Draft charter ccWG Internet Governance

May 2014

Version 04

1 Introduction

Each of the participating SOs and ACs has adopted this charter according to its own rules and procedures, which is recorded in Annex A of this charter.

2 Objective and Scope of Activities

Objective

The Internet Governance CWG has been established by the participating SO's and AC's to coordinate, facilitate, and increase the participation of the ICANN community in discussions and processes pertaining to Internet Governance.

All issues, processes and discussions regarding the Transition of NTIA's Stewardship of the IANA Functions, and/or current and future accountability and accountability mechanisms related to the aforementioned Transition, are deemed to be out of scope of the objective of the WG.

For avoidance of doubt: The WG shall not act as a representative of the participating SO's and AC's collectively or individually, nor others, unless they have been explicitly asked to do so by all the participating SO's and AC's collectively or individually.

Scope of activities

The scope of activities of the WG is to do whatever it deems relevant and necessary to facilitate and ensure engagement and participation of the ICANN community in the global Internet governance scene and multi-stakeholder decision-making processes.

The WG will take a proactive role in seeking and fostering participation and input into the processes and provide regular feedback to the SO's and AC's.
In achieving its objective the WG will undertake, but is not limited to, the following activities:

- Provide input to ICANN staff, Supporting Organizations and/or Advisory Committees on issues pertaining to Internet Governance discussions and processes.
- Provide input to the participating Supporting Organizations and/or Advisory Committees to ensure input as mentioned under a. above is reflected in

Bart Boswinkel 5/16/14 7:29 AM
Comment [1]: Comment Patrik:
We have not talked (much) about communication _to_ (or comments about) ICANN and the ICANN process.
Do we, or do we not, have as a task to discuss also what is said at external events about ICANN?
Question: Do the marked activities (highlighted) address Patrik's points?

Bart Boswinkel 5/16/14 7:28 AM
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ICANN's activities in discussions and processes pertaining to Internet Governance.
- Organizing SO and AC focused sessions
- Disseminate and summarize information relevant and related to the Internet Governance events and processes defined before
- Draft Position Papers and Statements as deemed appropriate, in accordance with the rules of this charter (section 4).

3. Deliverables and Timeframes

Work Plan
As a first step the WG should establish and adopt an initial work plan and an associated schedule. At a minimum it should include the relevant schedule of activities of the WG related to the relevant Internet Governance events, and the methods for informing the participating SO's, AC's and broader community on progress made. The initial work plan and schedule should be published on the web page of the WG. The Co-Chairs will be responsible for maintaining and updating the work plan and schedule and for informing the Chairs of the participating SO's and AC's of changes made to the work plan and schedule.

Report on Progress
The Co-Chairs of the WG shall update the participating SO's and AC's at least monthly on the activities of the WG.

At appropriate times, as identified in the work plan, the WG shall produce a Progress paper to inform the broader community of its activities and progress made.

Position Papers and Statements
As part of its activities, the WG may prepare and propose a Position Paper or Statement. In order to inform the participating SO's and AC's collectively and individually, and others, in a timely manner their endorsement or support for a Position Paper or Statement will be sought, the schedule for drafting and decision-making a Position Paper or Statement should be included in the work plan.

4. Process for the development of a Position Paper or Statement

WG Interim Position Paper or draft Statement
The WG, at its own discretion, may publish for public consultation within the ICANN community an Interim Paper, which will contain a review and analysis of the topics it considers relevant, or a draft Statement. This document will be published for public consultation at the time designated in the WG work plan.

Review of Interim Paper or draft Statement

After closure of the public consultation on the Interim Paper, the WG shall review and analyse the comments received and may, at its reasonable discretion, provide appropriate responses.

WG Position Paper or Statement
In considering a WG Position Paper or Statement the WG shall seek to act by consensus. The consensus view of the members of the WG shall be conveyed to the participating SO's and AC's. If a minority disagrees with a position, that minority position shall be included in the Paper or Statement. The WG Paper or Statement shall be published within seven days after adoption of this Paper or Statement by the WG and conveyed to the chairs of the participating SO's and AC's.

SO and AC endorsement or support for the WG Position Paper or Statement
After submission of the WG Position Paper or Statement each of the participating SO's and AC's shall decide whether to support or endorse the submitted draft, each in accordance with their own rules and procedures. The chair(s) of the participating SOs and ACs shall notify the Co-chairs of the WG accordingly.

