO Council with respect to the ccNSO membership and broader ccTLD community. These guidelines and rules define, inter alia, internal ccNSO relation between the ccNSO Council and membership, allocation of travel funding, participation in working groups and newly created bodies. All these rules should be considered internal rules in the sense of the ICANN Bylaws and can be found at https://ccnso.icann.org/about/guidelines.htm
- The general rule is that any ccTLD, regardless of its membership of the ccNSO, is always welcome to participate in the meetings of the ccNSO, contribute to discussions, and participate in the work of the working groups. However, only ccNSO members elect ccNSO Councilors and ICANN Board members (seats 11 and 12), as well as vote on the ccNSO policies.
- With respect to the formal policy development process, the ultimate decision is with the ccNSO members, as they will take the final vote on adoption of the recommended policy (see Annex B section 13).
- The basic mechanism for appealing decisions is documented in the Rules of the ccNSO https://ccnso.icann.org/about/ccnso-rules- dec04-en.pdf

- Unwritten: discussions in the context of the enhancing ICANN's Accountability and a survey launched by the ccNSO Council on community's expectations in respect to accountability of the ccNSO Council have resulted in an increased awareness and need for transparency of the ccNSO Council decision making process and more transparency of the ccNSO Council working methods in general. Currently the ccNSO is developing new practices and methods through its Guideline Review Committee, and the ccNSO Council already acts in accordance with some of these working methods, for example, by increasing community awareness about publication of ccNSO Council meeting agendas and background materials. These new practices & working methods will become effective, after being discussed with the ccTLD community and adopted by the ccNSO Council.

GAC:

The GAC is accountable to its members, who are governments or distinct economies. GAC member representatives are accountable to their respective individual governments. Individual governments that are members of the GAC are accountable through their political and legal structures at the national level as well as any international arrangements to which they may be party.

In addition to relevant sections of the Bylaws, GAC internal processes are detailed in the GAC Operating Principles - see https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles

There are no formal mechanisms by which members can challenge or appeal decisions or elections. Advice from the GAC to the Board is generally reached by consensus. If there is no consensus, the GAC Operating Principles (Article XII) require the GAC Chair to convey the full range of views expressed by members to the Board.

Unwritten: The GAC has funded, through several of its Members, an independent secretariat function, currently carried out under contract by the Australian Continuous Improvement Group (ACIG). 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.

GNSO:

- All processes and procedures related to the GNSO Council and GNSO Working Groups are, in addition to the relevant sections of the ICANN Bylaws, detailed in the GNSO Operating Procedures (see https://gnso.icann.org/en/council/op-procedures- 01sep16-en.pdf)

GNSO-BC:

- The published policies and procedures to which the BC are accountable to are the ICANN Bylaws and Expected Standards of Behaviors, GNSO bylaws and procedures, the CSG Charter, and the BC Charter.
- The Commercial and Business Users Constituency (BC) is a member of ICANN's Generic Names Supporting Organization (GNSO), and is located within the Commercial Stakeholders Group (CSG) in the Non-Contracted Parties House (NCPH). As such, it is accountable to the procedures outlined by the groups' respective governing documents. The CSG has its own charter, at http://www.bizconst.org/assets/docs/ICANNCSGCharter2010.pdf
- GNSO Procedures, in Section 6.1.2 j state "No legal or natural person should be a voting member of more than one Group", so members cannot vote in more than one Constituency within the GNSO.
- Further, under the BC Charter, any organization/company/association that participates in more than one Constituency/SG should maintain a divisional separation between their work in the BC and other Constituencies. As such, they need to identify which other Constituencies they and their organization participate in, and identify in which specific Constituency the organization chooses to vote. Their representative to the BC must not represent their organization in another Constituency within the GNSO.
- Appeals – BC Charter (new) § 2.6 In the new BC Charter, the Executive Committee (EC) is entrusted with responsibilities in § 2.6: BC response to questions from Work Stream 2 group on SO/AC Accountability 12-Dec- 2016 Page 3 of 1 BC_SOAC Accountability Report source documents_20161128

- Unwritten: The BC endeavors to put its policies in writing, as part of its charter. While there are unwritten prior practices cited for some activities, we are not aware of any that are responsive to these questions.

GNSO-IPC (Intellectual Property Constituency):

- The IPC is a member of ICANN's Generic Names Supporting Organization (GNSO), and is located within the Commercial Stakeholders Group (CSG) in the Non-Contracted Parties House (NCPH). As such, IPC accountability is governed by the GNSO and CSG governing documents, as well as the IPC Bylaws. These include the ICANN Bylaws and Expected Standards of Behavior, GNSO Bylaws and Procedures, the CSG Charter, and the IPC Bylaws.
- Appeal mechanisms for the refusal of a membership application or the expulsion of a member are as follows:

  > Any decision of the IPC officers can be appealed to the IPCC, with the possibility of further review by the ICANN ombudsman in accordance with the ICANN by-laws.
  >
  > [The IPCC may] refuse or expel any member where on reasonable grounds it feels it is in the best interest of the IPC to do so; provided, that any such action is subject to review by the ICANN Ombudsman in accordance with the ICANN by-laws.

- Unwritten: At the commencement of each election, the candidates participate in a "Candidate Call," a conference call (by phone and Adobe Connect) in which the candidates respond to questions. Questions are posted to the IPC mailing list prior to the Call, and new questions are asked on the Call as well. This is not a written policy.
- Unwritten: The IPC has an unwritten policy that all draft public comments should be posted to the IPC mailing list one week before the end of the comment period, so that the membership can review, discuss and revise the draft public comment before it is submitted.
- Unwritten: Informally, IPC leadership can be held accountable on the IPC mailing list at any time, or on a membership call. Members can also raise any issue, at any time, on the IPC mailing list for the IPC's consideration or awareness.
- Unwritten: Current IPC practice varies from the Bylaws in certain ways. IPC is undertaking a Bylaws review and amendment process in order to bring the Bylaws in line with current practice.
- Unwritten: Accountability of the IPC's Councilors is informally maintained through the taking of detailed notes on deliberations, decisions, and rationales of the GNSO Council in matters raised in Council meetings. These are circulated promptly to IPC members, who are invited to raise comments, concerns and questions on the IPC's participation in these decisions.

GNSO-ISPCP (Internet Service Providers and Connectivity Providers):

- The published policies and procedures to which the ISPCP are accountable to are the ICANN Bylaws and Expected Standards of Behaviors, GNSO procedures, the CSG Charter, and the ISPCP's two governing documents are: 1.) Articles and 2.) Procedures. The ISPCP is a member of ICANN's Generic Names Supporting Organization (GNSO), and is located within the Commercial Stakeholders Group (CSG) in the Non-Contracted Parties House (NCPH). As such, it is accountable to the procedures outlined by the groups' respective governing documents.

GNSO-NCUC (Non-Commercial Users Constituency):

- NCUC is a member of ICANN's Generic Names Supporting Organization (GNSO), and is located within the Non Commercial Stakeholders Group (NCSG) in the Non-Contracted Parties House (NCPH). As such, it is accountable to the procedures outlined by the groups' respective governing documents.
- NCUC also functions in accordance to NCUC bylaws. NCUC holds annual elections for Chair and Executive Committee members. We find elections to be one of the most important aspect of NCUC accountability. All appointed offices are also renewed annually and term-limited. This means that there is a very regular process for renewing or replacing elected officers. Elected representatives have to report and show progress on a regular basis to be considered for reelection. NCUC has the highest degree of geographic

and gender diversity by design (regional representation in the EC) in its elected officials and its membership (list of members is public and automatically updated http://www.ncuc.org/about/members/) of all the GNSO constituencies, and there is a high degree of change in its leadership.

- Regarding challenges to elections and decisions, see section IV (G) of the new NCUC bylaws. http://www.ncuc.org/governance/bylaws/bylaws-revision-2016/differential-document
- Unwritten: Before elections, candidates are expected to express in their SOI the ways they will be keeping the members (regional groups and full membership) up to date with their activities - through bulletins, use of social media or other communication strategies. The interval of time which these updates are done (fortnightly, whenever there is an event, other options) is also discussed with membership or potential voters. Members appointed by NCUC for different working groups or committees or members receiving funding for particular activities may also submit reports.

