

Questions to be sent to SO/ACs

Preamble

The newly-adopted ICANN bylaws created several Work Stream 2 accountability subgroups. The subgroup on SO/AC Accountability is responsible for reviewing how each SO and AC is accountable to its designated community, and potentially to global Internet stakeholders as well. The background and progress for this group are described [here](#).

The new Bylaws charge our subgroup with reviewing and developing recommendations relating to "Supporting Organization and Advisory Committee accountability, including but not limited to improved processes for accountability, transparency, and participation that are helpful to prevent capture". Moreover, the CCWG-Accountability has recommended that the group "Develop a detailed working plan on enhancing SO and AC accountability taking into consideration the comments made during the public comment period on the Third Draft Proposal."

To that end, we are asking each AC and SO chair to point us to resources and documents used to maintain accountability to your respective designated community, taking into account the particular or specific working modalities of each SO/AC (and any subgroups).

Questions (please respond to all that are applicable to your AC/SO/subgroup):

Designated Community:

What is your interpretation of the designated community for your AC/SO, as defined in the ICANN Bylaws and shown below? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?

The designated community of each AC/SO, 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 Distinct Economies upon invitation)"

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 the security and integrity of the Internet's naming and address allocation systems."

Response:

The ccNSO notes that the definition used to describe members of the ccNSO is not precise. According to the ICANN Bylaws the ccNSO shall have a membership consisting of ccTLD managers. For purposes of this Article 10, a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain, or under any later variant, for that country-code top-level domain.

Based on the original definition IDN ccTLDs are excluded from the ccNSO, However the ccNSO does consider them part of the community, and in the near future, when the overall

policy for the selection of IDN ccTLD strings will be adopted by the ICANN Board of Directors, the bylaws should be amended as suggested to allow IDN ccTLD to become members.

Further, One could argue the designated community also includes designated Regional ccTLD organisations (to date: AFTLD, APTLD, CENTR and LACTLD) (ICANN Bylaws Section 10.5). According to the ICANN Bylaws the Regional Organisations have defined roles to play within the context of the ccNSO Policy Development Process (Annex B) and are observers on the ccNSO Council (Section 10.3).

In addition, the ccNSO is very aware that not all ccTLD managers are member of the ccNSO, but are part of the ccTLD community. This broader designation is explicitly reflected in ccNSO Guidelines, email lists administered by the ccNSO Secretariat at the direction of the ccNSO Council, and in the ccNSO sponsored meetings and WGs: Tech Day, the ccNSO meeting days, ccNSO WGs.

Accountability related policies and procedures:

What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve? Please include, as applicable:

- Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.
- 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.
- Transparency mechanisms for your AC/SO deliberations, decisions and elections. Please describe not only your disclosure practices, but also any efforts that you make to explain the meaning of released material, so that they are more effectively transparent to a wider range of stakeholders.
- Does your AC/SO conduct internal reviews of your accountability related policies and procedures?
- Were these policies and procedures reviewed and/or updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?

Response: 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 Councillors 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.

Mechanisms for challenging or appealing elections:

- Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include any links where these mechanisms can be consulted.

Response: 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).

Basic mechanism for appealing decisions is documented in the Rules of the ccNSO (<https://ccnso.icann.org/about/ccnso-rules-dec04-en.pdf>). Accordingly, 10 members of the ccNSO may request a membership vote on any decision taken by the ccNSO Council (with exception for those decisions, which are according to the ICANN Bylaws explicitly reserved for the ccNSO Council, for example, some decisions in the ccNSO policy development process). This and other rules documented in the Rules of the ccNSO can only be changed by a majority of the ccNSO members.

As to elections: the ccNSO membership appoints 15 of the 18 ccNSO Councillors. The ccNSO Council has delegated most of its mandate with respect to the nomination of ICANN Board members to the ccNSO members (see Guideline: ccNSO Nomination process ICANN Board seats 11 and 12). The ccNSO members select the Nominee for the ICANN Board seat 11 or 12.

The set of rules and guidelines just mentioned should be considered internal rules of the ccNSO in accordance with sections 10.3.(k) and Article 10. 4.(b) of the ICANN Bylaws.

Further, the ccNSO has a range of guidelines, which are also considered internal rules in the sense of the ICANN Bylaws: <https://ccnso.icann.org/about/guidelines.htm>

Currently, a ccNSO WG, the Guideline Review Committee (GRC), is reviewing current practices and related documentation and when considered necessary, updates the documentation and/or suggests new guidelines. The GRC has also been tasked to implement ccNSO aspects of the 1 October 2016 ICANN Bylaws.

Any unwritten policies related to accountability:

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

Response: The 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.