

At-Large Capacity Building Program – 2016 Webinar

CCWG Accountability Work Stream 2 Topics



Karen Mulberry
Cheryl Langdon-Orr
Sébastien Bachollet

21 July 2016 @ 21:00 UTC

Agenda

- 1. Welcome and Introduction to the webinar - Tijani Ben Jemaa, Chair of the Capacity Building Working Group**
- 2. Housekeeping Items – Staff**
- 3. Presentation of the Organizational Aspect
Karen Mulberry, Director, Strategic Initiatives ICANN,
CCWG WS2 Project Manager**
- 4. Presentation of the Work Stream 2 Topics**
 - a) Cheryl Langdon-Orr**
 - b) Sébastien Bachollet**
- 5. Pop Quiz – Staff**
- 6. Question & Answers – All**
- 7. Evaluation - All**

Speakers

Karen Mulberry



Cheryl Langdon-Orr



Sébastien Bachollet



CCWG Accountability Work Stream 2 Organization

Karen Mulberry

Director, Strategic Initiatives ICANN





Work Stream 2: focused on addressing accountability topics for which a timeline for developing solutions and full implementation may extend beyond the IANA Stewardship Transition.

<https://community.icann.org/display/WEIA/Charter>



There are 9 WS2 topics that were identified in Annex 12

- Diversity
- Human Rights
- Jurisdiction
- SO/AC Accountability
- Ombudsman
- Transparency
- Staff Accountability
- Guidelines for standards of conduct presumed to be in good faith associated with exercising removal of individual ICANN Board Directors
- Reviewing the CEP (as set forth in Section 4.3)
 - Cooperative Engagement Process
- Additional topic carried over from WS1- IRP “Phase 2”
 - Independent Review Process



- Design Team / subgroups will do heavy lifting including drafting
- CCWG plenary remains in charge of
 - Discussing, approving drafts (including public comment drafts)
 - Reviewing proposals and assessing consensus level
 - Liaising with Chartering Orgs, the Board...
- Co chairs will monitor that
 - Each group is appropriately balanced in terms of Chartering organization and diversity
 - The group of DT leaders is also balanced and diverse requests for extra support are handled efficiently and responsibly



- Diversity - Fiona Asonga, Rafik Dammak
- Human Rights - Niels ten Oever, Nigel Roberts, Paul McGrady
- Jurisdiction - Greg Shatan, Vinay Kesari
- Ombudsman - Sebastien Bachollet
- SO/AC Acct - Cheryl Langdon-Orr, Farzaneh Badii, Steve DelBianco
- Staff Acct. - Avri Doria, Jordon Carter
- Transparency - Michael Karanicolas, Chris Wilson
- Reviewing CEP - Ed Morris
- Guidelines for standards of conduct presumed to be in good faith associated with exercising removal of individual ICANN Board Directors - Lori Schulman



There are two approaches to be taken

- Simple topics are anticipated to be short term and should be able to reach consensus quickly with a Public Comment period planned for October 2016 and the final output to be presented at the ICANN meeting in Copenhagen.
- The more complex topics will take longer to develop and as such will provide an update on the progress of the subgroup's work in Copenhagen, with a Public Comment period planned for February 2017 with the final report expected to be delivered in June 2017 to be presented at the ICANN meeting in Johannesburg.

Each Subgroup will determine the timeline they will follow.

WS2 Proposed Timeline



Simple/Lighter topics

- June 2016: sub-groups agreed, commence work on docs for public input
- Aug 2016: first discussion with CCWG
- Sep 2016: refining work
- Oct 2016: CCWG agrees for public input
- 20 Oct-30 Nov: Public Input comment period
- Dec 2016: Analyze public comment staff/subgroups
- Jan 2017: Sub-groups refines and revises output
- Feb 2017: CCWG agrees final Output for consideration by community FOR ADOPTION at Copenhagen

Complex Topics – Intermediate/Long Term

- Jun 2016: sub-groups agreed
- Sep-Oct 2016: first discussion with CCWG - identifies whether and how to update community at Hyderabad
- Nov-Dec 2016: second discussion with CCWG (first SUBSTANTIVE)
- Jan 2017: refining work
- Feb 2017: CCWG agrees docs for public input
- 1 Mar to 10 Apr: Public Input comment period
- Apr 2017: Analyze public comment staff/subgroups
- May 2017: Sub-groups refines and revises output
- May/Jun 2017: CCWG agrees final Output for consideration by community

How to participate in WS2



- As of 12 July 2016, to sign up for a subgroup as either an active participant or an observer please send your request to ACCT-Staff (acct-staff@icann.org), the Google doc subgroup sign up list has been closed.
- Email lists and wiki pages for each of the Subgroups have been created, the main wiki page directing you to each subgroup and its archives is: <https://community.icann.org/x/gCGOAw>
- Subgroup Rapporteurs will be meeting on 27 July to determine their groups meeting times and dates. Schedules will then be posted in the calendar on the WS2 wiki page.