GNSO NPOC (Not-for-Profit Operational Concerns Constituency):

- NPOC functions in accordance to NPOC Charter. NPOC holds annual elections for Executive Committee every year. We have an amount of members who are NGOs and not-for-profit organizations. Our list of active members is at https://community.icann.org/display/NPOCC/Active+Members. Membership database is updated prior to elections to ensure contact information is correct and participation is active.
- All members are invited to open policy and membership calls. Remote participation is encouraged for all constituency meetings
- NPOC has some appeal mechanisms in its charter (https://community.icann.org/display/NPOCC/Charter):
    - 2.5.3.7 states the procedure for appealing the removal of a Committee Officer by the Executive Committee.
    - 3.1.5 states the capability of the Executive Committee to resolve disputes among members and from a decision made by the Membership Committee Chair.
    - 4.1.3.7.3 states that regarding an interested party might appeal the Executive Committee decision when as stated in the charter, the Executive Committee determines the top four candidates to be put on the ballots for the same position, in the cases were they are more than four for that said positions.
- Good practices in the election process and how candidates present themselves are usually agreed each time, depending on the amount of candidates and context of the election. There is not a consistent practice but in general is safe to say that candidates are expected to explain why they are fit for the position and how they will work, what are they proposal, etc. This behavior is clearer when there are several candidates for each position. For instance, is normal for the community to discuss about elections even before the elections are open, since is part of coordination the ongoing work regardless on who is going to be an officer in the next election.
- Unwritten: NPOC discusses issues on policy based on a consensus agreement as per our EXCOM online meetings.

GNSO RrSG (Registrars Stakeholder Group):

- RrSG home page is at http://icannregistrars.org
- The community definition for the RrSG is well-defined: the SG is comprised of members in good standing. Furthermore, eligibility for membership is established by Sec. 2.1 of the RrSG Charter (http://icannregistrars.org/charter/), as open only to ICANN-accredited registrars, and for whom their primary relationship with ICANN is as a registrar, rather than as another contracted party (e.g. registry operator).
- Members can challenge the eligibility of a candidate for office. If a Member believes that an elected officer has become ineligible since being elected, or is engaged in a conflict of interest or other disqualifying activity, they may submit a motion for removal, which would be subject to the rules in Sec. 7 of the Charter.

- Unwritten policies? No. We have often discussed the continued definition and usefulness of disqualifying elected officers who have access to "Registry Proprietary or Sensitive Information," but always defer to the Charter in those situations.

GNSO RySG (Registries Stakeholder Group):

- The gTLD Registries Stakeholder Group (RySG) is a recognized entity within the Generic Names Supporting Organization (GNSO) formed according to Article X, Section 5 (September 2009) of the ICANN Bylaws.
- RySG home page is at https://gnso.icann.org/en/about/stakeholders-constituencies/rysg
- RySG charter is at https://gnso.icann.org/en/meetings/rysg-charter-22oct15-en.pdf
- Section X in our Charter is devoted to our voting procedures. See http://media.wix.com/ugd/ec8e4c_f27e896d19a94e169af3e73347513ac6.pdf

RSSAC (Root Server System Advisory Committee):

- For the purposes of its work as an advisory committee to the ICANN Board and community, the RSSAC is aligned with its designated community as outlined in the ICANN Bylaws. The RSSAC Operational Procedures more specifically define the composition of the RSSAC to include voting primary representatives and alternate representatives from the root server operator organizations, nonvoting representatives of the root zone management partner organizations, and nonvoting liaisons from reciprocating bodies. (RSSAC 000v2, Section 1.2.1)
- The RSSAC operates on consensus. Occasionally, RSSAC members abstain from votes. These abstentions are noted in the minutes of RSSAC meetings. However, all votes are recorded with total vote counts except in the case of a vote by acclimation or a vote with no objections.
- For RSSAC publications, objections or withdrawals from a document are indicated in the final draft. (RSSAC 000v2, Section 3.1.1.6)
- There are two appeals procedures in the RSSAC Caucus. Neither has been exercised since the establishment of the RSSAC Caucus.
- The RSSAC may reject an applicant for the RSSAC Caucus. In that case, the RSSAC Caucus Membership Committee will contact the candidates and thank them for their interest in the RSSAC, but indicate that the RSSAC is not recommending their addition to the RSSAC Caucus at this time. On request of the person concerned, the RSSAC explains its decision to refuse to add a person to the RSSAC Caucus. If a candidate appeals the membership decision, the Co-Chairs shall determine how to address the appeal on a case-by-case basis. (RSSAC 000v2, Section 2.5)
- The RSSAC Caucus Membership Committee periodically reviews the composition of the RSSAC Caucus and may remove members in consultation with RSSAC. On the request of the person concerned, the RSSAC Caucus Membership Committee explains its decision to remove that person from the RSSAC Caucus. (RSSAC 000v2, Section 2.5)
- Unwritten: The RSSAC does not have any unwritten policies related to accountability that would be relevant to this exercise.

SSAC (Security and Stability Advisory Committee):

- See SSAC Operational Procedures (OP).
- Existing SSAC members can challenge the appointment of new members proposed by the Membership Committee in accordance with OP Section 2.3 New Member Selection. Where an objection is raised, the matter is resolved by consensus of the whole SSAC. SSAC members agree to the content of all SSAC Publications by consensus. SSAC members who have contributed to an SSAC Publication are listed in the document. If an SSAC member wishes to object to the work product or asks to withdraw from consideration of the work product for any reason, the member is offered an opportunity to provide a statement explaining their dissent or withdrawal (OP Section 2.1.2), and/or to be listed in the final document under the section for dissents or withdrawals. Election of SSAC Office Bearers is undertaken in

> accordance with OP Section 2.8.1.1 Chair Election. Other SSAC Officer Bearers defined in OP Section 1.5 are elected by the same procedure as the Chair. The election of SSAC members to other roles also follows this process. Provisions for challenges to election results are contained within the detailed process.

Recommendations regarding Accountability (written and unwritten):
Our review leads us to recommend that each SO/AC/Group consider adopting the following "best practices", where applicable to their structure and purpose:

1. SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding
2. SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.
3. SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.
4. SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.
5. SO/AC/Groups should publish an annual report on what they have done during the prior year to improve accountability, transparency, and participation, describing where they might have fallen short, and any plans for future improvements.

Review and draft recommendations regarding SO/AC Transparency

The new Bylaws tasked us to:

> "review and develop … recommendations on SO/AC accountability, including but not limited to improved processes for accountability, **transparency**, and participation that are helpful to prevent capture"

We asked each SO/AC/Group:

> "What are the published policies and procedures by which your SO/AC is accountable to the designated community that you serve? Specifically, **transparency mechanisms for your SO/AC deliberations, decisions and elections**. "

Review: A summary of responses and resources provided on Transparency, supplemented by independent research by the SO/AC Accountability working group:

ALAC:

- ALAC Rules of Procedure are posted at https://community.icann.org/display/atlarge/Rules+of+Procedure
- ALAC's member At-Large Structures (ALS) are listed at https://atlarge.icann.org/alses. Individual members may choose to keep their names private.
- 21-day public notice is given before voting is conducted.
- All ALAC, RALO, and working group meetings are open to the public.
- Meeting minutes, recording, and transcripts are published.
- Most ALAC, RALO, and working group mailing lists are published.
- Results of elections are published. Individuals may use secret ballots.
- ALAC response spoke specifically about risk of "capture":

The ALAC itself is effectively immune from capture, since its members are selected by very geographically and culturally diverse populations. To be admitted as an At-Large Structure (ALS), the organization must be largely controlled by its members, again spreading the responsibility over large areas. In the one RALO where there was a fear that a few countries, because of their relative size compared to the majority, might dominate, weighted voting was instituted giving each country an equivalent vote and if there are multiple ALSes within that country, the vote is divided among them.

There is a potential for multiple ALSes to be linked and "controlled" centrally, despite the local membership. There are a few potential examples, but these tend to be more a case of perceived possible control rather than real control. Overall, in all such cases, the real risk is not of some entity capturing a large percentage of votes, but is apathy of the rest of the organization. And that is true in much of ICANN.

