

WS2 Implementation Assessment Report

Prepared at the direction of the ICANN Board

5 November 2019



TABLE OF CONTENTS

INTRODUCTION	4
1. DIVERSITY	6
1.1 Description of the Recommendation	6
1.2 Work Underway	7
1.3 Implementation Considerations	7
1.4 Resource Estimates	9
2. GUIDELINES FOR STANDARDS OF CONDUCT PRESUMED TO BE IN GOOD FAITH ASSOCIATED WITH EXERCISING REMOVAL OF INDIVIDUAL ICANN BOARD DIRECTORS (GUIDELINES FOR GOOD FAITH)	11
2.1 Description of the Recommendation	11
2.2 Work Underway	11
2.3 Implementation Considerations	11
2.4 Resource Estimates	12
3. RECOMMENDATION FOR A FRAMEWORK OF INTERPRETATION FOR HUMAN RIGHTS	14
3.1 Description of the Recommendation	14
3.2 Work Underway	14
3.3 Implementation Considerations	14
3.4 Resource Estimates	15
4. JURISDICTION OF SETTLEMENT OF DISPUTES ISSUES	17
4.1 Description of the Recommendation	17
4.2 Work Underway	18
4.1 Implementation Considerations	19
4.3 Resource Estimates	20
5. RECOMMENDATIONS FOR IMPROVING THE ICANN OFFICE OF THE OMBUDS	21
5.1 Description of the Recommendation	21
5.2 Work Underway	22
5.3 Implementation Considerations	22
5.4 Resource Estimates	24
6. RECOMMENDATIONS TO INCREASE SO/AC ACCOUNTABILITY	25
6.1 Description of the Recommendation	25
6.2 Work Underway	26
6.3 Implementation Considerations	26
6.4 Resource Estimates	27
7. RECOMMENDATIONS TO INCREASE STAFF ACCOUNTABILITY	29
7.1 Description of the Recommendation	29

7.2 Work Underway	29
7.3 Implementation Considerations	30
7.4 Resource Estimates	31
8. RECOMMENDATIONS TO IMPROVE ICANN TRANSPARENCY	33
8.1 Description of the Recommendation	33
8.2 Work Underway	34
8.3 Implementation Considerations	34
8.4 Resource Estimates	35
9. CONCLUSION	37

Introduction

At the ICANN Board's request, ICANN organization (org) prepared an implementation assessment report that includes resource estimates in preparation for the Board's consideration of the [WS2 Final Report](#) and its recommendations. This request was noted in the Board's [14 May 2018](#) letter to the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) Co-Chairs.

In the WS2 Final Report, "Implementation of Recommendations", it was noted that "the implementation of the nearly 100 recommendations contained in the WS2 Final Report is a significant undertaking that will require a detailed implementation plan and will take a number of years to complete." The Final Report also stated:

Prioritization and funding for implementation of recommendations is beyond the scope and capacity of WS2 and rests with ICANN (Board and Organization) and the community. The CCWG-Accountability-WS2 proposes to establish a small implementation team to assist ICANN (the Organization) and the community to ensure the implementation plan preserves the spirit of the recommendations and provide any interpretation advice as required.

This report outlines the recommendations and considerations for the community, Board, and ICANN org where relevant, on the implementation of each recommendation. It also provides an assessment of the level of resources for both the initial implementation and ongoing execution of each recommendation. The resource estimates are reflected in a table for each subtopic using ranges: "low", "moderate", or "high".

- "Low" reflects that the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- "Moderate" reflects that the cost, time, and resources needed to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- "High" reflects that the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

These estimates may change when the work is prioritized and implementation commences.

The recommendations should be implemented in accordance with, and as part of, the ICANN planning and budget processes.

This report aims to:

- Inform the community and the Board on the estimated effort to implement the WS2 Final Report recommendations and the considerations for the community, Board and ICANN org in the implementation.
- Note dependencies with other ICANN org planned projects, policies, and programs and identify potential synergies, solutions, and conflicts that can be considered in the implementation.
- Focus on ICANN org's efforts to implement recommendations directed at the org.
- Address the considerations of supporting the community in the implementation of these recommendations. However, the report does not address the feasibility of Supporting

Organizations and Advisory Committees (SO/ACs) to implement those recommendations. This is for community consideration.

Several recommendations require community work. SO/AC implementation plans will need to consider prioritization and timing as resources must be allocated.

The implementation of WS2 recommendations will be funded by ICANN's general Operating Fund. Implementation resourcing must be prioritized through guidance provided by the community, input into the ICANN annual budgeting process, and contributions to ICANN's Five-Year Operating Plan and Budget, taking into consideration an appropriate amount of time to implement, and factoring in other existing, planned, or unplanned activities to ensure all ICANN priorities are aligned with available funding, community bandwidth, and expectations.

During its annual planning process, ICANN estimates its funding and plans so that it does not exceed its estimated funding for its activities and related costs. Currently, most of the estimated funding is allocated to planned activities, leaving a small excess. Accordingly, new recommendations, the implementation of new policies, and other new work requires ICANN to make trade-offs. Planning for the implementation of the WS2 recommendations requires ICANN to consider the impact on resources as part of the operating and budget planning process, so that ICANN org can continue to effectively meet community expectations.

While the community's prioritization of staging recommendations for implementation is facilitated through the budgeting and planning processes, the ICANN Board expects that ICANN org will start implementation on those recommendations that are possible to move forward without waiting for a budgeting cycle. This includes providing support as available to the ICANN community for those parts of the recommendations that are community driven in implementation. As much as possible, work should begin upon adoption of the recommendations.

There will be regular reporting out on implementation progress through the operational planning process of ICANN and reflected in ICANN's Annual Report.

To note, several of the WS2 recommendations may require ICANN org to undertake a review with regard to data protection and privacy requirements during implementation planning to ensure compliance with ICANN's then-current legal and regulatory obligations.

Overall, the assessment report reflects that the WS2 recommendations are feasible for implementation, based on the understanding, assumptions, and caveats noted in this report. In some cases, it is noted that the work is already underway.

1. Diversity

1.1 Description of the Recommendation

As noted in the WS2 Final Report Annex 1, ICANN has made an effort to ensure global diversity at various levels in its staff, community, and Board. Since its inception in 1998, [the ICANN Bylaws](#) mandate diversity among ICANN Board of Directors and some of its constituent bodies to ensure inclusiveness and representation of the global Internet community.

The [WS1 Report](#) reflects that diversity for ICANN as “[s]eeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent.”

The CCWG WS2 noted that diversity within ICANN refers to: “the creation/existence of an inclusive environment in various aspects of stakeholder representation and engagement throughout all levels of the staff, community, and Board.” To achieve this, the recommendations proposed three areas of focus for ICANN, with roles for the community, Board and org:

- 1) Agreement on the elements of diversity.
- 2) Measuring and promoting diversity.
- 3) Ongoing support for assessing and reporting on diversity.

Recommendation 1.1, the seven key elements of diversity were identified to be used as the common starting point for all diversity considerations within ICANN (the “Diversity Criteria”):

- Geographic or Regional Representation
- Language
- Gender
- Age
- Physical Disability
- Diverse Skills
- Stakeholder Group or Constituency

There is a need to establish a shared understanding of these elements, through an ICANN org-facilitated process with the community that includes a Public Comment proceeding to facilitate uniform data gathering and reporting.

The second group of recommendations focus on measuring and promoting diversity, with an emphasis on assessing diversity. Based on the assessments, Diversity Criteria would be defined and published as well as objectives and strategies to achieve them. The assessments should be regularly updated against the Diversity Criteria, with an update being carried out annually but not less than every three years.

The third group of recommendations focus on supporting diversity. They require ICANN org to provide the relevant support and tools to assess diversity, the development and publishing of processes for diversity-related complaints and issues, and support to capture, analyze, and communicate diversity information.