- **Karen Mulberry - Staff Support - Program Manager**
 - Responsible for ICANN staff coordination and support for the CCWG
- **Bernie Turcotte – Staff Support - Contractor**
 - Responsible for meeting Notes, distribution of agreed meeting material, and as directed, initial writing of designated plenary materials
- **Brenda Brewer - MSSl Secretariat**
 - Focal point for meeting arrangements, announcements and meeting coordination
- **Hillary Jett - ICANN Staff Support – Communications**
 - Responsible for coordinating communication needs of the group

CCWG Accountability Work Stream 2 Topics

**Cheryl Langdon-Orr
Sébastien Bachollet**





Complexity TBD

- **Rapporteurs**

- Cheryl Langdon-Orr
- Farzaneh Badii
- Steve DelBianco

- **Background**

- ❖ Recognized during WS1 (Ref Rec 10 Final Report) as an essential feature of a balanced and more wholly accountability model for ICANN, the Standards and Parity of the Accountability mechanisms and processes institutionalized by each of ICANNs Support Organizations (SOs) and Advisory Committees (Acs) is a key piece of our WS2 work plan and activities.



- **Potential impact of WS2 for At-Large**

- ❖ Whilst the ALAC and to some extent the RALOs currently have a transparent and well established Accountability Framework of operations via their recently reviewed or currently under review Rules or Operational Procedures, as each AC and SO is reviewed and a features / benefits analysis of their established (or underdevelopment) Accountability Frameworks are analyzed and compared, ALAC and At-Large may need to review and or modify our existing procedures to ensure standards and parity with other parts of ICANN, leading to greater expectations of predictability and outcomes of our activities for those we are accountable to.



- **Rapporteurs**

- Fiona Asonga
- Rafik Dammak

- **Background**

- The concern expressed by some is related to the ability of the ICANN community (through the Board/NomCom/SO/ACs, the review teams or other groups) to represent the diversity of views, origins and interests of the global Internet community
- On the other hand, while acknowledging the importance of diversity in the accountability mechanisms, diversity requirement should not prevail over skills or experience requirements
- A multidimensional approach will be useful to be taken into account regarding diversity



- **Potential impact of WS2 for At-Large**
 - At-Large and ALAC are already a well balance group regarding diversity considering – Region – Language and to some extend Gender
 - Some progress could be pursued regarding sub-region, gender, culture...

Human Rights – Medium to Long Term Work - More Complex Issue (though perhaps it shouldn't be)



- **Rapporteurs**

- Niels ten Oever
- Nigel Roberts
- Paul McGrady

- **Background**

- ❖ In Work Stream 1, there was a [CCWG-Accountability Working Party 4](#) tasked with addressing the topic of Human Rights
- ❖ A separate community-led group, which has been active for a while, called the Cross-Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights (or CCWP-HR)
- ❖ Many members of the CCWP-HR have been active in the CCWG-Accountability on human rights issues
- ❖ Human rights impact assessment [list of documents](#) and publicly available information about ICANN
- ❖ **Work Stream 2 to develop a Framework of Interpretation for Human Rights (FOI-HR)**
- ❖ Bylaw provision will not enter into force before the FOI-HR is in place



- **Rapporteurs**

- Greg Shatan
- Vinay Kesari

- **Background**

- Addressing jurisdiction-related questions, namely
 - “Can ICANN’s accountability be enhanced depending on the laws applicable to its actions?”
- The CCWG-Accountability anticipates focusing on the question of applicable law for contracts and dispute settlements



- **Potential impact of WS2 for At-Large**
 - Limited impacts for At-Large
 - As customer of registrar we have already (generally speaking) local law applicable
 - Possible change of applicable law for registries and/or registrars can have some effect to end users



Shorter Term Work less / Complex Topic.

- **Rapporteur**

- Ed Morris

- **Background**

- ❖ CEP is an aspect of ICANNs Reconsideration and Independent Review Processes and an essential part of our Accountability Framework, it is detailed (as current process) within the ICANN Bylaws ‘Article IV Accountability and Review’
- ❖ The CEP is sometimes seen as a ‘pre IRP’ process designed to allow for the opportunity for mediation and agreement on a matter that would otherwise go into an Independent Review Process (IRP).
- ❖ Review of this process is complementary to the review of, and improvements to, other Review mechanisms specifically IRP modified out of WS1 and proposed for WS2 as a complementary and adjunct activity.



