

ICANN
COMMUNITY FORUM

64

KOBE

9–14 March 2019



CCWG Accountability Recommendations

12 March 2018

Governmental Advisory Committee

ICANN64 GAC Plenary Meeting - Agenda Item 9.1

ICANN | GAC
Governmental Advisory Committee



Session Goals

- High level background briefing to GAC Members about CCWG-Accountability developments
- GAC to consideration options for inventory development and tracking of recommendations impacting the committee
- GAC to consider potential approaches to achieve full implementation – define expectations and priorities

- The CCWG-Accountability WS2 initiative was officially launched at ICANN 56 (Helsinki, Finland, June 2016) and consistent work efforts started later that year.
- The foundations of Workstream 2 Accountability efforts were based in WS 1
- GAC was one of the ICANN Supporting Organizations that adopted the Workstream 2 Charter
- GAC members were active participants in the effort
- The CCWG organized itself into nine subgroups to consider separate topics, including:
 - Diversity
 - Guidelines for Good Faith Removal of ICANN Board Members
 - Human Rights Framework of Interpretation (HR-FOI)
 - Jurisdiction
 - Office of the Ombudsman
 - Reviewing the Cooperative Engagement Process (CEP) – (reassigned to another working group (IRP-IOT) in June 2017)
 - SO/AC Accountability
 - Staff Accountability
 - Transparency

- Five of the nine original topic areas seem to have direct implications or interest for the GAC or its members in some manner:
 - Diversity;
 - Human Rights Framework of Interpretation;
 - Jurisdiction;
 - SO-AC Accountability; and
 - Transparency
- CCWG concluded its work at its face-to-face meeting in June 2018 at ICANN 62 - nearly 100 total recommendations.
- CCWG transmitted its report to the chartering organizations (including the GAC) for approval.



- In the Barcelona Communiqué, the GAC accepted all the WS2 recommendations with one exception –

“The GAC is not in a position to approve or reject the recommendations on jurisdiction. Some GAC members support the recommendations. Other GAC members consider that they fall short of the objectives envisaged for Work Stream 2 and only partly mitigate the risks associated with ICANN’s subjection to US jurisdiction.”

- Based on the collective feedback from the GAC and the other WS-2 Chartering Organizations, the CCWG subsequently forwarded its recommendations to the ICANN Board for consideration on 8 November 2018.



Next Steps - Board

In late January, the ICANN Board confirmed that several steps will take place before it acts on the recommendations - including:

- Assembly of a Small Implementation Team of WS2 Co-Chairs to assist and provide advice as needed;
- Board convening a “Caucus Group” to monitor WS2 Implementation and report back on progress; and
- Production of an Implementation Assessment Report by ICANN org to help the Board consider the WS2 report and the feasibility of adopting all the recommendations as a package

Significantly, resources have only been allocated to WS2 as a contingency in the draft FY20 budget.



Implementation Case Study – SO-AC Accountability

Our review leads us to recommend that each SO/AC/Group consider adopting the following Good Practices, as applicable to their structure and purpose. SO/AC/Groups should:

- **Document their decision-making methods**, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.
- **Document their procedures for members to challenge the process** used for an election or formal decision.
- **Document their procedures for non-members to challenge decisions regarding their eligibility to become a member.**
- **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.
- SO/AC/Groups **should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation**, describe where they might have fallen short, and any plans for future improvements.
- Each Empowered Community (EC) Decisional Participant (GAC is one) should **publicly disclose any decision it submits to the EC**. Publication should include description of processes followed to reach the decision.
- **Links to SO/AC transparency and accountability** (policies, procedures, and documented practices) should be available from ICANN’s main website, under “Accountability.” ICANN staff would have the responsibility to maintain those links on the ICANN website.

Next Steps - GAC

As an official ICANN Advisory Committee (AC) and a member of the Empowered Community (EC) of ICANN, several of the WS2 recommendations likely will have implications for future GAC operations and work methods.

Inventory:

The GAC may wish to consider a process for inventorying and evaluating any impactful recommendations and establishing an assessment process for how the committee can address implementation matters in the future.

Other possible courses of action:

- ⦿ Establish new Working Group – long term focus on Accountability Implementation
- ⦿ Assign early monitoring to existing Working Groups



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