ASO/NRO:

- Members of the regional numbers community are listed at https://www.nro.net/about-the-nro/regional-internet-registries
- NRO officers are listed on ASO website
- ASO sessions at ICANN meetings are open to anyone.
- ASO provides glossary for acronyms and an FAQ page.
- ASO publishes minutes of NRO meetings.
- ASO email archives are published for anyone to see.

ccNSO:

- ccNSO Guidelines are published at https://ccnso.icann.org/about/guidelines.htm
- Allows non-member ccTLDs to be present at ccNSO meetings.
- All ccNSO Council decisions are immediately published on ccNSO website and wiki.
- All documents and materials are published on the wiki at least a week before ccNSO Council meetings.
- ccNSO Guidelines Review Committee is reviewing current practices and documentation and may recommend updates and/or new guidelines.

GAC:

- GAC Operating Principles are published at https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles
- Materials on GAC membership, meetings, key topics, correspondence and meeting notes are published on the GAC website.
- Correspondence between the GAC and the ICANN Board is published on the GAC website.
- All GAC face-to-face meetings (including Communiqué drafting sessions) are open and can be monitored real-time or via recordings and transcripts.
- The GAC Communiqué and meeting minutes are published in the six UN languages.

GNSO:

- Operating procedures are published at https://gnso.icann.org/en/council/op-procedures-01sep16-en.pdf
- Anyone can monitor Council meetings via audio. Meeting recordings, transcript, and minutes are published.
- The GNSO Council email list is archived and published for public view.
- GNSO Working Group meeting recording and transcripts are published on Working Group wiki.

- GNSO Working Group meeting recording and transcripts are published on Working Group wiki.
- Draft reports of GNSO Working Groups are published on Working Group wiki.

GNSO-BC (Business Constituency):

- The BC Charter is published at http://www.bizconst.org/charter
- BC members are listed at http://www.bizconst.org/bc-membership-list
- All BC filed comments and ICANN correspondence are published on the BC website.
- At ICANN meetings, the BC holds some closed sessions and at least one open session.
- BC members can monitor BC meetings via adobe and/or audio. Meeting recordings, transcript, and minutes are published to member email list.
- BC members all have access to a private email archive.
- Open email communications are published at https://forum.icann.org/lists/bc-gnso/https://forum.icann.org/lists/bc-gnso/

GNSO-IPC (Intellectual Property Constituency):

- Bylaws are published at http://www.ipconstituency.org/bylaws
- Members are listed at http://www.ipconstituency.org/current-membership
- Officers are listed at http://www.ipconstituency.org/officers
- Filed comments are published at http://www.ipconstituency.org/public-comments
- Archived emails are available at http://mm.icann.org/pipermail/ipc-gnso/
- Meeting minutes are published at http://www.ipconstituency.org/meeting-minutes

GNSO-ISPCP (Internet Service Providers and Connectivity Providers):

- ISPCP Charter is published at https://community.icann.org/pages/viewpage.action?pageId=27854098
- ISPCP Operating Procedures are published.
- Officers are listed at https://gnso.icann.org/en/about/stakeholders-constituencies/csg/isp
- Comments filed prior to 2014 are published at https://community.icann.org/pages/viewpage.action?pageId=27853808

GNSO-NCSG (Non-Commercial Stakeholders Group):

- NCSG Bylaws are published at https://community.icann.org/display/gnsononcomstake/Charter
- NCSG members are listed at https://docs.google.com/spreadsheets/d/1o0n2H5xkTPmon8K8wbFg0dAZTouHWgkWjcyNsSs_YXw/edit#gid=0
- Executive Committee listed at https://community.icann.org/display/gnsononcomstake/Leadership+Team
- Meeting minutes are published at https://community.icann.org/display/gnsononcomstake/Meeting+Records
- Email archives are published for both NCSG and Executive Committee
- Statements and letters are published and archived

GNSO-NCUC (Non-Commercial Users Constituency):

- Bylaws published at http://www.ncuc.org/governance/bylaws/bylaws-revision-2016/differential-document/

- Organizational Members are listed at http://www.ncuc.org/about/members/
- Executive Committee is listed at http://www.ncuc.org/governance/executive-committee/http://www.ncuc.org/governance/executive-committee/
- Executive Committee meeting minute are published at http://www.ncuc.org/governance/executive-committee/
- Email archives are published at http://lists.ncuc.org/cgi-bin/mailman/listinfo
- Statements and letters are published at http://www.ncuc.org/policy/statements/

GNSO NPOC (Not-for-Profit Operational Concerns Constituency):

- NPOC Bylaws (Charter) are published at https://community.icann.org/display/NPOCC/Charter
- NPOC has started a Bylaws review at https://community.icann.org/display/NPOCC/NPOC+Charter+Review
- NPOC members are listed at http://www.npoc.org/members/memberlist.php
- Executive Committee listed at http://gnso.icann.org/en/about/stakeholders-constituencies/ncsg/npoc
- Email archives are published at and Executive Committee at https://mm.icann.org/mailman/listinfo/npoc-discuss

GNSO RrSG (Registrars Stakeholder Group):

- The RrSG commitment to transparency is first mentioned in Sec. 2.6. Additionally, rules and procedures for group decisions (Motions, elections, "Fast Track" issues, budget approval, etc.) are also defined in the Charter. (http://icannregistrars.org/charter/)

GNSO RySG (Registries Stakeholder Group):

- Minutes of all meetings shall be kept in electronic form or audio form, or both, if feasible, and copies of the minutes (if available) shall be sent to the membership as soon as conveniently possible after each meeting. Private deliberations and conversations need not be recorded.

RSSAC (Root Server System Advisory Committee):

- The RSSAC produces publications in part for the benefit of and consumption by the broader Internet community. In support of this mission, the RSSAC holds public meetings for two principal purposes: 1) to report to the community on its activities and other significant issues; and 2) to receive from the community questions, comments, and suggestions. The RSSAC may elect to hold multiple public meetings when the RSSAC is studying a topic of interest over a long period. (RSSAC 000v2, Section 1.5.3)
- The results of RSSAC votes (publication approvals, policy/position decisions, appointments, elections, etc.) are captured in minutes of each meeting, which are posted to the RSSAC website after the RSSAC approves the draft version for publication. (RSSAC 000v2, Section 1.5.3) The RSSAC shares its minutes with the RSSAC Caucus every month. The RSSAC notifies appropriate groups via its liaisons and/or support staff about any decisions or votes.
- The RSSAC provides public briefings on its publications (and updates on its ongoing work) at every ICANN meeting. The RSSAC also briefs the ICANN Board during its joint meetings. Moreover, the RSSAC participates in a tutorial series organized by the Office of the ICANN CTO, presenting on root server operations. The RSSAC welcomes invitations to explain its publications or to conduct joint meetings with other groups.

SSAC (Security and Stability Advisory Committee):

- Charter is published at https://www.icann.org/groups/ssac/charter
- Operational Procedures published at https://www.icann.org/en/system/files/files/operational-procedures-20jun16-en.pdfhttps://www.icann.org/en/system/files/files/operational-procedures-20jun16-en.pdf

- Member bios and SOIs listed at https://www.icann.org/resources/pages/ssac-biographies-2016-12-15-en
- Officer (chair) is named at https://www.icann.org/groups/ssac
- Reports and Advice published at https://www.icann.org/groups/ssac/documents
- Correspondence published at https://www.icann.org/resources/pages/ssac-correspondence-2016-01-08-en

Note that **transparency** is part of the structural review of the ALAC, ASO, ccNSO, GNSO, RSSAC, and SSAC, to be conducted at direction of the ICANN board every 5 years. ICANN Bylaws Section 4.4 requires the Board to cause an independent, periodic review (every 5 years) of each SO/AC, except that the GAC "shall provide its own review mechanisms". Note that these are required to be independent reviews and are usually conducted by outside consultants hired by ICANN.

