

Bylaws Drafting Process & Implementation Timeline

The CCWG-Accountability views the oversight of Work Stream 1 implementation as a key element of its mandate. Work Stream 1 accountability changes have to be implemented or committed to before any transition of IANA Stewardship from NTIA can occur. The CCWG-Accountability estimates that implementation should take about eight months with several concurrent tracks, some of which will require multiple public comment periods.

Timeline

A full IANA Stewardship Transition and Enhancing ICANN Accountability timeline is available [here](#). The CCWG-Accountability's Work Stream 1 is the subject of this Third Draft Proposal and the implementation plan that is outlined in this section.

To ensure timely implementation, the CCWG-Accountability has initiated a Bylaws drafting process (in coordination with ICANN) to incorporate the requirements of the CCWG-Accountability proposal into the ICANN Bylaws. This includes incorporating the AOC reviews and the CWG-Stewardship dependencies, as appropriate. Once a draft of the ICANN Bylaws is completed, it will be posted for public comment. ICANN Board's approval and adoption of the Bylaws will take place after the public comment process has been completed and after NTIA completes its review of the proposals.

It is expected that NTIA will complete its review process in approximately 60-90 days. The adoption of the ICANN Bylaws is expected to occur shortly after NTIA completes its review.

Implementation Plan

A significant number of CCWG-Accountability Work Stream 1 recommendations involve updating the ICANN Bylaws. With exception of enhancements to the Independent Review Process (IRP),¹ most of the Work Stream 1 recommendations will be implemented through changes to the ICANN Bylaws.

As a result, the CCWG-Accountability and ICANN have developed a Bylaws drafting process based on the following requirements:

- All final decisions about Bylaws proposed to the ICANN Board would be approved by the CCWG-Accountability and/or the relevant CCWG-Accountability subgroup.

¹ Operationalization of the IRP enhancements beyond the relevant Bylaw changes will include selecting panelists, establishing the secretariat for the panel, and defining the rules of procedure.

- The CCWG-Accountability's decisions and those of its subgroups would be informed by external legal advice.
- ICANN legal staff provides legal advice to the ICANN Board.
- The drafting process will be based on a collaborative effort between the CCWG-Accountability's legal counsel, ICANN legal staff, and the CCWG-Accountability.

Bylaw Drafting Process

1. Specifications for revised Bylaws will be developed based on the CCWG-Accountability's final proposal.
2. The CCWG-Accountability will be responsible for approving the specification and initiating the Bylaws drafting process.
3. Initial Bylaws drafting and refining based on the specification will be undertaken by ICANN legal staff in collaboration with the CCWG-Accountability's legal counsel.
4. For initial draft review, the relevant CCWG-Accountability subgroup, supported by both ICANN legal staff and the CCWG-Accountability's legal counsel, will review the draft to ensure it meets the specification and intent of the CCWG-Accountability. The CCWG-Accountability subgroup will be responsible for approving the review.
5. The CCWG-Accountability's legal counsel will conduct a review to assess compliance with the specification and ensure the absence of any unintended consequences. ICANN legal staff may also review.
6. The CCWG-Accountability subgroup will review the advice and will make adjustments as necessary. The draft Bylaws and advice will be shared with the CCWG-Accountability and with the ICANN Board.
7. The full CCWG-Accountability members and participants will be responsible for deciding on any conflict of interpretation, and will be responsible for approving the Bylaw change for inclusion in a proposal that the draft be presented for public comment. In the situation where there is a conflict of interpretation, the full CCWG-Accountability will send the draft Bylaw back to the CCWG-Accountability subgroup and legal counsel for further refinement.

The ICANN Board has final approval of the Bylaws, using its community-focused processes including a public comment period.