1.2 Work Underway

ICANN org produces several reports that capture diversity data, though not all of the elements noted in the diversity recommendations are reflected in those reports:

- ICANN ["By the Numbers" & Technical Data Reports](#) from ICANN Public Meetings.
- ["Gender Diversity and Participation Survey Report"](#) (PRS).
- ["Exploring the Public Interest within ICANN's Remit" Home](#) Dashboard.
- [Capacity Development Community Survey](#) (GSE).
- The ICANN ["CEO Report"](#) contains factors such as geographic distribution, age, and gender balance.

1.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that needs to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

A core implementation consideration will be the establishment of a shared understanding of the attributes for each of the diversity elements, with an agreed-upon set of definitions. Community agreement on definitions for elements identified in this recommendation relating to diversity is needed so that data can be captured and reported uniformly across ICANN.

The implementation of the diversity recommendations is contingent upon the Board's adoption of a set of definitions for the WS2 diversity terms so that they can be applied uniformly and consistently across ICANN org and community.

An additional consideration is ensuring that the collection of any information relating to diversity adheres to the law. Clarity on the legal limitations for collecting or storing personal information, including any obligations or restrictions under the General Data Protection Regulation (GDPR) and other applicable laws, will be necessary.

Establishing specific goals or objectives will minimize the risk that collection and publication of diversity-related data that may run counter to privacy and labor laws in the countries in which ICANN operates.

Additionally, and specifically, there is a need to develop a standard template for diversity data collection and report generation. Consistency and accuracy of data reporting are critical for representing diversity trends, in particular data provided by SO/AC or other groups for reporting purposes.

Community guidance is needed to clarify and establish what will be considered sufficient to constitute "reasonable best efforts" to implement the diversity recommendations.

ICANN org will need to determine if there are any opportunities and where to adjust ICANN's current reports to reflect the shared understanding of diversity-related terms once they have been agreed.

ICANN org:

Besides the applicability of this recommendation to ICANN org, additional consideration is needed regarding ICANN org staff support to the respective SO/AC or other groups. Staff support is needed to support each diversity assessment, and to execute on each SO/AC or other group's objectives and strategies through tool development and other means as identified by the SO/AC or other group. Reporting on the diversity criteria for each SO/AC or other group will also require ICANN org support. ICANN org support will include general as well as specific support, such as legal regarding compliance with existing privacy laws.

For Specific and Organizational Reviews and review teams, the agreed-upon elements of diversity will be important to reflect in the composition and work of the review team. This is an area ICANN org will coordinate with the community.

ICANN org will also be responsible for supporting the Board in its diversity tracking and reporting.

As it relates to diversity reporting for ICANN org, there are legal limitations based in privacy and employment laws regarding the setting of diversity goals and reporting on diversity that could impact ICANN org's implementation. These legal limitations are reflected in the WS2 Report.

ICANN community:

The SO/AC or other groups will need to undertake an initial diversity assessment and from this determine objectives and strategies for achieving their diversity criteria, including reporting out on a regular basis. This work will require significant commitment by the SO/AC or other groups to both conduct the assessment and implement the next steps to meet the requirements of the recommendation. The SO/AC or other groups will need to consider what they wish to revise from current charters and practices in order to support a uniform approach to data collection and reporting across ICANN.

Additional implementation considerations are:

- The inclusion of the agreed upon diversity elements into processes for community work around reviews, recommendations, and policy development work (e.g. composition of CCWGs, review teams, policy working groups).
- The development of a SO/AC or other group process for dealing with diversity-related complaints and issues may also be connected to the Ombuds Recommendation 5.11 on the Ombuds involvement in any non-complaints work.

ICANN Board:

The ICANN Board will need to undertake a review and then adoption of the uniform definitions for the elements of diversity for this recommendation. As it relates to the Board, consideration will need to be given as to the formal diversity requirements imposed by the Bylaws, such that additional diversity goals taken on through the implementation of this recommendation remain aligned with the Bylaws requirements.

1.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- Process for development of proposed uniform definitions to be applied for the diversity elements
- Level of support needed by the SO/AC or other groups to review existing charters and guidelines to note areas that need alignment with the adopted diversity definitions.
- Level of support required to assist the SO/AC or other groups with diversity data collection and reporting.
- Frequency of regular updates to reported diversity data for ICANN org and the SO/AC or other groups.
- The need to develop the tools and format for a new central website repository of diversity information for data collection, aggregation, and reporting. This task will need to be coordinated with efforts related to the icann.org update and integration into any new or existing document management system such as Information Transparency Initiative (ITI) and the Action Request Registry (ARR).
- Privacy compliance review once data has been collected to determine if data to be published is compliant with data protection, privacy, and other legal and regulatory obligations.

Several dependencies have been identified that may impact the estimated cost and resource range indicated in the table. These include:

- Analysis and effort required to aggregate the diversity data from ICANN org and the SO/AC or other groups to publish the Annual Report.
- Legal assessment regarding what diversity data can be released and in what form to be compliant with GDPR, data privacy, and other legal and regulatory obligations placed on ICANN.
- Evaluation of the Annual Diversity Reporting requirement to determine if this is a stand-alone report or if the data can just be incorporated into the ICANN Annual Report to reduce the number of reports being published.
- Website development requirements and frequency of site updates and changes, including consideration for website general maintenance and support.
- Establishing requirements and scope for new data collection and reporting tool development as well as testing and trials to ensure functionality aligns with needs and scope identified.
- Level of assistance needed by the SO/AC or other groups may impact existing workload, could result in a bandwidth issue where additional staff or contractors will need to be hired and trained before effectively providing support for data collection and reporting.

ICANN org Functions Involved with Implementation Efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to Support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
HR	Moderate	Moderate	Low to Moderate	Moderate
Public Responsibility Support (PRS)	High	High	Moderate	Moderate
Policy	High	High	Moderate	Moderate
Legal	Moderate	Moderate	Moderate	Moderate
Communications	Moderate	High	Moderate	High
GDD	Low	Low	Low	Low
IT	Low	Low	Low	Low
Finance	Low	Moderate	Moderate	Moderate
Operations	Moderate	Moderate	Moderate	Moderate
MSSI (Reviews)	Moderate	Moderate	Moderate	Moderate
Ombuds	Undetermined at this time	Undetermined at this time	Undetermined at this time	Undetermined at this time

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources needed to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

It is estimated, given these factors and the implementation considerations, that it will take between six months and eighteen months to implement this recommendation once the uniform definition for the diversity elements has been finalized.

Resource requirements and cost impacts to support the work are contingent upon shared understanding, and Board adoption of the uniform definitions for the diversity elements. Additional consideration will depend on the development by the SO/AC or other groups of requirements and scope of work for what they wish to undertake to adopt the diversity recommendations. ICANN org support resources and costs will be determined once guidance on the community needs has been prepared.

Initial cost and resource estimates for ICANN org to implement the diversity recommendations does not consider prioritization or possible impacts with other planned and ongoing ICANN projects.

2. Guidelines for Standards of Conduct Presumed to be in Good Faith Associated with Exercising Removal of Individual ICANN Board Directors (Guidelines for Good Faith)

2.1 Description of the Recommendation

This recommendation addresses the establishment of guidelines for the ICANN Empowered Community, through its [Decisional Participants](#), to exercise the power of removal of individual ICANN Board Directors. These guidelines would apply whether the Director was appointed by a SO/AC or the ICANN Nominating Committee. The ICANN Empowered Community, is defined in ICANN's Bylaws as comprised of all of [ICANN's Supporting Organizations \(SOs\)](#) plus the At-Large [Advisory Committee](#) (ALAC) and the Governmental [Advisory Committee](#) (GAC). In the event that the Empowered Community or any part thereof initiates an attempt to remove a Board Member, and an individual participating in that process later is the subject of a legal challenge for his or her conduct during the removal process, [Article 20](#), Section 20.2, of the ICANN Bylaws provides that ICANN will indemnify that individual for expenses in defending against that legal challenge, so long as the individual acted in good faith and in a manner that was reasonably believed to be in ICANN's best interest.

