

GAC Discussion on Work Stream 2 Accountability

Session # 4 - GAC WS2 Accountability (briefing update - v2 - with updates highlighted)

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Session Objectives

With the adoption of the Work Stream 2 Accountability (WS2) recommendations by the ICANN Board in November 2019, the ICANN organization (org) and individual community groups have the obligation to undertake the implementation of those recommendations.

During this session, GAC members will review progress on the implementation planning effort since ICANN68 (including development of the GAC's [operational implementation tracking tool](#)) and explore potential implementation next-steps. The GAC will also discuss efforts toward implementation of the ICANN Human Rights Core Value.

Background

In March 2014, the [IANA Stewardship Transition](#) was initiated and an ICANN Work Stream 1 (WS1) effort was created to develop mechanisms to enhance ICANN's accountability. 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 ICANN Board in March 2016.

In October 2016, a new Human Rights Core Value was added to ICANN's Bylaws. In order for this Core Value to come into effect, a Framework of Interpretation (Fol) was required as part of a subsequent Work Stream 2 (WS2) effort.

WS2 was tasked with addressing a broad range of accountability topics for which a timeline for developing solutions and full implementation was expected to extend beyond the initial IANA Stewardship Transition. The WS2 effort concluded its work in June 2018 with the [CCWG – Accountability WS2 Final Report](#) and the Chartering Organizations (including the GAC) approved the WS2 Final Report in November 2018.

The Fol for the Human Rights Core Value was developed by the CCWG-Accountability WS2. That Fol accompanied the WS2 Final Report as Annex 3. The first part of that annexed document was the proposed Framework of Interpretation for the ICANN Bylaw on Human Rights. The second part of that document addressed the “considerations” listed in paragraph 24 of Annex 12 of the CCWG-Accountability Final Report.

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 (those 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 appear to 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](#) was developed by ICANN org to address this need, it was completed on 5 November 2019 and was not subject to a public comment period.

Board Approval of the WS2 Final Report Recommendations and Potential ICANN Org Support

On 7 November 2019, the ICANN Board considered the 2018 WS2 Final Report recommendations and the 2019 Assessment Report from ICANN org and gave its final approval to the complete package of the WS2 Final Report recommendations.

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 intended for community-driven implementation. And, finally, the ICANN org can identify the future budget cycle and estimated timelines for any remaining individual recommendations to be implemented.

ICANN org Reporting on Implementation Progress

On 8 May 2020, prior to ICANN68, via an ICANN Blog post (["Moving Toward Implementation: Next Steps for Work Stream 2"](#)), it was reported that (1) “ICANN org has started implementing several recommendations”, (2) “a significant part of the remaining recommendations apply to the community, such as those relating to Supporting Organization and Advisory Committee accountability” and (3) “ICANN org will provide regular implementation status reports detailing achievements, ongoing work, and plans for the future” with the anticipation that the first of these reports will be published in the third quarter of calendar year 2020.

On 2 July 2020, ICANN org announced via another ICANN Blog post (["Status of ICANN org's Human Rights Impact Assessment Recommendations Implementation"](#)) that it had implemented nearly half of all recommendations in the year since publishing its first-ever internal [Human Rights Impact Assessment](#).

On 17 August 2020, ICANN org announced via another ICANN Blog post (["Strengthening Our Structure and Enhancing Collaboration"](#)) that it had formed a new ICANN department called “Global Domains and Strategy”. That new department now includes a “Review Support and Accountability” team which will oversee “the coordination of the internal cross-functional governance regarding the implementation of recommendations of the Cross-Community Working Group on Enhancing ICANN Accountability and Work Stream 2 (WS2).”

GAC Implementation Areas

The Work Stream 2 (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 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 with the purpose of identifying GAC applicable recommendations. This document has been designed to [inventory](#) the scope of the recommendations calling for GAC implementations.

The implementation, plans and priorities for addressing these recommendations ultimately need to be discussed and developed by GAC members. At ICANN68, GAC Members discussed potential options for implementing those recommendations of GAC interest. The Human Rights and International Law Working Group (HRILWG) Co-Chairs informed GAC Members about the status of ICANN org efforts toward implementation of those recommendations - focusing on the implementation of the new ICANN Human Rights Core Value. Co-Chairs of the Cross Community Work Party on Human Rights (CCWP-HR) also shared information with the GAC at ICANN68 regarding their efforts to create an implementation tool for ICANN Supporting Organizations and Advisory Committees to help organize and track implementation of the various WS2 recommendations - including those that specifically impact human rights.

Agenda

During the session at ICANN69, GAC participants will continue WS2 implementation discussions and review progress on an [implementation planning tool](#) that has been developed to enable the GAC to assess, prioritize and implement the various recommendations in an effective manner. Particular attention will be given to how the GAC can implement the new Human Rights Core value. Members will be asked for feedback on the tool and will be asked to provide views on the most effective structure for progressing on the implementation effort.

Preliminary Agenda (as of 24 September 2020) -

- Update on Actions Since ICANN68
 - Development of [GAC Tracking Tool](#) and Next Steps
 - Feedback on Tool
 - GAC Guidance on Assessment and Implementation Options (e.g., Assignments and Volunteers)
- Implementation Case Study - Human Rights Core value - HRIL WG Implementation Efforts

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 Work Stream 2 Implementation Assessment Report (November 2019) - https://community.icann.org/display/WEIA/Public+Documents?preview=/120819602/120819621/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 - <https://gac.icann.org/working-group/gac-operating-principles-evolution-working-group-gop-e-wg#wg-doc-head>
- GAC Work Stream 2 Implementation tracking tool - <https://docs.google.com/spreadsheets/d/1NOTa6ULaUihKIVAKzpBaRBknScBDMZcuy95D10TcDF0/edit#gid=1015079592>

Further Information

- Work Stream 2 - Enhancing ICANN Accountability Homepage - <https://community.icann.org/display/WEIA>
- Transcript of ICANN67 GAC-Board Session - <https://static.ptbl.co/static/attachments/237804/1583992130.pdf?1583992130>
- ICANN org 8 May 2020 Blog Post - <https://www.icann.org/news/blog/moving-toward-implementation-next-steps-for-work-stream-2>

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