Recommendations regarding SO/AC/Group Transparency:
Our review leads us to recommend that each SO/AC/Group consider adopting the following "best practices", where applicable to their structure and purpose:

1. Charter and operating guidelines should be published on a public web page and updated whenever changes are made.
2. Members of the SO/AC or Group should be listed on a public web page.
3. Officers of the SO/AC or Group should be listed on a public web page.
4. Meetings and calls of SO/ACs and Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include 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.
    - internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course.
    - information whose disclosure would constitute an invasion of personal privacy, such as medical records.
    - information whose disclosure has the potential to harm the security and stability of the Internet.
    - information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.
5. Notes, minutes, or records of all membership meetings should be made publicly available.
6. Filed comments and correspondence with ICANN should be published for anyone to view

Review and draft recommendations regarding SO/AC Participation

The new Bylaws tasked us to:

> "review and develop … recommendations on SO/AC accountability, including but not limited to improved processes for accountability, transparency, and **participation** that are helpful to prevent capture"

We asked each SO/AC/Group to describe:

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.

Review: A summary of responses and resources provided on Participation, supplemented by independent research by the SO/AC Accountability working group:

ALAC:

- Policies related to the certification or decertification of ALSes are documented within the ALAC RoP and (related to decertification) in the RALO rules coupled with the ALAC RoP.
- Acceptance of individual RALO members is governed by the RALO rules.
- Work Teams (WT - under a number of different names such as Working groups, Drafting Teams, Subcommittees, etc.) are generally open to all except as limited in the WT charter, mission or motion that creates it.
- Locating such documents, like all records in ICANN, can at times be problematic, but there are few if any instances where that has caused a problem. As noted, virtually all meetings are open, and subject to time and the Chair's discretion, who can speak is not generally limited.
- Who can vote in elections is defined in the appropriate ALAC or RALO rules. Each RALO is free to set its own position on issues and the ALAC speaks for itself and all of AtLarge as appropriate.

ASO/NRO:

- Process is open and inclusive of any entity or individual that wishes to participate in the Numbers community and the Global Policy Development Process (GPDP). As the GPDP by its nature includes engagement of the Numbers community at the five RIR regions respectively, see: https://www.nro.net/about-the-nro/rir-accountability#141.
- Further, to assist members of the community, particularly newcomers, in understanding the NRO NC, its processes, and how a community member can be involved in the GPDP, an FAQ is available at https://aso.icann.org/about-the-aso/aso-frequently-asked-questions/.
- The ASO also maintains mailing lists for dissemination of information and engagement with the community. See https://aso.icann.org/contact/aso-mailinglists/.
- To assist members of the community, particular newcomers, in understanding terms that may be used in disclosed material, a glossary is made available at https://aso.icann.org/about-the-aso/glossary/.

ccNSO

- The general rule is that any ccTLD, regardless of its membership of the ccNSO, is always welcome to participate in the meetings of the ccNSO, contribute to discussions, and participate in the work of the working groups. However, only ccNSO members elect ccNSO Councilors and ICANN Board members (seats 11 and 12), as well as vote on the ccNSO policies

GAC

- Procedures for becoming a Member of the GAC are available on the GAC website. All Members may participate in GAC face-to-face meetings, discussion via the GAC e-mail list, inter-sessional teleconferences and GAC Working Groups, and are actively encouraged to do so.
- All GAC face-to-face meeting sessions are open (recognising community feedback on this point) and anyone interested can follow them in real time as well as through recordings and transcripts.
- The GAC Communiqué and minutes of the meeting are published in the six UN languages.
- The schedule for GAC face-to-face meetings is subject to extensive consultation with GAC members,

including teleconferences arranged for different time zones.

- Real-time interpretation in the six official UN languages is provided (by ICANN) for GAC face-to-face meetings and inter-sessional teleconferences.
- Travel support is provided (by ICANN) to assist a limited number of GAC members and observers from developing economies to attend face-to-face meetings according to published criteria.

GNSO

- Only Council members can participate in GNSO Council meetings. Subject matter experts outside the Council are sometimes invited to attend a Council meeting to provide information on a dedicated topic. However, all decisional meetings are recorded, transcribed, and audiocast.
- Anyone interested can participate in a GNSO Working Group. The only requirement is that a statement of interest is provided (it is not a problem to have a specific interest as long as it is declared). Those not willing or able to participate in working groups as a member have the option to following deliberations as an observer (read only access to the mailing list). All GNSO Working Groups have their mailing list publicly archived as well as recordings and transcripts posted online.

GNSO-BC

- Policies for determining whether individuals or organizations are eligible to participate in BC meetings, discussions, etc., are outlined in §3 of the current BC Charter (*http://www.bizconst.org/charter*). In the new Charter, eligibility is outlined in §5.
- In order to be eligible to participate within the BC, organizations and their representatives (primary representative and others), the organization must first become a member. Eligibility criteria is outlined in §3 within the current charter and §5 in the new charter.
- The process for becoming a member of the BC begins with submitting an application to the BC Secretariat (info-bc@icann.org) or via the website bizconst.org, which is then reviewed by the BC's Credentials Committee (CC) for consideration per the membership eligibility criteria. If an application is approved, the applicant (i.e., the organization/association/company) is notified within 14 business days and sent an invoice to be paid. Once the invoice is paid, the applicant is approved as a BC Member. The BC maintains a public list of all members, at http://www.bizconst.org/bc-membership-list.
- Appeal mechanisms for membership applications and membership credentials are outlined in Section 5.6.2 of the new BC Charter, which gives empowers the Credentials Committee to conduct a review upon request.
- The specific steps are outlined in the Charter, including when the termination of a membership is deemed appropriate. If a BC member is not satisfied with EC decision, that member may pursue the complaint with ICANN's Ombudsman.
- The BC's teleconference meetings are held bi-weekly, and are open to all BC Members. The BC holds a meeting open to guests during each ICANN Public Meeting. The procedures outlining BC Meetings are in the new BC Charter, in §8.

GNSO-IPC

- In order to be eligible to participate within the IPC, organizations, corporations, law firms and individuals must first become members of the IPC. Eligibility criteria are outlined in Section II(A)- (C) of the IPC Bylaws:
  Information on joining the IPC, including an online application, is on the IPC Website, in the "Join the IPC" section: http://www.ipconstituency.org/join-the-ipc. The membership application process is described in the IPC Bylaw, Section II(D) (Application for Membership).

- Potential applicants shall complete an IPC application form that shall be publicly available on the IPC website or through contacting any IPC officer.
- All applications for membership are forwarded to the IPC officers for consideration and will be voted on by the IPC Council on a regular basis. All applicants may request the status of their application and admission decision and, in the event of any objection to said application, shall be given the opportunity to ask clarifying questions about the objection and shall be given the opportunity to reply with clarification or to reply in general.
- Membership applications are first reviewed by the IPC Membership Committee. If approved by the Membership Committee, the application is then referred to IPC Leadership. If approved by IPC Leadership, the application is lastly referred to the IPCC (Intellectual Property Constituency Council), which consists of the IPC Category 2 (local, state or purely national intellectual property organizations) and 3 (international intellectual property organizations) members.
- Members' eligibility to participate in IPC activities is set out in the IPC Bylaws, Section II(F) (Participation).
- There is an appeal mechanisms for the refusal of a membership application or the expulsion of a member. Any decision of the IPC officers can be appealed to the IPCC, with the possibility of further review by the ICANN ombudsman in accordance with the ICANN by-laws. [The IPCC may refuse or expel any member where on reasonable grounds it feels it is in the best interest of the IPC to do so; provided, that any such action is subject to review by the ICANN Ombudsman in accordance with the ICANN by-laws.

GNSO-ISPCP

- The ISPCP's policies for determining whether individuals or organizations are eligible to participate in ISPCP meetings, discussions, etc., are outlined in Chapter II., Membership, of the Articles (https://community.icann.org/x/EgWpAQ).
  In order to be eligible to participate within the ISPCP, organizations and their representatives (primary representative and others), first must become a member.
- The process for becoming a member of the ISPCP begins with submitting an application to the ISPCP Secretariat (secretariat@ispcp.info) or via the website http://www.ispcp.info/, which is then reviewed by the ISPCP's Credentials Committee (CC) for consideration per the membership eligibility criteria. If an application is approved, the applicant (i.e., the organization/association) is notified within 14 business days and the new member is added to the mailing list.
  Appeals: Process not yet included
  The ISPCP's teleconference meetings is held once a month, and is open to all ISPCP members.
  The ISPCP holds a public meeting open to guests during each ICANN Public Meeting. Agenda, meeting notes and mp3 recordings from the public meetings held during ICANN meetings are posted on the Constituency website.