The "Good Faith" Recommendations propose best practices and guidelines for conduct that would be considered good faith-actions on the part of the individuals participating on behalf of the Decisional Participants in order for the ICANN Bylaws [Article 20](#) indemnification to apply.

2.2 Work Underway

The individual Decisional Participants in the Empowered Community are reviewing their internal processes to ensure that the necessary procedures are in place to address any new actions and obligations that may arise with the exercise of Empowered Community powers, such as those related to these recommendations.

2.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

The Guidelines for Good Faith Conduct are an important facet of full implementation of the [WS1 recommendations](#) regarding the Empowered Community. It is the responsibility of each

Decisional Participant, and the individuals participating within those processes, to remain aware of and act in accordance with those Guidelines when participating in Board removal processes. This is important not just to assure the availability of indemnification if such a need were to ever arise, but to provide standards of conduct that will better assure that all participants in removal processes are acting with integrity.

Full implementation of the guidelines for standards of conduct is reliant upon each the Decisional Participants further developing their internal processes to better embrace and reference these guidelines. While work has begun on this, further community work will assist in clarifying the impact on ICANN org resources both in the conduct of the work and the implementation.

ICANN Org:

The work of the community in developing or refining processes requires ICANN org support. The level of support required will depend on the expected timing, amount of work, and level of coordination amongst the individual Decisional Participants in the Empowered Community in how they choose to implement these recommendations. ICANN org will support implementation efforts as directed.

Additionally, the CCWG-WS2 also recommended that these guidelines for individuals acting in “Good Faith” should be considered for incorporation into the Expected Standards of Good Behavior once they are adopted. ICANN org is prepared to consider how to propose updates that would take these recommendations into account in the Expected Standards of Behavior and prepare those for Public Comment.

ICANN Community:

As noted, implementation of the recommendation includes a responsibility for each Decisional Participant in the Empowered Community to review their processes to confirm the guidelines are appropriately reflected.

ICANN Board:

No specific considerations noted.

2.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- SO/AC or other groups’ individual process to incorporate the guidelines and the level of ICANN org support needed to review and prepare materials.
- Estimated level of effort required to support the development of a standard framework to raise the issue of Board removal by each SO and AC.
- The process to implement this recommendation and guidelines as a community best practice.

Several dependencies that may impact the estimated cost and resource range indicated in the table have been identified. These include:

- Aggregated level of support needed by the SO/AC or other groups to implement all WS2 recommendations will impact staff workload resulting in the need for additional staff and or contractors to support SO/AC implementation efforts.
- Website changes and updates.

ICANN org functions involved with implementation efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
Policy (Support)	Moderate to High	Moderate	Low to Moderate	Moderate
Legal	Moderate	Moderate	Moderate	Moderate

The resource estimates shown reflect:

- “Low” because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources needed to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

It is estimated given these factors that it will take between six months and twelve months to support the implementation of this recommendation after the SO/AC or other groups have determined their requirements.

The recommendations on this topic are focused on SO/AC or other group efforts and do not require an independent implementation effort from ICANN org. It is anticipated, however, that ICANN org resources will be needed by the Community to support the implementation of these recommendations.

The actual timing, scope, and duration of the implementation will have to be determined by the Decisional Participants in the Empowered Community. Once this has been decided, ICANN org will be in a position to estimate resources and costs to support the SO/AC or other group efforts to implement these recommendations.

3. Recommendation for a Framework of Interpretation for Human Rights

3.1 Description of the Recommendation

With ICANN's October 2016 Bylaws change, a [human rights core value](#) was added. For this bylaw to come into effect, a Framework of Interpretation (FOI) must be "approved for submission to the Board by the CCWG-Accountability as a consensus recommendation in Work Stream 2," as outlined in Section 27.2 of ICANN's Bylaws.

The WS2 FOI provides useful guidance to the applicability of the human rights core value bylaw provision by providing a high-level framework for how the bylaw language should be interpreted and applied to ensure that ICANN accomplishes its Mission consistent with its core values and operates within law applicable to its operations. The recommendation also included considerations that address items listed in the CCWG-WS1 [Annex 12](#), paragraph 24, that provides examples and sources that can be used when considering the human rights core value.

The Board cannot be the sole arbiter of human rights; there is an obligation across the community to consider human rights as they provide advice and policy recommendations. In this regard, the community will need to establish mechanisms for checking that recommendations, advice, or policies do not violate the core value or human rights.

3.2 Work Underway

Community groups are reviewing the FOI and considering how to reflect human rights considerations in their policy development, advisory, and operational processes.

Though a separate initiative not tied to the implementation of this WS2 recommendation, ICANN org recently released its [Human Rights Impact Assessment](#) report, that assesses, and captures the human rights impacts of ICANN org's daily operations, and some of the effort to implement those recommendations within ICANN org will apply to the WS2 FOI implementation efforts. ICANN org is preparing an assessment to consider the implications of the human rights requirements in its work to assist in implementation planning efforts.

3.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

The implementation of this recommendation will need to take into consideration any changes that may be needed to existing practices among ICANN community, ICANN org, and Board.

ICANN Org:

Within ICANN org, these recommendations are incorporated into ICANN's work as an organization. Independent of the FOI, ICANN org has conducted a [human rights impact](#) assessment on its daily operations and published the report 15 May 2019.

Regarding the specific recommendations and the FOI, ICANN org manages its work in the public interest, with core values in all aspects of its work, and human rights are now included as an additional element. In this regard, there may need to be slight adjustments to practices with the addition of human rights to the core values.

To the extent adjustments need to be made, there may be a need for practices to be developed to document how ICANN balances the core value of respecting human rights amongst and against the other core values when developing corporate or operational policies and executing its operations.

The incorporation of the FOI into community processes and procedures, and assessment that there is adherence to core values now including human rights, applies not only to policies developed by the community but also to advice, CCWG recommendations, and review recommendations. Depending on the approach by the SO/AC or other groups to considering and applying the human rights core value into their work and the determination of a need for a SO/AC or other group human rights impact assessment tool, ICANN org support and additional resources may be required to support the community's work.

ICANN Community:

When considering community-developed recommendations, the ICANN community will need to factor in human rights considerations as part of its work on policies and recommendations. While the ICANN Board has an obligation to consider human rights as part of the core values in taking any decisions on policies and recommendations, the community carries the responsibility to factor human rights considerations into their work and to have the community-vetted view of these issues as part of the inputs in front of the Board.

To do this, the ICANN community will need to establish clear processes and procedures in their policy and recommendation work (policy development, Review, and CCWG recommendations) to demonstrate that human rights have been considered (through the lens of the FOI) as part of the work. It will be a key responsibility of the community to demonstrate that policies and recommendations sent to the Board for consideration and adoption have factored in the FOI.

ICANN Board:

The ICANN Board in its review and adoption of polices and recommendations will factor in the FOI and whether adequate consideration has been included. Additionally, the Board deliberations will incorporate the human rights core value as part of the Board's consideration of how the commitments and core values are met through the Board's actions.

3.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- Development of a process and tools to support the policy-making processes that ICANN org facilitates, so that policy development considers human rights.
- Assessment of ICANN processes for changes and enhancements so that the human rights core value can be incorporated into operational processes.
- The frequency for ICANN org human rights impact assessments.
- Need for determination and frequency of SO/AC or other groups human rights impact assessments.
- Data management for all the human rights impact assessments being conducted.
- Changes to ICANN Board processes to ensure that all recommendations presented for consideration have taken the FOI into account.