In the event all participating SOs and ACs endorse and support the proposed Position Paper, the WG may publish and submit it in the Internet Governance discussions and processes.

In the event that one or more of the participating SO's or AC's do(es) not support or endorse a Position Paper or Statement, the chair(s) of the WG shall be notified accordingly. This notification shall include at a minimum the reasons for the lack of support or endorsement. The WG may, at its discretion, either:

- Reconsider, and submit a Supplemental Position Paper or Statement to all participating SO's and AC's to seek their support or endorsement, or
- Publish and submit the Position Paper or Statement, noting the part(s) of the Position Paper or Statement, which are fully supported, and which SO or AC dissents from the WG view, or
- Refrain from submitting the (Supplemental) Position Paper or Statement, and making it public.

5 Members, Staffing, and Organization

A. Participants

The WG shall comprise of Participants who may be either Members, Observers or Experts. Participation in the WG is open to community participants from ICANN SOs and ACs.

Each of the participating SO's and AC's shall appoint a Co-Chair. The Co-Chairs shall have primary leadership responsibilities for the WG. The Co-Chairs are encouraged

to collaborate with one another and with ICANN support staff in leading the WG. The Co-chairs may elect a chair and a vice-chair, if considered helpful to lead the WG and after consulting the Particpants.

There shall be a minimum of two Members (excluding the appointed Co-Chair) from each participating SO and AC and a maximum of six (6) Members (excluding the appointed Co-Chair) from each participating SO and AC, with the maximum number of Members subject to review by the WG Co-Chairs should they determine that the workload and progress of the WG would be facilitated by having additional Members.

In addition, all SOs and ACs may appoint Observers if permitted by and in accordance with their own rules and procedures. Such Observers are entitled to participate in WG deliberations on an equal footing with the Members except for formal voting, when called for by the Co-Chairs of the WG. Voting is limited only to Members. The number of Observers appointed by each SO and AC shall not exceed the number of Members appointed by that SO or AC.

The Co-Chairs of the Working Group, in consultation with the Members of the WG, may also appoint Experts to the Working Group. Experts are not considered Members or Observers, but otherwise are entitled to participate on equal footing as Observers.

All Participants are required to submit a Statement of Interest (SOI) in order to participate in the WG. Participants from SOs or ACs for which a Statement of Interest is required for participation in a WG shall submit an SOI in accordance with the rules applicable to that SO/AC (if any); other Participants shall submit an SOI that provides information comparable to that required by the rules applicable to one SO/AC for which SOIs are required.

All WG Participants are expected to be able to:

- Demonstrate knowledge or expertise about aspects of the objectives of the WG; and
- Commit to actively participate in the activities of the WG on an ongoing basis.

All participants (i.e., Co-Chairs, Members, Observers, Experts and support staff) will be listed on the WG's workspace.

B Support staff and Tools

ICANN is expected to provide adequate staff support to the WG.

Bart Boswinkel 5/16/14 7:36 AM
Comment [2]: Comment Gregory Shatan: I suggest this to deal with the GNSO "problem." As drafted, it appears that the number of Members from an SO excludes the Co-Chair from that SO; thus each SO can effectively have 6 Members on the WG (1+5). The GNSO has 7 constituent organizations. If the GNSO has 7 slots (1+6), the GNSO will have the flexibility to allow each constituent organization to directly appoint a Member, with the only issue being the designation of a Co-Chair. If there are less slots, the selection process within the GNSO becomes significantly more complex, since I doubt that any constituent organization will willingly be "Member-less." While a rotation could be introduced, this is needlessly complex and fraught with issues, particularly the issue of who is "in" and who is "out" when a vote is taken (which I expect to be a relatively rare occurrence).

Bart Boswinkel 5/16/14 7:37 AM
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Bart Boswinkel 5/16/14 7:37 AM
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Bart Boswinkel 5/16/14 7:42 AM
Comment [3]: Comment Gregory: "Experts would be appointed to provide guidance to the WG on matters within their areas of expertise, where such expertise is not otherwise available among the Members and Observers of the WG." My comment: There is no explanation of what Experts would be or why they would be appointed. I have suggested some language.
Comment Bart Boswinkel: On the one this is implied, on the other hand the proposed qualification would be counter to the participation on equal footing

Bart Boswinkel 5/16/14 7:38 AM
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In addition, the following communication tools have been established to aid the work of the WG:

- WG Wiki Workspace at (URL TBD)
- WG Email List Subscriptions (TBD); and
- WG SOI Repository, if appropriate, at (URL TBD)

C Working Group Methodology

Making Decisions

In considering its work plan, Reports, Papers and Statements (if any) the WG shall seek to act by consensus. If a minority opposes a consensus position, that minority position shall be incorporated in the related report, paper or statement. The Co-Chairs shall be responsible for designating each position as having either attained "consensus" or "no consensus" in the WG.