GNSO-NCUC (Non-Commercial Users Constituency):

- NCUC's policies and procedures for membership eligibility are stated in section III of the NCUC bylaws. Any organization or individual that becomes an NCUC member will be able to get involved with all policy matters discussed at NCUC, working groups etc. http://www.ncuc.org/governance/bylaws/
- Each membership application is individually vetted by the NCSG executive committee. There are also new procedures in the recently amended bylaws to ensure that organizations or individuals whose eligibility status changes can be removed if appropriate.
- NCUC is also aligned with GNSO operating procedures,
- Members are encouraged to join the different PDP working groups and information about policies are shared in regular basis in the main mailing list.

GNSO NPOC (Not-for-Profit Operational Concerns Constituency):

- Policies and procedures to determine whether organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions can be found in provision 5 (Membership) and 4 (Membership Committee) from the NPOC Charter: https://community.icann.org/display/NPOCC/Charter
- NPOC members are organizations with missions such as: philanthropic, humanitarian, educational, academic and professional development, religious, community associations, promotion of the arts, public interest policy advocacy, health-related services, and social inclusion.
- The Membership Committee, among other things, receive and review Member applications and, if the information in the application is not sufficient to warrant acceptance, notify the applicant and request additional information. Then establish, execute and assure compliance with the new Member application process. Eventually, accept new Members who qualify in accordance with the Charter. The Membership Committee will keep contact information updated and determine the geographical region representation of the membership base. It will also devise and conduct recruitment and outreach programs.

GNSO RrSG (Registrars Stakeholder Group):

- The community definition for the RrSG is well-defined: the SG is comprised of members in good standing. Furthermore, eligibility for membership is established by Sec. 2.1 of the RrSG Charter (http://icannregistrars.org/charter/), as open only to ICANN-accredited registrars, and for whom their primary relationship with ICANN is as a registrar, rather than as another contracted party (e.g. registry operator).
- Overall RrSG membership is defined by Sec 2.1 in the charter, but eligibility to be a Voting Member ("Registered Representative") is dependent upon affiliations (if any) with other members or with entities voting in other SGs. Registered and Non-Registered Representatives are described in Sec 2.2 and 2.3.

GNSO RySG (Registries Stakeholder Group):

- All Registries are eligible for membership in the RySG upon the "effective date" set forth in the Registry's agreement with ICANN. For all purposes (including voting), each operator or sponsor shall be considered a single Registry Member of the RySG. Further, in cases where an operator or sponsor has a controlling interest in another registry operator or sponsor, either directly or indirectly, the controlled registry operator or sponsor shall not be considered a separate Member of the RySG. Membership shall be terminated if a Member's agreement with ICANN is terminated or a Member voluntarily terminates its membership. A Registry that is owned or controlled by, or under common ownership with, or affiliated with any entity that votes in another stakeholder group or constituency in either house of the GNSO is not eligible for voting membership in the RySG. Any question regarding eligibility or exceptions shall be determined by a vote of the RySG.
- In order to join the RySG as a full Member with voting rights, the potential Association Member must meet the following criteria: · The Association must be created primarily to represent registry operators; The Association's voting membership must be composed only of gTLD registry operators; The Association may also allow applicants or potential applicants to be gTLD registry operators to become members of the Association, but these applicants/potential applicants may not have a vote within the Association; and At least one Association member must be a gTLD registry operator that is NOT a RySG Member. The RySG would evaluate eligibility via the Executive Committee to vet applications. The Executive Committee has final decision-making authority on any association membership application and may use discretion if unique circumstances make it appropriate to do so.

RSSAC (Root Server System Advisory Committee):

- The membership of the RSSAC is defined in the ICANN Bylaws. RSSAC Operational Procedures further specify which RSSAC members can vote. Voting rights are limited to the appointed primary representatives of each root server operator organization. Each root server operator organization may also appoint an alternate representative to allow for continuity of representation and to fulfill voting obligations when the primary representative is unable to do so. (RSSAC 000v2, Sections 1.2.3 and 1.2.4)

- The RSSAC holds regular, emergency, and public meetings. Regular meetings are closed to the public and are held to conduct the work of the RSSAC. The Co-Chairs may schedule a public regular meeting at their discretion. Emergency meetings are closed to the public and enable RSSAC to respond to extraordinary circumstances. Regular and emergency meetings are open only to members of the RSSAC and invited guests. Public meetings are used both to present the work of the RSSAC and to engage the broader Internet community. (RSSAC 000v2, Section 1.5)
- RSSAC Operational Procedures govern RSSAC activity and work. RSSAC deliberations/discussions take place in person, via teleconference or on a closed mailing list. The RSSAC occasionally forms work parties to carry out organizational work. These work parties are open only to RSSAC members.
- The RSSAC Caucus adopts the RSSAC Operational Procedures as its own. RSSAC Caucus deliberations/discussions take place in person, via teleconference or on an open mailing list. The RSSAC Caucus forms work parties to advance advice development. These work parties are open to all RSSAC Caucus members.

SSAC (Security and Stability Advisory Committee):

- SSAC meetings, discussions and work groups are normally closed to other than SSAC members, SSAC Support Staff and selected members of ICANN Security and Technical Staff. Occasionally, the SSAC will invite individuals with specific expertise to participate in discussions or on Work Parties if that expertise is lacking in SSAC members.

Recommendations regarding SO/AC/Group Participation:
Our review leads us to recommend that each SO/AC/Group consider adopting the following "best practices", where applicable to their structure and purpose:

1. Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.
2. Where membership must be applied for, the process of application and eligibility criteria should be publicly available.
3. Where membership must be applied for, there should be a process of appeal when application for membership is rejected.
4. For any meetings, be they closed to members only or open to anyone, the members have to be able to access notes, minutes, and/or recordings, subject to exceptions for confidential matters.
5. A publicly visible mailing list should be in place.
6. A glossary for explaining acronyms used by SO/AC /Groups is recommended

Review and draft recommendations regarding SO/AC/Group Outreach

We asked each SO/AC/Group to describe:

> 2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your SO/AC.

Review: A summary of responses and resources provided on Outreach, supplemented by independent research by the SO/AC Accountability working group:

ALAC:

- Outreach events while at ICANN meetings;
- Interaction with ICANN Fellows and NextGen;
- Use of CROPP funding to attend meetings and other events, or targeted visits (such as to a country with no current At-Large participation);
- Attendance at various regional and international events. Examples include: Regional IGFs, Global IGF, RIR meetings, regional Internet-related meeting (such as APRICOT),
- Organizing, teach at or otherwise participating in Schools of Internet Governance.
- Using social media to increase awareness.
- Each RALO has an Outreach Strategic Plan.
- Outreach to attract new organizational members (ALSes) is a constant focus. More recently, we are working to increase the number of individual members in the regions the allow them (NA, EU, AP) and results show we are successful.
- We also are about to launch a new program to increase penetration within our ALSes.
- Often, in many cases, it is just one or a few people in the organization who are active within At-Large,and we are determined to increase our breadth of coverage within the ALSes.

ASO/NRO:

- Anybody who would like to be involved with the Internet number resource community in their respective region is welcome to suggest or comment on global policy proposals, be elected to serve on the ASO Address Council (ASO AC), or vote in elections. Anyone is welcome to attend ICANN meetings and come to the ASO session(s). Anyone is welcome to attend RIR events in person or remotely, and participate in policy discussions.
- The NRO Number Council (NRO NC) performs the function of the ASO AC. For information on how the NRO NC is constituted, see https://www.nro.net/about-the-
- nro/the-nro-number-council
- Further, for information on how members of the NRO NC are elected/appointed from their respective RIR regions, see:
- AFRINIC: https://www.afrinic.net/en/community/ig/nro
- APNIC: https://www.apnic.net/community/participate/elections/nro-elections
- ARIN: https://www.arin.net/participate/elections/nronumbercouncil.html
- LACNIC: http://www.lacnic.net/en/web/lacnic/aso-nro
- RIPE NCC: https://www.ripe.net/participate/internet-governance/internet- technical-community/nro [RACI program for the academics]
- In addition, for information on the individual RIRs, see the RIR Governance Matrix at https://www.nro.net/about-the-nro/rir-governance-matrix, specifically Section 1,
- RIR Bylaws and Operational Documents, and Section 2, Regional Policy

ccNSO: (extracted from CCNSO wiki page)

- CCNSO has regional outreach https://community.icann.org/display/ccNSOCWS/Outreach

GAC:

- GAC face-to- face meetings regularly include capacity-building and outreach sessions to encourage the widest range of participation by members.