Several dependencies have also been identified that may impact the estimated cost and resource range indicated in the table. These include:

- Development of SO/AC or other groups human rights impact assessments.
- Changes to organizational procedures to incorporate the human rights core value.
- Consideration of possible new tools or website modifications required to support the implementation.
- The potential level of support needed by the SO/AC or other groups for process modifications to include the human rights core value in policy development.

ICANN org functions involved with implementation efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
Policy	High	Moderate	High	Moderate
Public Responsibility Support (PRS)	High	Moderate	High	Moderate
Legal	Moderate	Moderate	Moderate	Moderate
HR	Moderate	Moderate	Low	Moderate
Operations	Moderate	Moderate	Moderate	Moderate
MSSI (Reviews)	Moderate	Moderate	Moderate	Moderate

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources to implement may take some time, need additional staff, or additional budget depending on existing workload for the functions involved.

-
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

Given these factors, it is estimated that it will take more than twelve months to implement this recommendation.

ICANN org will need resources and budget to cover revising organizational processes to include consideration of the FOI as part of ongoing organizational efficacy and operational decision-making processes when evaluating all commitments or core values. Costs will be incurred should ICANN org need to conduct additional human rights impact assessments in the future. The demand and frequency of these assessments will need to be determined to estimate resources and costs for the organizational evaluation.

Resources must be allocated for ICANN org support once the SO/AC or other groups determine how they will implement the FOI into their processes and whether they will conduct their own human rights impact assessments. New community support tools may need to be developed depending on the scope and requirements established for human rights considerations as part of the policy development process of SO/AC or other groups.

There will also be resource impacts to support the SO/AC or other groups’ work to include, as appropriate, human rights considerations as part of presenting recommendations to the Board.

Resource requirements and cost impacts for supporting the work are contingent upon the scope of work, tools required, and the impact to operations to include human rights considerations as appropriate within work efforts.

Initial cost and resource estimates for ICANN org to implement the human rights recommendation do not consider prioritization of possible impacts with other planned and ongoing projects such as the implementation of recommendations from the Specific Reviews (e.g., Competition, Consumer Trust, and Consumer Choice Review, Registration Directory Service Review, or the second Security and Stability Review) or other community policy development work (e.g., work on the Temporary Specification for gTLD Registration Data).

4. Jurisdiction of Settlement of Disputes Issues

4.1 Description of the Recommendation

This recommendation builds on elements noted in CCWG-WS1 [Recommendation 12](#) “Committing to Further Accountability Work in Work Stream 2”, which proposes that further enhancements be made to addressing jurisdiction-related questions as part of WS2, namely: “Can ICANN’s accountability be enhanced depending on the laws applicable to its actions?”

The WS2 recommendations for this topic considered the direction provided by WS1 and aligned the work into three main categories:

-
- Recommendations relating to the impact of sanctions imposed through the U.S. Office of Foreign Assets Controls (OFAC) and related sanctions issues.
 - Recommendations relating to Choice of Law and Choice of Venue provisions in ICANN Agreements.
 - Recommendation of seeking a “general license” from OFAC to cover ICANN’s main work, including managing the DNS, supporting travelers, entering contracts, etc.

Recommendations relating to the impact of OFAC sanctions propose modifications to documentation in ICANN’s application process for registrar accreditation, communications with impacted applicants, providing information to ICANN’s accredited registrars on adherence to applicable laws, and also modifications to the forthcoming documentation related to applying for new generic top-level domains.

Recommendations relating to the Choice of Law and Choice of Venue provisions in ICANN Agreements propose amendments to the Registrar Accreditation Agreement (RAA) and Registry Agreements (RA).

4.2 Work Underway

ICANN org currently works with the registry and registrar applicants regarding their applications and keeps applicants apprised if trade regulation or sanction issues are identified as their applications are processed. As contemplated in the recommendation, as long as the person or entity is not on the Specially Designated Nationals (SDN) list, ICANN org already seeks licenses to do business with those persons or entities as necessary under law. ICANN org’s work in seeking licenses also extends to the other parts of ICANN’s operations. For example, ICANN org has and will continue to seek licenses, when necessary, for Domain Name System (DNS) management efforts and supporting travelers, subject to the same restriction that the person or entity not be on the SDN list. The number of individual licenses that ICANN has had to seek over the past few years across all areas of operation is under 10.

The Generic Names Supporting Organization (GNSO) Council has an ongoing policy development process on the Subsequent Procedures for New gTLDs, which will frame the policy recommendations for future rounds of new gTLDs. Some of the recommendations regarding impacts on gTLD registry applicants, including potential changes to the base Registry Agreement, might be impacted by that policy development work.

As WS2 Recommendation 4.2 notes “The sub-group understands that it cannot require ICANN to make amendments to the RA or the RAA. Rather, this recommendation suggests possible changes to the RA and RAA for study and consideration by ICANN the organization, the GNSO, and the contracted parties.” ICANN org stands ready to enter into discussions and commits to making sure that the recommended topics of negotiation remain among the topics to be negotiated. ICANN org coordinates with the contracted parties regarding the scope of negotiations, and ICANN org will raise this item for the next feasible round of negotiations. ICANN org appreciates that there may be other amendment discussions underway, and will factor this recommendation into those discussions.

4.1 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

No specific considerations noted.

ICANN Org:

Because of the level of ongoing work on this issue, some of the recommendations are neither difficult nor costly to implement. However, there are two areas where resource needs could be intensive:

1. The general license or developing other alternative options on compliance with applicable laws.
2. Contractual amendments to the base Registry Agreement and model Registrar Accreditation Agreement.

As ICANN org noted during Recommendation 4.1.4 development, there is no application process to request a general license; a general license requires a change in regulation by the U.S. Department of the Treasury or a change in legislation. Licenses of this scope are typically not developed for a single entity. The potential effort in seeking such a regulatory or legislative action could risk ICANN's not-for-profit status, in that there are limits imposed on the resources that ICANN may devote to lobbying activities. Further, there is no guarantee of success from any such lobbying effort or expense. These issues will be more fully laid out in the feasibility study requested in the WS2 report.

ICANN org is committed to implementing the recommendation and moving forward with the identified study. The results are expected to provide information to the ICANN community, Board, and org on the feasibility of moving forward to such action, potential costs, likelihood of success, and, if appropriate, other alternatives that might achieve some of the same goals. The results of this study will be shared with the community for advice on how to proceed. The study may reveal one or more paths to achieving the WS2's stated outcomes, and then there will be a need to collectively review that study to determine if any of those paths are feasible or appropriate for ICANN.

If the outcomes of the study are such that seeking a general license is not an appropriate use of ICANN resources, ICANN org has previously flagged that the WS2 report contains very general language of seeking alternative options to address this issue. Additionally, there is a possibility that if the report itself does not provide suggested alternatives, ICANN will require additional information as to what the community might see as alternatives, as there are significant legal restrictions on how ICANN may provide support or services to those subject to trade regulation sanctions.

Recommendation 4.2 on Choice of Law and Choice of Venue suggests consideration of an amendment to the Registry Agreement and Registrar Accreditation Agreement. As

Recommendation 4.2 notes, the CCWG-WS2 cannot require ICANN to make amendments to the RA or the RAA. The recommendation suggests possible changes to the RA and RAA for study and consideration by ICANN org, the GNSO, and the contracted parties.

- Any changes will need contracted party agreement before ICANN org implementation. Therefore, implementation consideration and planning are dependent on contracted parties' interest in initiating an amendment to the contracts.
- ICANN cannot require the contracted parties to enter into a negotiation, and the recommendation is not recommending opening negotiations.
- ICANN org is prepared to engage in these discussions and will encourage the contracted parties to hold this conversation and undertake the study as soon as feasible. If the contracted parties are not ready to move forward at this time on negotiation of the topics within this recommendation, ICANN org will make sure that these items remain on the list of topics for negotiation as soon as feasible.

