Enhancing ICANN Accountability – Work Stream 2 (WS2) Recommendation 8.2 - Implementation Documentation

Enhancing ICANN Accountability – Work Stream 2 Final Report
https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf

See https://www.icann.org/resources/work-stream-2-implementation-en for more information on Work Stream 2 implementation.

WS2 - Transparency I Documenting and Reporting on ICANN's Interactions with Governments - Recommendation 8.2

Recommendation 8.2: In the interest of providing the community greater clarity with regard to how ICANN engages government stakeholders and to ensure that the ICANN Community and, if necessary, the Empowered Community is fully aware of ICANN's interactions with governments, the CCWG-Accountability recommends that ICANN begin disclosing publicly the following (notwithstanding any contractual confidentiality provisions) on at least a yearly (but no more than quarterly) basis with regard to expenditures over $20,000 per year devoted to "political activities," both in the U.S. and abroad:

8.2.1.1 All expenditures on an itemized basis by ICANN both for outside contractors and internal personnel.

8.2.1.2 All identities of those engaging in such activities, both internal and external, on behalf of ICANN.

8.2.1.3 The type(s) of engagement used for such activities.

8.2.1.4 To whom the engagement and supporting materials are targeted.

8.2.1.5 The topic(s) discussed (with relative specificity).

This recommendation was overtaken by the implementation guidance provided by the CCWG-Accountability in Annex 9 of its Final Report.

Implementation guidance 8.2: Note - This recommendation needs to be consistent with DIDP exceptions, specifically the exception which states:

> Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party (note - the WS2 Transparency recommendations for DIDP did not mention or modify this exception which is currently included in the DIDP and as such it would be expected to stand).

The above discussion of DIDP policies is by way of explanation, and does not expand the application of this policy

Overall one must recognize that ICANN is a critical actor in the DNS and has significant expertise in the area. ICANN's corporate objectives include a number of activities and programs to share this expertise with all interested parties including governments.

As such any activities where ICANN is presenting information which is publicly available or which is part of formally published ICANN position on a subject through training programs, conferences or individual meetings should not be required to be disclosed beyond the reports which are currently published by ICANN and reports regarding bilateral conversations with governments.

> Note: Reporting on bilateral conversations can be found in the ICANN Quarterly Reports. Additional information on specifics of these reports can be requested via the DIDP subject to the stated exceptions. An example of such a report can be found at https://www.icann.org/en/system/files/files/quarterly-report-08may18- en.pdf page 29

To further facilitate the community's understanding of ICANN's objectives in discussions with governments it should publish an annual Government Engagement Strategy which should describe the focus of its interactions with governments for the coming year. This document should be derived from existing documentation including but not limited to annual planning, CEO reports to the Board and correspondence with the GAC.

Final Implementation Report

This response details the implementation of the CCWG-Accountability WS2 Final Report Recommendation 8.2: "Documenting and Reporting on ICANN's Interactions with Governments." This recommendation falls under the Transparency Sub-Group Full Report. This response follows the Implementation Guidance within the final report which provided the clarification necessary for ICANN to implement the recommendation while remaining within the guidelines of the Documentary Information Disclosure Policy (DIDP).

In the interest of keeping the community informed and providing clarity with regard to how ICANN engages with government stakeholders, ICANN publishes several reports and analytic materials. ICANN's transparency regarding activities, such as the reporting about meetings and the tracking of legislation, is intended to keep the community informed of any governmental activities with the potential to impact ICANN's mission and remit. These publications demonstrate ICANN's ongoing commitment to the preservation and enhancement of the operational stability, reliability, security, and global interoperability of the Internet and its unique identifier systems. Since the recommendation, and subsequent Implementation Guidance, was drafted in 2017, ICANN's transparency in documenting and reporting on interactions with governments has further evolved. The implementation guidance made clear that ICANN's then-available government engagement reporting was satisfactory to achieve implementation of Recommendation 8.2. Since the CCWG-Accountability WS2 Final Report was published in 2018, several additional government engagement publications have been developed and are made available to the public. These papers provide a detailed analysis of various intergovernmental initiatives relevant to ICANN.

Separate from these government engagement publications, ICANN annually consults on and then publishes both a one-year and five-year operating plan detailing the Government Engagement Strategy and the purpose of its interactions with governments. . The five-year

plan complements the annual government engagement operating plans by providing a comprehensive overview of how ICANN will carry out its mission in the public interest over the next five years. Additionally, to keep the community aware of the specific activities supporting its strategic plan and operating plans, ICANN publishes a CEO Report to the Board every four months, describing the details of the various functions, including its government engagement activities. This report, and an historic record, can be found at: https://www.icann.org/reports-to-board.

The Government Engagement function also publishes every two months a report on government engagement activities and bilateral conversations by region, which is published on the Government Advisory Committee (GAC) website. ICANN has provided the GAC with 70 reports to date, and will continue to provide these reports on a regular cadence as agreed with the Government Advisory Committee. An historic record of these reports can be found at: https://gac.icann.org/activity/bi-monthly-report-icann-gse-ge-governments-and-igos-engagement-activities. ICANN org also makes submissions to various intergovernmental organizations (IGOs) and Internet ecosystem processes when the discussion has the potential to touch on ICANN's technical role or provides an opportunity to explain ICANN's mission to audiences outside the ICANN community. Here is the link to our external submissions.

Lastly, in 2020, ICANN began publishing a series of papers analyzing government activity relevant to the Internet Ecosystem and ICANN's mission. These papers can be found at: https://www.icann.org/resources/pages/government-engagement-publications-2020-03-02-en

Rationale

Through the efforts listed above, the community has access to not only ICANN's government related activities, but its analysis of those activities as well, keeping them better informed. Success can be measured by ICANN continuing to publish reports and analytic material, as well as through its invitations for the community to participate in public comment periods and bring to ICANN org's attention relevant issues.

ICANN followed the Implementation Guidance within the final report which provided the clarification necessary to implement the recommendation while remaining within the guidelines of the Documentary Information Disclosure Policy (DIDP).

Timeline

Final implementation date: 2020

Milestones

- Analytical Reports (Started on 28 Feb 2020) The first publication was posted in Feb 2020. Six subsequent papers have been published and more will continue to be published.
- Government Engagement Strategy (Annually) Government Engagement strategy is included in the annual ICANN Operating and Financial Plans.

- GAC Reports (Oct 2016) Publishing bi-monthly GAC reports detailing government and IGO events on public facing site.
- CEO Reports to the Board (Oct 2016) Published three times per year in alignment with the Board workshop schedule.