- GAC has membership of 170 national and territory governments and 35 observers. The GAC Chair and Vice Chairs, GAC Member representatives and ICANN staff, in particular those from the Government Engagement Team, regularly explain the work of the GAC on a bilateral basis and at relevant meetings and conferences. Non-members who are eligible to join the GAC are encouraged to do so. Recent bilateral initiatives include the UK reaching out to Bangladesh.
- GAC also does outreach through the biennial ICANN High Level Governmental Meeting, where Ministers from GAC and Non-GAC member governments are invited.
- GAC face-to-face meetings regularly include capacity-building and outreach sessions to encourage the widest range of participation by members and others.

GNSO:

- ICANN newsletters, and outreach to other SO/ACs.
- Specific newcomer webinars and training tools are available for those that want to learn more about what it takes to participate in GNSO working groups.

GNSO-BC (Business Constituency):

- The BC's commitment to outreach is described in the current BC Charter at §12 and in the new Charter at Section 9:2009 CHARTER, §12 "Business users' participation in ICANN is critical. The BC will, in tandem with other members of the CSG, make best efforts to broaden the participation of business users wherever possible according to available resources."
- 2016 CHARTER (undergoing review by ICANN Staff), §9.2:

  > The new BC Charter in §9.2 presents the Chair and Vice-Chair for Finance and Operations as being "primarily responsible for allocating funds, proposing plans/programs, and encouraging Member participation in activities designed to achieve the Business Constituency's outreach and recruitment goals."
- Outreach Strategy. Annually, a BC Outreach Strategy is created and approved within the BC, outlining its implementation strategy for the upcoming year, and expected outcomes. BC Outreach strategy is administered by the BC Outreach Committee with the support of its Executive Committee and ICANN staff. In FY16, the BC's Outreach spending totaled 12,750.00 €, which includes activities such as support of events and travel requests.
- The Outreach committee meets via teleconference before each ICANN Public meeting for planning purposes. The Outreach team also drafts an Outreach and Strategic Plan annually, which can be found on the ICANN Wiki space (https://community.icann.org/x/XQKbAw) and actively participates in the Community Regional Outreach Pilot Program (CROPP).
- Newsletters are published by the BC in advance of every ICANN Public Meeting (http://www.bizconst.org/newsletter). Articles are written by BC members and designed by the BC for outreach purposes at each ICANN Public Meeting, and various outreach events that the BC participates in (such as AfICTA Summits, trade events, and IGF forums).
- BC's CROPP travel forms for past and upcoming travel and outreach events in FY17 will be tracked here: https://community.icann.org/x/zw2OAw

GNSO-IPC (Intellectual Property Constituency):

- IPC has an Outreach Engagement Committee, which is responsible for planning, oversight and some execution of the IPC's outreach and engagement strategy.
- Outreach Strategy: The IPC Outreach and Engagement Committee is tasked with developing the Outreach Strategy for the upcoming year. The IPC Outreach and Engagement Strategic Plan for FY17 can be found at https://community.icann.org/x/GgybAw . After the Outreach and Engagement
- Committee develops a draft Plan, it is reviewed and approved first by IPC Leadership (Officers and Councilors) and then by IPC Membership.
- The IPC participates in ICANN programs such as the Fellows program, the Leadership Training Program, CROPP, and various Business Engagement activities.
- planning team in advance of each ICANN meeting to coordinate the logistics and events of the IPC, including any outreach and engagement planned for the meeting.
- The IPC holds an open meeting of the Constituency at each International Trademark Association (INTA)

annual meeting and promotes the IPC at meetings of the INTA Internet Committee. The IPC also conducts informal outreach at other meetings where Intellectual Property Constituency stakeholders will be present (e.g., the annual meeting of MARQUES).

- The IPC has a website and a print brochure for outreach purposes.
- IPC Bylaws: http://www.ipconstituency.org/Bylaws
- IPC Outreach and Strategic Plan for FY17: https://community.icann.org/x/GgybAw7
- IPC's CROPP travel forms for past and upcoming travel and outreach events in FY17 will be tracked in the CROPP space, https://community.icann.org/x/2A2OAw.
- ICANN Leadership Program: https://community.icann.org/x/4hK4Aw
- The IPC brochure can be found at https://ipc.memberclicks.net/assets/FactSheets/ipc_onepager_2016.pdf

GNSO-ISPCP (Internet Service Providers and Connectivity Providers):

- Outreach efforts, per the ISPCP Procedures, are described in Section 7: "The ISPCP will undertake best efforts to broaden participation and awareness of the Constituency and its activities wherever possible and with the resources at its disposal. All ISPCP members should be expected to assist with this goal within their own sphere of activities and flag opportunities for outreach to the Executive Committee."
- Outreach Strategy: Annually, an ISPCP Outreach Strategy is created and approved within the ISPCP, outlining its implementation strategy for the upcoming year, and expected outcomes, which includes activities like, but not limited to, the support of events and travel requests.
- The Outreach committee meets via teleconference before each ICANN Public meeting for planning purposes. The Outreach team also drafts an Outreach and Strategic Plan annually, which can be found on the ICANN Wiki space (pending) and actively participates in the Community
- Regional Outreach Pilot Program (CROPP)
- Bulletins: Bulletins (sometimes referred to as Newsletters) are published by the ISPCP in advance of the annual ICANN Public Meeting and archived on the ISPCP website.
- ISPCP Articles (2009 - current): https://community.icann.org/x/EgWpAQ
- ISPP's CROPP travel forms for past and upcoming travel and outreach events in FY17 will be tracked here: https://community.icann.org/x/2w2OAw
- ISPCP Bulletins archive: http://www.ispcp.info/ispcp-bulletin

GNSO-NCUC (Non-Commercial Users Constituency):

- Outreach events before and during each ICANN meeting
- Brochures in different languages
- Free membership
- Exhibitions and booths in various events outside ICANN meetings, such as IGF
- Maintain a website
- Participation in Internet governance related civil society email lists and events, such as WSIS, the Internet governance caucus list, Bestbits, global and regional IGFs and civil society organized events such as Rightscon and Internet Freedom Festival, among others. NCUC members aim to carry out outreach and inform the broader community about NCUC and ICANN at different IG-related events. A new initiative is underway to facilitate further the outreach requests from NCUC members and the external noncommercial users.
- Close collaboration with ICANN global and regional engagement teams
- Supporting noncommercial and civil society events outside of ICANN and informing them about our work
- Use of CROPP to hold events and send delegates to meetings to encourage the NCUC designated community to join

GNSO NPOC (Not-for-Profit Operational Concerns Constituency):

- NPOC has done several outreach events each year. Some are events with panels and debates, others are webinars with invited guests and NPOC also has members doing outreach in their region in third parties events regarding the DNS, NGOs and Internet Governance.

- We have brochures in different languages and material from the events and webinars.
- All the outreach in NPOC is being reviewed, especially the webpage, as part of an Outreach strategy and an Onboarding program that will both give startup material for newcomers and create a mentorship dynamic for them to be more easily engaged in the PDPs.
- New outreach events have been started by the current NPOC EXCOM, through CROPP funding, the first been in Senegal, Dakar in January 2017. Other outreach events planned during the intersessional could not take place due to lack of approval. A series of outreach too are taken place during ICANN meetings, the last been at Hyderabad. NPOC plans to have other stand alone outreach events either through CROPP funding or other sources from ICANN.

GNSO RrSG (Registrars Stakeholder Group):

- We are provided a list of newly-accredited registrars by ICANN GDD Staff, and may reach out to them to inquire about membership. Alternatively, we leverage business networks via other organizations & associations, such as ccTLD policy structures, or groups focused on related business activities, like hosting or domain aftermarkets.

GNSO RySG (Registries Stakeholder Group):

- Outreach letters are sent to all new gTLD registry operators upon signing their registry agreement with ICANN.
- Outreach session held during ICANN 56 in Helsinki, and two sessions planned during ICANN 58 in Copenhagen.