ICANN Community:

As the Choice of Law and Venue Recommendation would require contractual amendments to the standard form contracts through an amendment procedure (e.g., Arts. 7.6-7.7 of the Base RA and Section 6 of the RAA), the contracted parties must agree to engage in that amendment process before any implementation estimates can be determined.

The broader the options that are considered possible by the contracted parties, the more resources that will be required to engage in the negotiations as well as to estimate the impact of any negotiation outcomes. Negotiations could also be resource-intensive for the contracted parties, as ICANN org cannot provide legal advice to support the contracted parties in negotiations. Any changes that reduce the uniformity of contracts applicable to ICANN's contracted parties also have the potential to increase enforcement costs, thereby reducing resources available for other ICANN org efforts in support of the ICANN community.

ICANN Board:

No specific considerations noted.

4.3 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- The process to document current ICANN org practices on OFAC licenses for Registrar accreditation.
- Requirements for a study to determine the costs and benefits of ICANN org pursuing an OFAC general license.

Several dependencies have also been identified that may impact the estimated cost and resource range indicated in the table. These include:

- Expert advice to develop and conduct feasibility study on obtaining a general license.
- ICANN org documentation and process development.

ICANN Org Functions Involved with Implementation Efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to Support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
Legal	Low to High	Moderate	Moderate	Moderate
Contract Compliance	Moderate	Moderate	Moderate	Moderate
GDD	Moderate	Moderate	Moderate	Moderate

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

It is estimated given these factors that it will take from six to twelve months. Implementation timing is also dependent on the outcomes of the feasibility study and identified next steps.

Resource requirements and cost impacts for supporting the work are contingent upon the final scope of work and any clarification regarding guidance needed to proceed with OFAC-related recommendations. In particular, as a more in-depth feasibility study of the OFAC general license issue will require third-party resources for which the cost is estimated to be between US\$30,000-\$50,000.

Specifics on resources, estimated timing to implement, and ongoing support for the other portions of these recommendations need to be assessed as part of the priority assigned. Also, these recommendations and the timeline for implementation need to consider ICANN org’s ongoing and future operational commitments.

5. Recommendations for Improving the ICANN Office of the Ombuds

5.1 Description of the Recommendation

In developing this section of the report, the CCWG WS2 relied on an [external review of the Office of the Ombuds](#) that was started in fulfillment of a recommendation from the Accountability and Transparency Review (ATRT). The aim of the review was to reflect on the extent to which the Office of the Ombuds is currently serving the needs of the ICANN multistakeholder

community and to provide recommendations as to the roles, responsibilities, and structure of the Office under the enhanced accountability and transparency framework.

The CCWG WS2 took the resulting recommendations of the external review, evaluated those recommendations, and modified them in part in order to reach the recommendations under consideration today.

The recommendations focus on five areas:

1. Clarity of roles and processes.
2. Standing and authority of the Ombuds.
3. Strengthening the independence of the office.
4. Strengthening the transparency of the office.
5. Clarity for when the Ombuds should get involved in items that are not yet deemed within the jurisdiction of the office.

The recommendations are “cascading” in nature. For example, the first recommendation is that the Ombuds’ office should “have a more strategic focus”, with enhanced procedures and documentation to accompany that focus. Only once that focus is agreed should ICANN develop a plan to “relaunch” the office. The recommendations about training, contracting, and reporting similarly seem to be premised on the relaunched nature of the office (while taking interim steps towards meeting the spirit of the recommendations along the way).

The Recommendation 5.8 on the Ombuds Advisory Panel is modified by the Implementation Guidance found in Annex 9 of the Report. The Annex scopes the role of the Advisory Panel to align with the Board’s fiduciary obligations and to further enhance the independence and confidentiality of the Ombuds when dealing with this Panel, once comprised.

5.2 Work Underway

The Ombuds office serves the ICANN community as bounded by the ICANN Bylaws and by the [Ombudsman Framework](#). The Ombuds currently provides [Annual Reports](#) on activities, and the [Ombuds website](#) provides additional information on activities related to its focus areas.

Work has already occurred to meet some of the recommendations. For example, the Office of the Ombuds recently made strides towards diversity enhancement through the appointment of an Adjunct Ombuds that brings gender diversity to the office.

5.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

No specific considerations noted.

ICANN Org:

The Ombuds is appointed by and reports to the ICANN Board of Directors. In that way, the Ombuds is not a traditional part of the ICANN org, but will have implementation responsibilities that are separate from the Board or the community.

ICANN org will also have implementation responsibilities to support the refocusing of the Ombuds role from supporting the Board to supporting research and development. Though the CCWG WS2 noted that it did not believe that Bylaws would need to be updated to support a new vision of the Ombuds office, initial assessments indicate that strategic changes to the Ombuds focus, as well as changes in contracting that are contemplated in Recommendations 5.8 and 5.9 are likely to require Bylaws changes.

ICANN org should work closely with the Board and Ombuds to make sure there is an appropriate division of responsibility to implement the recommendations, while respecting the independence of the Ombuds' work on investigations and dispute resolution.

The scope of effort required for some of the follow-on recommendations is difficult to determine at this time. Items such as the communications plan, reporting of new metrics, or generation of different reports are dependent in large part on the approach determined in the Strategic Plan.

ICANN Community:

The ICANN community has a specific role in implementation, as Recommendation 5.4 obligates timeframes for participation in Ombuds investigations. The ICANN community will also have to consider the issues as laid out in Recommendation 5.11 regarding requests for expansion of the Ombuds' involvement in areas outside of current jurisdiction or authority. While the Ombuds provides an important service to the ICANN community, attempts to widen the Ombuds' authority or jurisdiction could impact other areas where the Ombuds is expected to act on the same issue.

ICANN Board:

The Board, as the entity responsible for the Ombuds' appointment and engagement, is expected to have more activity in terms of the implementation of these recommendations as opposed to the others in the report. The Board will need to confirm the strategic view of the Ombuds and manage its oversight of any new responsibilities that might arise through this implementation.

The Board will direct ICANN org to consider this input as well as the implementation guidance from the [WS2 Final Report](#), Annex 9, in its development of the implementation plan for all of the Ombuds recommendations, and to identify if it is feasible for the Advisory Panel work to be planned as parallel implementation work along with the other Ombuds-related recommendations.

As the Ombuds reports to the Board, the Board will work with the Ombuds on the implementation planning and priority for the recommendations that fall to the Office of the Ombuds, using ICANN org support as needed.

5.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- Clarifying what having a more strategic focus means for the Ombuds. Once clarification is obtained on how this recommendation is to be achieved, implementing this recommendation may require updating the Ombuds Framework and other materials.
- Documenting what is needed to strengthen the role of the Ombuds.
- As the Ombuds reports to the ICANN Board, any changes to the responsibilities of the Ombuds are for the Board to approve and to have implemented.
- Support from ICANN org may be needed to assist the Ombuds in annual operational planning and budgeting.
- Consideration of the number of reports currently produced by the Ombuds and whether the additional reporting obligations in these recommendations can be incorporated into the Ombuds Annual Report to consolidate effort.
- Establishment of timeframes for responses to Ombuds requests needs to consider current response times and if they are sufficient to support the information requested, and the level of detail required.
- Requirements to revise the Ombuds website to align with additional reporting obligations.
- Development of a communication and business plan for the Office of the Ombuds.
- Establishment of the Ombuds Advisory Panel, selection of qualified members, and documenting operational guidelines.

