GAC Discussion of Workstream 2 - Accountability Recommendations and Impacts

Session # 16 - GAC Discussion of WS2 Recommendations and Impacts

Contents

Session Objectives

With the adoption of the Workstream 2 Accountability (WS2) recommendations by the ICANN Board last November, the ICANN organization (org) and individual community groups now have the obligation to undertake the implementation of those recommendations. According to the Board resolutions, WS2 recommendations directed to the ICANN community are for the community to implement, with support as needed from ICANN org.

During this session, GAC members will review those WS2 recommendations that impact the GAC and provide guidance on implementation processes and priorities. As part of those discussions, the GAC will also explore potential follow-up to the WS2 efforts (e.g., consideration of jurisdictional issues).

Background

In March 2014, the United States National Telecommunications and Information Administration (NTIA) announced its intention to transition the stewardship of the Internet Assigned Numbers Authority (IANA) functions from the United States Government to ICANN. At that time, it was

directed that any proposed transition plan must have broad community support and uphold the following principles:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services;
- Maintain the openness of the Internet; and
- Not result in ICANN becoming a government-led or an inter-governmental organization.

The Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Acct) was chartered to develop recommendations to enable the IANA transition that adhered with NTIA's principals.

Work Stream 1 of the effort (WS1) focused on mechanisms enhancing ICANN accountability that needed to be in place or committed to within the time frame of the IANA Stewardship Transition. WS1 concluded its work in February 2016 and the report of that group was approved by the ICANN Chartering Organizations (including the GAC) and adopted by the Board in March 2016.

Work Stream 2 of the effort (WS2) focused on addressing accountability topics for which a timeline for developing solutions and full implementation was expected to extend beyond the IANA Stewardship Transition. The WS2 effort concluded its work in June 2018 with the CCWG – Accountability WS2 Final Report (hereinafter WS2 Final Report) (see https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf) and the Chartering Organizations (including the GAC) approved the WS2 Final Report in November 2018.

The WS2 Final Report

The WS2 Final Report included a comprehensive list of nearly 100 individual recommendations that were arranged into eight topic areas:

1. Diversity of the community work on policy*
2. Guidelines for Good Faith removal of Board members*
3. Human Rights*
4. Jurisdiction*
5. Improving the ICANN Office of the Ombuds
6. Increase SO/AC Accountability*
7. Staff Accountability
8. Transparency*

Each of the eight (8) topical areas contained several subtopic recommendations. Six of those topic areas (identified with an "*" above) appear to contain implications for GAC operational implementation or further work including diversity, good faith removal of Board members, human

rights, jurisdiction, increased SO-AC accountability and transparency. In total, forty-two (42) separate recommendations merit GAC attention and consideration.

ICANN org Assessment Report

Prior to finalization of the WS2 recommendations, the Board had directed the ICANN organization (org) to prepare an implementation assessment report, including resource estimates, in preparation for the Board's final consideration of the WS2 Final Report and its recommendations. The WS2 Implementation Assessment Report (hereinafter, the Assessment Report) was developed by ICANN org to address this need. It was completed on 5 November 2019 (see - https://community.icann.org/display/WEIA/Public+Documents?preview=/120819602/120819621/ WS2 Implementation Assessment Report_5Nov2019.pdf) and was not subject to a public comment forum.

Board Approval of the WS2 Final Report Recommendations

On 7 November 2019, the ICANN Board considered the WS2 Final Report recommendations and the Assessment Report from ICANN org and gave its final approval of the WS2 Final Report recommendations.

Informed by the Assessment Report, the ICANN Board's adoption of the WS2 Final Report and all its consensus based WS2 recommendations resulted in ICANN org being directed to:

- Proceed with WS2 implementation with work to begin upon adoption of the recommendations - using the considerations noted in the WS2 Implementation Assessment Report;
- Start implementation on those recommendations that are possible to move forward without waiting for a budgeting cycle;
- Provide support for those parts of the WS2 recommendations that are community driven in implementation; and
- Provide regular implementation status reports to the Board

Potential ICANN Org Support for the GAC and other Communities

According to the Assessment Report, the ICANN Board has determined that "prioritization and staging of the WS2 recommendations for implementation will be facilitated through the budgeting and planning processes". This means that for ICANN org's WS2 implementation planning, the organization can first identify and move forward with those recommendations that do not need a budget cycle to implement. Secondly, the organization may then have the ability to provide support as available to the ICANN community for those parts of the WS2 recommendations that are community driven in implementation. This may impact the implementation prioritization decisions

of the GAC. And, finally, the org can identify the future budget cycle and estimated timelines for any remaining individual recommendations to be implemented.

ICANN org Reporting on Implementation Progress

ICANN org anticipates that the WS2 Implementation Status Reporting will likely address a number of areas, including:

- Focus on org implementation progress
- Include community implementation progress if available
- Aggregate data by WS2 Topic, e.g. Diversity, Human Rights rather than by each sub recommendation
- Diversity progress (Data be displayed in the form of a chart where possible with key milestones noted)
- Publication Frequency:
  - Quarterly or Semiannually
  - Section included in ICANN's Annual Report
- Coordination:
  - MSSI will coordinate data collection from the SMEs
  - Prepare draft Report for SME review before publication

GAC Implementation Areas

The WS2 Implementation Assessment Report is being used by the organization to help develop a plan for the implementation of the nearly 100 WS2 recommendations. The Assessment Report acknowledged that implementation of the recommendations will be a "significant organizational undertaking that will require a detailed implementation plan and will take a number of years to complete."

Interestingly, the Assessment Report is careful to note that, "the report does not address the feasibility of Supporting and Advisory Committees (SO/ACs) to implement those recommendations. This is for community consideration." (see Assessment Report at pages 4 and 5). The Assessment Report further acknowledges that, "several recommendations require community work. SO/AC implementation plans will need to consider prioritization and timing as resources must be allocated" (see Assessment report at page 5).

GAC Support staff has closely reviewed the WS2 Final Report and identified the forty-two (42) individual recommendations that impact the GAC in some way or form. Every one of those individual recommendations across the eight (8) topic areas of the WS Final Report have been set forth in a separate document that will be used to inform GAC discussions and deliberations at the ICANN67 Cancun public meeting. The inventory document can be found here -

https://gac.icann.org/working-group/gac-operating-principles-evolution-working-group-gope-wg -wg-doc-head.

The purpose of the staff identification effort of GAC-applicable recommendations is to simply inventory the scope of the recommendations calling for GAC implementation. Implementation plans and priorities for addressing these recommendations will be developed by GAC members.

Agenda

During this session, GAC participants will review the inventory of recommendations that are of interest to or directly impact the GAC and discuss how those might be assessed, prioritized and implemented in an effective manner.

Key Reference Documents

- CCWG Work Stream 2 Final Report (June 2018) - https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf
- CCWG Workstream 2 Implementation Assessment Report (November 2019) - https://community.icann.org/display/WEIA/Public+Documents?preview=/120819602/1208 19621/WS2%20Implementation%20Assessment%20Report_5Nov2019.pdf
- ICANN Board Resolutions approving WS-2 Recommendations (7 November 2019) - https://www.icann.org/resources/board-material/resolutions-2019-11-07-en#2.c
- Specific WS-2 Accountability Recommendations For SO-ACs from CCWG – Accountability WS 2 Final Report - (to be found at https://gac.icann.org/working-group/gac-operating-principles-evolution-working-group-gope-wg#wg-doc-head

Further Information

- Workstream 2 - Enhancing ICANN Accountability Homepage - https://community.icann.org/display/WEIA

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