Based upon the WG's needs and/or the Co-Chairs' direction, WG participants may request that their names are not associated explicitly with any view/position.

Consensus calls should always utilize best efforts to involve the entire WG, and include at least two WG readings of a Paper, Position or Statement to allow all Participants to state their views. It is the role of the Co-Chairs to designate whether consensus is reached and announce this designation to the WG. The Co-Chairs may call for a vote of the Members on proposed recommendations if they reasonably believe that this will facilitate the WG's deliberations.

6. Omission in or Unreasonable Impact of Charter

In the event the Co-Chairs determine, after consulting the Members of the WG, that this Charter does not provide sufficient explicit guidance and/or the application of the Charter unreasonably hinders the conduct of the business of the WG, the Co-Chairs of the WG shall have the authority to determine the proper actions. Such action may, for example, consist of a modification to the Charter in order to address the omission or its unreasonable impact, in which case the Co-Chairs shall propose such modification to the participating SOs and ACs. A modification shall only be effective after adoption of the amended Charter by the participating SOs and ACs, in accordance with their own rules and procedures.

7. Review of charter

At each ICANN Annual General Meeting, starting 2014, the charter and deliverables of the WG shall be reviewed by the particpating SO's and AC's to detemine whether the WG should continue, or, close and be dissolved. The WG will continue if at least two of the participating SO's or AC"s extend the charter of the WG and notify the other participating SO's and AC's accordingly one month after the annual review date. The notifications will be included in Annex A.

Bart Boswinkel 5/16/14 7:51 AM

Comment [4]: Comment Gregory: Suggested additional language: No other formal levels of consensus will be used by the WG. Consensus will be based on the positions of SO's and AC's, not on the positions of individual Participants. The designation of "consensus" may be used even where there are minority positions, so long as the SO's and AC's holding minority positions are, in the aggregate, a minority of the WG.

Comment Bart Boswinkel:
By introducing decion making on the basis of SO and AC afifiliation, it is implied that the Patticpants are representing the SO and AC. Further, the particpating SOs an ACs will ultimately have the ability to support or endorse the decision of the ccWG.

Comment Gregory: I think we need more clarity around what is meant by "consensus" in this WG.

Bart Boswinkel 5/16/14 8:02 AM

Comment [5]: Suggested language Gregory: SO's, AC's and individual WG Participants may direct that they are not associated explicitly with any view/position.

Comment Gregory: This should be at the discretion of each SO, AC and Participant, without any reservation based on the WG's needs or the Co-Chairs' direction (or lack thereof).

Comment Bart: SOs and ACs always have the ability to disassociate themselves, further support or endorsement has to be ex[... [1]

Bart Boswinkel 5/16/14 7:55 AM

Comment [6]: Comment Gregory: Change to Participants:
Comment Bart: this would break the fabric of the WG.

Bart Boswinkel 5/16/14 7:21 AM

Comment [7]: Comment Avri: Any such decision will be discussed with the WG and modified as necessary

Bart Boswinkel 5/16/14 8:01 AM

Comment [8]: Comment Gregory: It seems odd to me that a minority of the participating SO's and AC's could force the WG to continue.

Comment Bart: In principle yes, but if at least 2 SOs and/or ACs agree, it is the basis for a ccWG.

8. Charter Document History

This section records key changes to the WG Charter that take place after the adoption of the Charter.

Annex A Record of Adoption and Extension of the charter

Annex B Schedule

Milestone Event	Start Date	End Date	Deliverables
Draft WG Charter	TBD	TBD	Charter
Invite and Establish Working Group Co-Chairs and Members	TBD	TBD	Working Group Members & Co-Chairs
Adopt a Work Plan and Time Schedule	TBD	TBD	Work Plan and Time Schedule
Progress Papers	TBD	TBD	Progress Paper
Interim Paper	TBD	TBD	
Final Paper	TBD	TBD	Final Paper