Several dependencies have also been identified that may impact the estimated cost and resource range indicated in the table. These include:

- Cost for Ombuds training.
- Possible decision to add staff or contractors to the Office of the Ombuds to support diversity.
- Ombuds Advisory Panel requirements and costs to maintain.
- Possible expansion of the Office of the Ombuds and role, in particular for involvement in work outside of the current jurisdiction.
- Revisions to the Ombuds Framework.

ICANN Org Functions Involved with Implementation efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to Support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
Ombuds	Low to High	Undetermined at this time	Low to High	Undetermined at this time
ICANN Board	Moderate	Undetermined at this time	Moderate	Undetermined at this time
Board Operations	Moderate	Undetermined at this time	Moderate	Undetermined at this time

Communications	Moderate	Undetermined at this time	Low	Undetermined at this time
HR	Moderate	Undetermined at this time	Low	Undetermined at this time
Legal	Moderate	Undetermined at this time	Moderate	Undetermined at this time
IT	Low	Undetermined at this time	Low	Undetermined at this time
Complaints Office	Low	Undetermined at this time	Low	Undetermined at this time

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources to implement may take some time, need additional staff, or additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

Given these factors, it is estimated that it will take over twelve months to implement this recommendation.

The Ombuds needs to inform the Board of any additional resource requirements and estimated costs to perform the data collection and annual reporting noted in these recommendations.

Support for other Ombuds’ commitments will need to be factored into the timing of implementation as they could incur ongoing operational responsibilities for ICANN org.

Specifics on resources, estimated timing to implement, and ongoing support for the other portions of these recommendations need to be factored into the priority assignments and the timeline for implementation as they will incur ongoing operational commitments for ICANN org.

6. Recommendations to Increase SO/AC Accountability

6.1 Description of the Recommendation

The Recommendations to Increase SO/AC Accountability aim to address SO/AC accountability, including but not limited to “improved processes for accountability, transparency, and participation that are helpful to prevent capture.” [ICANN Bylaws Section 27.1(b)(iii)]

The recommendations are divided into the following areas: accountability, transparency, participation, outreach, and updates to policies and procedures. With regards to each area,

SO/AC or other groups have the opportunity and expectation to evaluate, strengthen, and provide transparency to their processes and procedures.

For recommendations on accountability, SO/AC or other groups should ensure documentation and transparency of decision-making and other procedures and make those part of any of their relevant operating documents. Brief reports should be provided on what efforts are undertaken to improve accountability, transparency, and participation, as well as outline improvements where needed. Additionally, links to policies, procedures, and documented practices should be published and available on ICANN's website under the "Accountability" section.

The transparency recommendations focus on transparency of the operations, membership, correspondence, and communications of SO/AC or other groups, unless involving confidential matters. This includes transparency of governance and guiding documents of SO/AC or other groups, including their charter and operating guidelines. These will need to be regularly updated and displayed on a public webpage. The recommendations also apply transparency to the membership and leadership listing of a SO/AC or other group on a public webpage, and to the publicly available meeting records.

The recommendations on participation build on the above and include ensuring clear, publicly available rules for eligibility, criteria, application processes for SO/AC or other group membership. Leadership term limits are recommended, as are publicly visible mailing lists.

The recommendations on outreach focus on communications, publicly available resources to encourage eligible participants to become members, and a strategy to reach communities that may not be adequately participating.

Complementing the above, the recommendations on updates to policies and procedures recommend SO/AC or other groups review policies and procedures regularly in a timely manner and make any necessary changes identified.

The recommendations specifically note that the Mutual Accountability Roundtable not be implemented, nor should the Independent Review Process be applied to the SO/AC or other groups' activities.

These recommendations are directed at the SO/AC or other groups as best practices to consider implementing.

6.2 Work Underway

A more detailed inventory of the work that is currently being undertaken across and within the ICANN community structures will need to be conducted to assess the extent to which any additional work may be required to support the implementation of these recommendations.

6.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

This recommendation is important to ICANN's overall transparency and accountability. There is an expectation that the community will implement these recommendations and use the opportunity to embrace any additional improvements to benefit ICANN's overall work and decision-making processes, as well as to mitigate against any risks of capture.

While the majority of the work lies with the community and the respective SO/ACs or other groups, ICANN org will support the work as needed. With regards to ICANN's Bylaws, and the Organizational Reviews, there is an opportunity to include within those periodic Organizational Reviews an assessment of the Guidelines for Good Faith, good practices implementation for the SO/ACs or other groups and how these recommendations are implemented.

ICANN Org:

No significant issues have been identified with ICANN org supporting the SO/ACs or other groups in the implementation of the recommendations. However, implementation could incur substantial ICANN org resources requiring prioritization to support each SO/AC or other groups when combined with the support required for the SO/AC or other groups to consider and implement other WS2 recommendations.

ICANN Community:

While these recommendations suggest best practice improvements for the SO/AC or other groups, implementation is important to the overarching accountability and transparency of ICANN. Implementation is the responsibility of each SO/AC or other group, focusing on an assessment of and improvements to relevant practices highlighted in the recommendations. Implementation will require community commitment and time, supported as needed by ICANN org.

There will be a need for community prioritization of this work, the scope, and identification of any resources needed to support the work.

ICANN Board:

The Board recognizes that this recommendation applies to the SO/AC or other groups. To the extent community policies and recommendations are provided to the Board, SO/ACs, or other groups, this recommendation serves as an important part of the community's work to prevent capture or the inability to participate.

For the Bylaws-mandated Organizational Reviews, the Board has the opportunity to ask through the Organizational Effectiveness Committee (OEC) for the independent examiners to assess the implementation of the recommendations through the conduct of each review.

6.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- Should any of the SO/AC or other groups elect to implement any or all of these recommendations, ICANN org staff will be required to support those individual implementation efforts.
- Revisions to webpages and reports to incorporate changes and to post information.
- Modifications to for the scope of the periodic Organizational Reviews may be needed to include an assessment of the implementation of these recommendations.

Several dependencies have also been identified that may impact the estimated cost and resource range indicated in the table. This includes:

- Workload and level of support required by the SO/AC or other groups to implement all WS2 recommendations may necessitate additional staff or contractors to support the effort.
- Webpage development.

ICANN Org Functions Involved with Implementation Efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to Support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
Policy (Support)	Moderate to High pending scope of work	Undetermined at this time	Expected to be Moderate pending scope of work	Undetermined at this time
Legal	Low	Low	Low	Low
MSSI (Reviews)	Low	Low	Low	Low

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement is estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget.

Estimates for implementation timing are dependent on a decision from each SO/AC or other group as to requirements and scope of work. ICANN org support and resources for the implementation will be estimated once the requirements and scope of work are completed.

As the extent of implementation will depend on the decision of each SO/AC or other group, ICANN org will be better positioned to determine the impact once each SO/AC or other group has defined whether or not, and the extent to which, to implement the recommendations. The SO/AC or other groups will need to identify their priority levels, expected timing, and scope of the implementation for resource needs and cost estimates to be determined.

Additional staff may be required depending on the workload and requirements to support all the SO/AC or other groups. This could affect the implementation of these recommendations as well as other WS2 recommendations. Also, resources and costs will need to be factored into the prioritization of this recommendation. Consideration also needs to be given to the possible impact of other planned and ongoing projects such as the implementation of recommendations from the Specific Reviews (e.g., CCT, RDS, SSR2) or other community policy development processes (e.g., such as the work on the Temporary Specification for gTLD Registration Data) on the overall budget.

7. Recommendations to Increase Staff Accountability

7.1 Description of the Recommendation

The Subgroup focused on assessing staff accountability and performance at the service delivery, departmental, or organizational level, and not at the individual personnel level.