- **Potential impact of WS2 for At-Large**

- ❖ Limited impacts for At-Large, beyond those associated with those (all be it significant changes) offered to the Empowered Community (which we are a fully participatory part of) to now have standing for ICANNs Reconsideration and Independent Review Processes



- **Rapporteurs**

- Avri Doria
- Jordan Carter

- **Background**

- To develop a document that clearly describes the role of ICANN staff vis-à-vis the ICANN Board and the ICANN community
 - This document should include a general description of the powers vested in ICANN staff by the ICANN Board of Directors that need, and do not need, approval of the ICANN Board of Directors
- To consider a Code of Conduct, transparency criteria, training, and key performance indicators to be followed by staff in relation to their interactions with all stakeholders, establish regular independent (internal and community) surveys and audits to track progress and identify areas that need improvement, and establish appropriate processes to escalate issues that enable both community and staff members to raise issues
- This work should be linked closely with the Ombudsman enhancement item of Work Stream 2



- **Potential impact of WS2 for At-Large**
 - No direct impact
 - But this will benefit the whole organization and therefore At-Large too

Guidelines for Standard of Board Conduct



- **Rapporteur**

- Lori Schulman

- **Background**

- ❖ In finalizing the recommendations on Board removal, the issue was raised as to whether the Board members would waive any claims against community members for conduct or statements made in the individual Board removal process
 - ❖ While the ICANN Board did not support the requirement that any incoming Board member waive future claims of that type, the Board supported the development of an indemnification process through which community members, participating in the individual Board removal processes in good faith and in due diligence, would be entitled to be indemnified by ICANN if their conduct was challenged
 - ❖ To avoid any potential chill on efforts to seek removal of directors or recall the full Board – and in the interests of encouraging positive behavior from community participants generally – consider whether it would be beneficial to have the revised Guidelines apply to all discussions within ICANN, not just a carved-out set of circumstances where the community is participating in the director removal or Board recall processes



- **Potential impact of WS2 for At-Large**
 - ❖ Limited impacts for At-Large, beyond those associated with those (all be it significant changes) offered to the Empowered Community (which we are a fully participatory part of) to now have a Direct Role in the Removal of Board Members



- **Rapporteurs**

- Michael Karanicolas
- Chris Wilson

- **Background**

- Improving ICANN's transparency with a focus on
 - Enhancements to ICANN's existing Documentary Information Disclosure Policy (DIDP)
 - Transparency of ICANN's interactions with governments
 - Improvements to the existing whistleblower policy
 - Transparency of Board deliberations



- **Potential impact of WS2 for At-Large**
 - It will allow At-Large to have access to document produced by the organization
 - A better vision of the contacts taken by ICANN (Board, staff, CEO...) to our government
 - Easier to understand Board decision knowing the deliberation
 - More transparency for RALOs and ALAC decisions



IRP "Phase 2" - Short Term Work

Whilst specialist in nature, if not complex, it is work already underway.

- **Rapporteur**
 - Becky Burr
- **Background**
 - ❖ IRP "Phase 2" is an additional topic carried over from WS1 IOT - IRP Implementation Oversight Team
 - ❖ The mission of this team was to review the outcomes from our Legal Counsel and to report back to the CCWG



Documents Produced to Date can be found at

<https://community.icann.org/pages/viewpage.action?pageId=59643726>

- ❖ Updates to ICDR Supplementary Procedures
 - ❖ Draft ICANN ICANN IRP Procedural Rules Table
 - ❖ Supplementary Procedures for ICANN IRP
 - ❖ IRP IOT_CCWG Proposal to Bylaws Mapping
 - ❖ IPR Bylaws Procedural Chart
 - ❖ IRP IOT Procedural Questions
-
- **Potential impact of WS2 for At-Large**
 - ❖ Limited impacts for At-Large, beyond those associated with those (all be it significant changes) offered to the Empowered Community (which we are a fully participatory part of) to now have standing for ICANNs Reconsideration and Independent Review Processes



- **Rapporteur**
 - Sébastien Bachollet
- **Background**
 - The Ombudsman Role has already been expanded through WS1, to include a responsibility to perform a first substantive review over Reconsideration Requests
 - In addition, the CWG-Stewardship identified a new role for the Ombudsman, as a place of escalation for complaints about PTI's naming function service delivery
 - The WS2 will consider any additional role for the Ombudsman office
 - The community will consider how the new role of the Ombudsman would interact with other mechanisms, to avoid duplication and optimize effectiveness
 - This expansion is in addition to the Ombudsman's existing role (as set forth in the ICANN Bylaws) and further described in the Ombudsman Framework



- **Potential impact of WS2 for At-Large**
 - Ombudsman office have more responsibility – after WS1 and may have a new set of duties – after WS2
 - At-Large will take advantage to those new responsibilities of the ombudsman office
 - At-Large will need also to help the ombudsman office



- **Is it possible for people to still join as Full Participants or Observers on each of these WS2 topics**
- **How many topics are to be consider by WS2?**
- **What is the dead line for Simple/Lighter topics?**
- **What is the topic where CLO is rapporteur?**
- **What is the topic where SBT is rapporteur?**

QUESTIONS & ANSWERS

EVALUATION