RSSAC (Root Server System Advisory Committee):

- The restructure of 2013 established the RSSAC Caucus of DNS experts to broaden the base of technical expertise and experience available for RSSAC work. The RSSAC Caucus produces RSSAC documents such as reports and advisories.
- The RSSAC Caucus consists of the members of RSSAC as well as individuals who have expressed willingness to work on RSSAC documents. Each member of the RSSAC Caucus maintains a public description of his or her willingness and motivation to help produce the RSSAC documents, relevant expertise, and formal interests in the work area of the RSSAC. (RSSAC 000v2, Section 2.1)
- To this end, the RSSAC Caucus Membership Committee has been tasked with conducting outreach efforts in relevant forums (ICANN, IETF, DNS OARC meetings, etc.) to diversify and grow the membership of the RSSAC Caucus. The purpose of the RSSAC Caucus Membership Committee is to ensure that the RSSAC Caucus has a high-functioning and healthy body of technical experts in DNS root name service. The RSSAC Caucus Membership Committee consists of four individuals—both RSSAC and RSSAC Caucus members—and includes one of the RSSAC Co-Chairs as an ex officio member. (RSSAC 000v2, Section 2.4)

SSAC (Security and Stability Advisory Committee):

- Appointment of new SSAC members is undertaken in accordance with OP Section 2.3 New Member Selection. Other SSAC outreach is focused primarily outside the designated community and is focused on publicizing SSAC Reports both to the Board and within the broader ICANN community. Additionally, individual SSAC members participate in many other technical fora such as the Internet Engineering Task Force (IETF), the Anti-Phishing Working Group (APWG), etc. and share relevant SSAC work in those fora.

Recommendations regarding Outreach:

Our review leads us to recommend that each SO/AC/Group consider adopting the following "best practices", where applicable to their structure and purpose:

1. Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.
2. Each SO/AC/Group should maintain a publicly- accessible website/wiki pages to advertise their

outreach events and opportunities

3. Each SO/AC/Group should consider creating a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.

4. Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures

5. Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership ranks.

Review and draft recommendations regarding Updates to SO/AC/Group Policies and Procedures

We asked each SO/AC/Group to describe:

> 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?

Review: A summary of responses and resources provided on updates to SO/AC Policies and Procedures:

ALAC

- ALAC Bylaws were written in 2003 and updated.
- The Memorandums of Understanding creating the RALOs all date back to 2006-7. The original ALAC Rules of Procedure and RALO governance documents also date to that same era, as do the regulations governing how ALSes are certified and decertified. The ALAC Rules of Procedure (RoP) were completely rewritten in 2013, and many other of the associated documents and processes formalized at that time. APRALO rewrote their Rules of Procedure in 2014 and the other four RALOs are at various stages of rewriting their operating documents. Rewriting such documents tends to be a monumental effort and time devoted to that must be balanced with volunteer time spent on the real reason we are here.
- All of these have been revised or re-written based on the recognition by those trying to govern themselves by these documents that they were insufficient (and that new/revised ones were worth the effort taken to effect the changes). Either as part of the internal review we are conducting on ALS membership criteria and the expectations we have from ALSes and RALOs, or as a result of the current At-Large Review, we expect an extensive rewrite of the ICANN Bylaws for the ALAC (ensuring that they say what actually is happening and not what people in 2002 thought we should be doing).

ASO/NRO

- pursuant to the ASO MOU (https://aso.icann.org/documents/memorandums-of-understanding/memorandum-of-understanding/) which references Article IV, Section 4 of the ICANN Bylaws (https://www.icann.org/resources/pages/bylaws- 2012-02-25-en#IV), the NRO provides its own review mechanisms for periodic review of the ASO.
- For the current RFP related to the upcoming review, see: https://www.nro.net/news/request-for-proposals-for-consulting-services-independent-review-of-the-icann-address-supporting-organisation .
- In addition, see https://www.icann.org/resources/reviews/org/aso for information on current and past reviews.

- Most recent completed report is available at https://www.nro.net/wp-content/uploads/ASO-Review-Report-2012.pdf
- RIRs have their own accountability assessment report

ccNSO

- The ccNSO has developed a range of guidelines, which define and delineate the accountability of the ccNSO Council with respect to the ccNSO membership and broader ccTLD community. These guidelines and rules define, inter alia, internal ccNSO relation between the ccNSO Council and membership, allocation of travel funding, participation in working groups and newly created bodies. All these rules should be considered internal rules in the sense of the ICANN Bylaws and can be found at: https://ccnso.icann.org/about/guidelines.htm
- The general rule is that any ccTLD, regardless of its membership of the ccNSO, is always welcome to participate in the meetings of the ccNSO, contribute to discussions, and participate in the work of the working groups. However, only ccNSO members elect ccNSO Councilors and ICANN Board members (seats 11 and 12), as well as vote on the ccNSO policies. All decisions of the ccNSO Council are immediately published on the ccNSO website and wiki space. After discussions with the community, the ccNSO Council decided to implement additional measures to ensure that community members are better informed about the issues discussed by the ccNSO Council. It means that all documents and materials are published on the wiki space at least a week before the ccNSO Council meeting and the community is invited to provide input prior to the meeting.
- Since December 2014 a ccNSO working group - the Guidelines Review Committee (GRC) - 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 and after consultation with the ccNSO membership are adopted by the ccNSO Council. The GRC has also been tasked to develop and propose guidelines, practices and working methods to implement the ccNSO related direct and indirect aspects of the 1 October 2016 ICANN Bylaws.

GAC:

- The GAC participates at a community-wide level by appointing members to the ATRT and other review teams. All GAC-related recommendations in both the ATRT1 and ATRT2 Final reports have been implemented by the GAC.
- The GAC reviews its internal processes and Operating Principles in response to external developments and the views of members. The Operating Principles were reviewed and amended in 2010, 2011, and 2015. They are currently undergoing a comprehensive review.

GNSO

- Review of such policies and procedures is covered as part of the structural review of the GNSO which has resulted in previous improvements and updates. The recommendations of the current GNSO Review are in the process of being implemented.

GNSO-BC

- The current Charter displayed on the BC website was revised in 2009. In 2014, the BC established a Charter revision committee to explore another charter update. A new Charter was approved by BC Members in Oct-2016 and submitted to ICANN to undergo the five-stage approval process. The new charter appears in the Appendix and at http://www.bizconst.org/assets/docs/Charter/bc%20charter%20v3%200-final%20draft%20v5.pdf
- The BC updates its Charter based upon cumulative requests from BC members. Requests typically note a need for clarifications, for specific amendments, or the need to update the Charter to account for changing circumstances.

GNSO-IPC (Intellectual Property Constituency):

- The IPC Bylaws were adopted on November 15, 2010 and replace the Bylaws that were effective November 14, 2005. The Bylaws were updated, at least in part, to respond to specific community requests/concerns. For example, there were concerns that under the old Bylaws, 12 there was no voting role for individual members. Such a role was provided in the revised Bylaws.

GNSO-ISPCP (Internet Service Providers and Connectivity Providers):

- Not updated

GNSO-NCUC (Non-Commercial Users Constituency):

- NCUC just conducted a major review and revision of its bylaws. The process, which started almost two years ago, has involved a major redrafting and finally approval by a supermajority of the membership. The revised NCUC bylaws provide more clarity on membership eligibility requirements as well as formal procedures for removal of members and officers. The new bylaws also contain a clause reaffirming NCUC's commitment to accountability.

GNSO NPOC (Not-for-Profit Operational Concerns Constituency):

- NPOC is less than ten years old as a Constituency and is now going under a Charter review that is lead both by the new ICANN Bylaws after the transition, but as well as part of the community request and concerns regarding improving NPOCs structure, policies and procedures to better address its community interests.

GNSO RrSG (Registrars Stakeholder Group):

- Most recently updated in 2014 to reflect changes that would clarify some ambiguities around membership eligibility and elected offices. The charter amendments were developed by an RrSG working group working with ICANN Staff, and were approved by members and the ICANN board. They may also have been put out for Public Comment.
- The RrSG charter is also currently undergoing another review, with completion and ratification hopefully completed by June 2017. Primary changes are to ensure smoother operation of the SG procedures, as well as to clarify the eligibility to hold office.