The recommendations under this section address improving visibility and transparency of ICANN org's staff accountability mechanisms, including posting consolidated relevant information on the ICANN website related to performance management systems, departmental goals, and organization policies, as well as ensuring communication mechanisms further increase awareness and understanding of both existing and new accountability mechanisms.

Additionally, the recommendations propose mechanisms to address concerns between community members and staff members regarding accountability or behavior. The proposal suggests ICANN org to enhance existing staff accountability mechanisms to include better overall performance assessment and appropriate accountability to relevant stakeholders.

With regard to ICANN org services, the recommendations include establishing service level targets that clearly define the services provided by ICANN to the community.

7.2 Work Underway

For these recommendations, ICANN org has already undertaken significant work on transparency of policies and procedures, reporting on ICANN org activities, and service to the community.

ICANN org currently conducts and supports accountability surveys such as [Gender Diversity and Participation](#), [Age Diversity and Participation](#), and [Capacity Development](#). Other surveys include post-participation and alumni program surveys, the recent ATRT3 [Accountability and Transparency Review](#) survey for accountability feedback, and the [IANA Functions Customer](#) Survey. Community consultations are also important data-collecting processes (e.g., [Fellowship](#) and [NextGen](#) consultations) wherein community groups participate in the consultation survey and provide feedback on the program.

Publicly available policies include:

- [Anonymous Hotline](#)
- [Confidentiality](#)
- [Conflict of Interest](#)
- [Employee Conduct & Work Rules](#)
- [Equal Employment](#)
- [Fraud](#)
- [Open Door](#)
- [Outside Business Interest](#)
- [Prohibition of Workplace Harassment](#)
- [Information Security](#)
- [Board Code of Conduct](#)
- [Privacy Policy](#)

To address Recommendation 7.1.1.3, a description of the Complaints Office and how it relates to the Ombuds Office was noted in a [May 2017 blog](#), where the roles of the Complaints Officer and the Ombuds Office were clarified. In addition, the Complaints Officer already produces and publishes reports listing complaints and resolutions that fall within its remit. Those reports can be found at <https://www.icann.org/complaints-report>.

Additionally, over the years, further information is being provided frequently on departmental and organizational level performance:

- ICANN [Annual Report, including the incorporation of the Transparency Report](#)
- ICANN [Organization Reports to the Board](#)
- ICANN [Presidents Corner](#)
- [ATRT Review](#)
- [GDD Satisfaction Survey](#) (transaction-based) could add more detail to address this recommendation
- [Action Request Register](#) (ARR)
- [Complaints Office Report](#)
- Contractual Compliance [Performance Reports](#)
- [Capacity Development Community Survey](#)

7.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

Overall, on the publication of policies and procedures, much work has occurred and continues. Additionally, clarity on processes and procedures, engagement with, and responsiveness to the community continue to be provided (including through the CEO report) on a regular basis.

ICANN Org:

In reference to Recommendation 7.2.1.1 regarding a regular information acquisition mechanism, ICANN org undertakes a range of mechanisms to gather feedback including surveys. Following impact assessments of these mechanisms, additional consultation methods can be considered to capture and measure community satisfaction and engagement, including systematizing data gathering to support a more agile and responsive approach for collecting community feedback.

- As part of any additional approaches, legal and data privacy requirements need to be identified before any results can be reported to relevant stakeholders.
- ICANN org will work with the community on any additional approaches and timing to continue to address the intent of this recommendation. As this recommendation notes, newly-created mechanisms should first be evaluated before creating additional tools to measure and evaluate staff accountability.

Regarding the recommendations on developing and publishing service level targets and guidelines, ICANN org will provide a summary of where current ICANN org tracking of services exist, and then work with the community to identify any additional Service Level Agreements (SLAs) and the measurements that should be applied.

ICANN Community:

The establishment of additional service level targets where applicable, working with the community to identify and develop clear focus areas, prioritization, and guidelines, will require attention both for ICANN org and the community.

Consideration also needs to be given to balance other ICANN priorities against an effort which will require commitments from ICANN org and community to address a problem with undetermined veracity or importance.

ICANN Board:

The progress on the implementation of this recommendation is reported to the Board through the CEO. The [Delegation of Authority document](#) also provides clarity on the role of the Board and ICANN org.

There are several items that require clarification such as the need to define data for the collection process and preferred approach before the mechanisms can be developed for implementation planning.

7.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- Review of how ICANN org sets function and staff goals to support ICANN's Mission, Budget, 5-year Operational Plan, and the Strategic Plan.

- Review of already available staff policies and materials that comply with these recommendations.
- Consideration and development of a community satisfaction survey to measure the level of community satisfaction with ICANN services.
- Require clarification as to the expectations for the delivery of services and identification of what new processes need an SLA than those that ICANN org already has in place.

Several dependencies have also been identified that may impact the estimated cost and resource range indicated in the table. These include:

- Depending on the scope and requirements for identified new SLAs, the expanded scope of services identified could create an additional cost and resource burden to monitor and report on these targets for the functions involved.
- Establishing a process, frequency and conducting a community Satisfaction Survey.

ICANN Org Functions Involved with Implementation efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to Support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
HR	Moderate to High	High	Moderate to High	Moderate
Comms	Moderate	Moderate	Moderate	Moderate
Policy	Moderate	Moderate	Moderate	Moderate
GDD	Low	Low	Low	Low
GE	Moderate	Moderate	Moderate	Moderate
Operations	Moderate	Moderate	Moderate	Moderate
Complaints Office	Low	Low	Low	Low
Ombuds Office	Low	Low	Low	Low
MSSI (Reviews)	Low	Low	Low	Low

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time and resources needed to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and will require additional budget to implement.

It is estimated given these factors that it will take between six months and eighteen months to implement this recommendation. It will require a review of applicable data protection and privacy laws, as well as regulations in the countries that ICANN operates for guidance as to the feasibility and scope of revisions to ICANN org processes and policies needed to implement this recommendation.

Resources will be required to support several of the recommendations in an ongoing capacity. These ongoing commitments will need to be factored into the timing of implementation as they will incur continuing operational obligations for ICANN org impacting staff workload.

Initial cost and resource estimates for ICANN org to implement the Staff Accountability recommendations do not consider prioritization or possible budget impacts with other planned and ongoing projects such as the implementation of recommendations from the Specific Reviews (e.g. CCT, RDS, SSR2) or other community policy developments (e.g. such as work on the Temporary Specification for gTLD Registration Data), which will need to be allocated budget and resources depending on priority assigned to all collective recommendations posed for implementation.

8. Recommendations to Improve ICANN Transparency

8.1 Description of the Recommendation

The CCWG-ACCT WS2 made recommendations to improve ICANN's transparency in four areas:

1. Improving ICANN's Documentary Information Disclosure Policy (DIDP).
2. Documenting and Reporting on ICANN's Interactions with Governments.
3. Improving Transparency of Board Deliberations.
4. Improving ICANN's Anonymous Hotline (Whistleblower Protection).

The recommendations on the DIDP focus both on updating the DIDP with specific modifications, as well as procedural enhancements such as how ICANN responses to DIDP requests are documented. In addition, this set of recommendations (as modified through implementation guidance set out in Annex 9 of the Report) includes proactive disclosure of information on high-value contracts held by ICANN, as well as a requirement to regularly review the DIDP.

The recommendations on documenting interactions with governments focused on new reporting requirements, were modified by implementation guidance that reflects consistency with the DIDP in understanding the scope of the recommendation, the availability of reporting on bilateral conversations, and the production of an annual Government Engagement Strategy.

The recommendations on the transparency of Board deliberations focus on the types of information that the community should expect to see available about Board deliberations and how information that was redacted from Board materials should be reviewed for release at a later time. Implementation Guidance from Annex 9 of the WS2 Final Report modified the implementation of these recommendations, affirming that current practice meets part of the recommendations, but requiring a redaction log to be produced and reviewed on a regular basis.