GNSO RySG (Registries Stakeholder Group):

- Community request to translate our Charter into the six UN approved languages. All translated versions now available on our website.
- Community request for Association membership was approved and now part of our Charter. Two Association members now part of the RySG community: Brand Registry Group and the GeoTLD Group.

RSSAC (Root Server System Advisory Committee):

- The RSSAC reviews its operational procedures annually. The most recent review of this document in late 2015 yielded several clarifying changes which were approved in June 2016.
- The first review of the RSSAC from 2008/2009 produced several recommendations for improvement. As a result, the RSSAC implemented significant structural changes in 2013, reflected in its Operational Procedures. The RSSAC looks forward to its next review scheduled to begin in May 2017.

SSAC (Security and Stability Advisory Committee):

- The SSAC OP is reviewed annually. The current Version 5.0 is dated 20 June 2016. These reviews have resulted in several changes, such as to the New Member Selection and Annual Review processes undertaken in late 2015/early 2016, resulting in Version 5.0. The SSAC has previously advised that it wishes to continue providing its input to the ICANN Community in a purely advisory capacity and does not wish to take on any role in exercising community powers. Additionally, in the annual review of the OP the SSAC takes into consideration concerns, if any, raised by the community and ensures that the OP is not in conflict with the ICANN Bylaws with respect to the SSAC and its role.

Recommendations regarding Updates to SO/AC/Group Policies and Procedures:

Our review leads us to recommend that each SO/AC/Group consider adopting the following "best practices", where applicable to their structure and purpose:

1. Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.
2. Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions.
3. Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than 1 year, and temporary measures should be considered if the review extends longer.

Track 2. Evaluate the proposed "Mutual Accountability Roundtable" to assess its viability and, if viable, undertake the necessary actions to implement it.

The "Mutual Accountability Roundtable" noted in the CCWG Final Proposal originated from advisor Willie Currie in 2015:

> *a roundtable of the Board, CEO and all supporting SO/AC chairs. Pick a key issue to examine. Each describes how their constituency addressed the issue, indicating what worked and didn't work. Then a discussion to create a space for mutual accountability and a learning space for improvement.*

Willie Currie's May-2015 email:

> The idea of mutual accountability is that multiple actors are accountable to each other[7]. How might this work in ICANN? It would be necessary to carve out a space within the various forms of accountability undertaken within ICANN that are of the principal-agent variety. So where the new community powers and possibly a Public Accountability Forum construct the community as a principal who calls the Board as agent to account, a line of mutual accountability would enable all ICANN structures to call one another to account.
>
> So one could imagine a Mutual Accountability Roundtable that meets once a year at the ICANN meeting that constitutes the annual general meeting. The form would be a roundtable of the Board, CEO and all supporting organisations and advisory committees, represented by their chairpersons. The roundtable would designate a chairperson for the roundtable from year to year at the end of each AGM who would be responsible for the next Mutual Accountability Roundtable. There could be a round of each structure giving an account of what worked and didn't work in the year under review, following by a discussion on how to improve matters of performance. The purpose would be to create a space for mutual accountability as well as a learning space for improvement.
>
> It could be argued that this form of mutual accountability would contradict and undermine the `linear chain of accountability' established in the new community powers and cause confusion. The answer to this is that ICANN needs a combination of accountabilities to manage its complexity as an organisation. In the IANA transition, it is critically important for ICANN to have a strong principal-agent relationship at the centre of its accountability system to replace that of the NTIA. However, that system is vulnerable to charges that the community assuming the role of accountability holder or forum is itself not representatively accountable to the global public of Internet users. To address this requires a way of introducing a system of mutual accountability as well as a recognition that ICANN is accountable as a whole ecosystem to a set of democratic standards and values captured in its Bylaws.
>
> Willie Currie, Advisor to the CCWG-Accountability

Conclusion and recommendation:

We conclude that the Mutual Accountability Roundtable as originally described is more of a transparency exercise where best practices may be shared. While this exercise is viable, we do not recommend it for formal implementation.

SO and AC chairs have a standing email list and may convene calls and meetings at any time. That creates an appropriate forum for sharing of experiences and best practices to their respective stakeholders.

Noting significant interest among CCWG participants in having a regular discussion of SO/AC accountability, we suggest that ICANN meeting planning staff take these steps prior to each Annual General Meeting (AGM):

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[7] L. David Brown: `Multiparty social action and mutual accountability' in *Global Accountabilities: Participation, Pluralism and Public Ethics* Cambridge University Press, 2007.

> ICANN staff should ask the chairs of all SO/ACs 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 SO/AC chairs agree to hold a Mutual Accountability Roundtable, ICANN staff would schedule a 90-minute public session at the next AGM, open to all SO/AC/Group chairs, and joined by ICANN CEO and Board Chair. The ICANN board chair would designate a moderator for the session.

Track 3. Assess whether the Independent Review Process (IRP) should be applied to SO & AC activities.

The question addresses by this working group is, "Whether the Independent Review Process (IRP) should be applied to SO & AC activities."

The answer proposed by our group has 3 parts:

1. The IRP would not be applicable to SO & AC activities, as the IRP is currently described in Bylaws.

2. While the IRP could be made applicable by amending bylaws significantly,

3. the IRP should not be made applicable to SO & AC activities , because it is complex and expensive, and there are easier alternative ways to challenge an AC or SO action or inaction

1. The IRP would not be applicable to SO/AC activities, as is currently described in Bylaws .

In the current ICANN bylaws, the Independent Review Process is extensively explained in section IV.3. The IRP is designed to challenge ICANN Board and staff action and inaction that harms specific individuals by violation of the Articles of Incorporation or the Bylaws. While SOs and ACs can be parties to an IRP as claimants, the IRP is not a mechanism that could call SO/ACs into account. Its jurisdiction per the Bylaws does not include disputes brought against or involving SO/ACs; an IRP panel would dismiss the claim if brought against SO/ACs due to lack of jurisdiction. This is made explicit in the Bylaws definition of covered actions to which the IRP is applicable:

> In Section 4.3.b.B (ii) "Covered Actions" are defined as any actions or failures to act by or within ICANN committed by the Board, individual Directors, Officers, or Staff members that give rise to a Dispute."

SO/ACs are not among the entities in the defined Covered Actions.

2. The IRP could theoretically be made applicable to SOs & ACs, by amending bylaws significantly, but it might face other challenges. For example, SO/ACs are not legal entities, and would need to have legal standing to be called into account under an IRP. There would be additional substantive issues to be dealt with, including which actions or inactions of SO/ACs could be challenged in the IRP. Such substantive non-technical matters would increase the complexity of such a Bylaws change, although this complexity alone is not a definitive reason to forgo use of IRP against SOs and ACs.

3. The IRP should not be made to apply to SO & AC activities, because it is complex and expensive, and there are easier alternative ways to challenge an AC or SO action or inaction, such as an Ombudsman complaint. IRPs do not render monetary judgment. But when the panel awards costs, it can escalate and SO/AC might not have a budget to cover such costs.

Therefore, our group's conclusion is that the IRP should not be made applicable to activities of SO/AC/Groups.

Annex 1. Working Group Participants and activity

The SOAC-Accountability Working Group convened 23 conference call meetings between Aug-2016 and Mar-2017.

Working Group Participants listed at https://community.icann.org/pages/viewpage.action?pageId=59643284

Cheryl Langdon-Orr, Co-Rapporteur
Farzaneh Badii, Co-Rapporteur
Steve DelBianco, Co-Rapporteur
Alan Greenberg
Athina Fragkouli
Avri Doria
Christian Dawson
Christopher Wilkinson
Denise Michel
Fiona Asonga
Giovanni Seppia
Greg Shatan
Herb Waye
Isaac Maposa
Jean-Jacques Subrenat
John Curran
Jon Nevett
Jordan Carter
Jorge Cancio
Jorge Villa
Juan Alejo Peirano
Julf Helsingius
Kavouss Arasteh
Malcolm Hutty
Mary Uduma
Matthew Shears
Olga Cavalli
Phil Buckingham
Rafik Dammak
Renu Sirothiya
Rinalia Abdul Rahim
Robin Gross
Rosalia Morales
Samantha Eisner
Sebastien Bachollet
Seun Ojedeji
Sivasubramanian Muthusamy
Stefania Milan
Tatiana Tropina
Tom Dale
Vinay Kesari