The recommendations on improving ICANN's Anonymous Hotline considered and adopted almost all recommendations from the third-party (NAVEX Global) review of ICANN's Anonymous Hotline. This review was commissioned to implement a recommendation from

ATRT2. WS2 also recommended public access to the policy for community information, as well as an audit of the hotline every two years.

8.2 Work Underway

The operation of the DIDP already takes into account many of the improvements to documentation and implementation that the CCWG WS2 recommended. For example, ICANN org already provides narrative responses to DIDP requests, including reference to information already publicly available. If a portion of a request seeks information not available through the DIDP, ICANN org still responds to that portion as well as all other portions of the request.

ICANN org annually discloses all contractors it paid \$1,000,000 or more over the fiscal year, as opposed to disclosing only the top five vendors as required for compliance with U.S. tax code.

The following reports provide information related to these recommendations:

- On ICANN's relationship with governments, ICANN org's [Charter on Government Engagement Approach](#)
- See ICANN [Lobbying Disclosures & Contribution Reports](#)
- ICANN org's [CEO](#) and [GSE/GE](#) public reports
- ICANN [Legislative and Regulatory Reports](#)

Regarding the Anonymous Hotline, ICANN org has already implemented many of the NAVEX Global recommendations and is preparing to provide access to the Hotline for ICANN's business vendors.

With respect to Board deliberations, ICANN already posts resolutions, minutes, and briefing materials.

8.3 Implementation Considerations

This section is divided into four categories: General, ICANN org, ICANN community, and ICANN Board. These categories are used to reflect a particular implementation emphasis that will need to be considered as planning commences. In some cases, issues have been identified that will need to be clarified as implementation moves forward.

General:

Records management and retention practices may impact whether particular documents are available for publication.

ICANN Org:

ICANN org is prepared for the implementation of all facets of these transparency recommendations, as modified by the Implementation Guidance noted in Annex 9 of the WS2 Final Report. As it relates to the DIDP, the first step is to publish for Public Comment an updated DIDP that reflects the totality of the recommendations for review as a unified operational policy, rather than presenting a series of individual recommendations for review.

ICANN org also has work underway updating and documenting internal practices to better define the types of documents that are expected to exist, and how those documents will be accessed and considered when responding to a DIDP request. Internal processes are also under development for the tracking of the redaction of Board materials, the publication of contractor information, and the development of a Governmental Engagement Strategy.

ICANN Community:

No specific considerations noted.

ICANN Board:

No specific considerations noted.

8.4 Resource Estimates

The following table identifies the ICANN org functions involved with the implementation and ongoing maintenance of these recommendations.

The factors that were considered to determine the range for the level of effort in the table include:

- The extent of the revisions to DIDP and conducting a Public Comment proceeding to implement the recommendations.
- Recommendations for the Anonymous Hotline Policy from the NAVEX Global report are being implemented and whether additional efforts may be required is being evaluated.
- An assessment of the value provided by conducting a third-party audit every two years of ICANN's Hotline Policy will need to be prepared, and an auditor contracted to consider what should be considered practical for a standard operating procedure.
- Identifications of changes to existing ICANN contracting and procurement procedures to comply with vendor and supplier reporting requirements for the posting of a register of suppliers and ensure consistency with the implementation guidance.

Several dependencies have also been identified that may impact the estimated cost and resource range indicated in the table. These include:

- Implementing changes to the DIDP process through the Public Comment proceeding will require dedicated resources.
- Hiring a third-party vendor to conduct a review of ICANN's Hotline Policy.
- Changes to procurement processes and procedures.
- Website development.
- Report generation and frequency of report production.

ICANN Org Functions Involved with Implementation Efforts	Initial Implementation Effort	Initial Estimate for Cost Impact to Support Implementation	Ongoing Support and Maintenance Effort	Initial Estimate for Cost Impact for Ongoing Support and Maintenance
Legal	Moderate to High	High	Moderate	Moderate
Ombuds	Low	Low	Low	Low
Complaints	Low	Low	Low	Low

Office				
HR	Moderate	Moderate	Moderate	Moderate
IT	Low	Low	Low	Low
Board Ops	Moderate	Moderate	Moderate	Moderate
Communications	Moderate	Moderate	Moderate	Moderate
GE	Moderate	Moderate	Moderate	Moderate
Finance	High	High	Moderate	Moderate

The resource estimates shown reflect:

- “Low”, because the cost, length of time, and resource needs to implement are estimated to be minimal and, in some cases, can be absorbed into existing work.
- “Moderate” reflects that the cost, time, and resources needed to implement may take some time, need additional staff, or need additional budget depending on existing workload for the functions involved.
- “High”, because the cost, length of time, and resources needed to implement will require additional staff, take a significant amount of dedicated time, and require additional budget.

Given these factors, it is estimated that it will take between six months and twelve months to implement this recommendation.

While updating the DIDP is not a resource-intensive process, there is an additional effort in responding to DIDP requests that will increase the ongoing operational needs to maintain the DIDP process. The amount of other resources required to support this recommendation is difficult to estimate as it is dependent upon the frequency and complexity of DIDP requests.

Recommendation 8.1.16 Open Contracting will necessitate revising the procurement processes and require additional and ongoing resources and staff to support the new reporting requirements.

Recommendation 8.4 for the Anonymous Hotline (Whistleblower Protection) proposes a 2-year cycle of review that may impose costs that are not practical. There are costs and additional resources needed to select an outside auditor and content development for posting materials on a website that may not be necessary based on the volume of reported calls. Alignment with industry best practices for the regularity of reviews may be a more appropriate use of ICANN resources.

9. Conclusion

This Implementation Assessment Report evaluates the “general feasibility” to implement the recommendations, assuming available funding and staff resource availability, but does not infer or assert “resource feasibility” to implement the recommendations, as this is part of the implementation integrated with the operating and budget planning process.

In summary, there are 77 recommendations that require implementation by ICANN org, which will impact 15 functional departments.

None of the ICANN org recommendations demonstrate any significant concerns regarding feasibility of implementation.

There are 38 recommendations requiring the ICANN community to implement, or review and determine if it is relevant for them to implement (several SO/AC or other group accountability recommendations are considered suggestions and can be addressed at the discretion of each SO/AC or other group). As these recommendations were developed by the community and approved by the Chartering Organizations, this report presumes no feasibility concerns for the recommendations the community would be accountable to implement.

Implementation timing of WS2 Recommendations will be coordinated with existing operating planning cycles, and subject to Public Comment as a part of those efforts. All ICANN Operating Plans are subject to review, and revision based on changes to funding or activity assumptions.

The resource and cost information that has been gathered in this report is based on stand-alone estimates and does not reflect factors such as the specific timing, sequencing, or prioritization of implementing these recommendations with other ICANN org or community commitments and recommendations. This assessment is part of the planning process including the Five-Year Operating Plan to balance all current projects and spending recommendations against priorities assigned, resources available, timeline, and other variables.

The estimates and resource needs may change when a more detailed implementation plan is prepared in coordination with and as part of the community’s ongoing review of the Five-Year Operating Plan, annual budgeting cycles and alignment with the recently adopted ICANN Strategic Plan for fiscal years 2021–2025.

As the WS2 Final Report noted, the CCWG-Accountability WS2 has convened an Implementation Team. Members of the WS2 Implementation Team are comprised of the Co-Chairs and the rapporteurs from the WS2 subgroups. The mandate developed for this team by WS2 is to aid ICANN org with recommendations that may require clarification for implementation planning.

Once the WS2 Final Report has been adopted by the Board, the proposed WS2 implementation plan will be developed and reflected also as part of the operating planning cycle.

Implementation of WS2 recommendations will be measured and tracked as they are implemented for appropriate status reporting to the community.

