

CCWG Accountability Plenary Meeting

12 July 2016

20:00 – 22:00 UTC



ICANN

Agenda

- Welcome, SOI
- Articles of Incorporation: finalize submission
- Appointment of Rapporteurs for WS2 – next steps are setting up the lists, the meetings, and kicking off
- Legal Cost control mechanism: initial discussion
- AOB and concluding remarks

References to GPI in the CCWG Final Report

- Recommendation 1, para 51: The Articles of Incorporation will be amended to clarify that the global public interest will be determined through a bottom-up, multistakeholder process.
- Recommendation 5, para 153 (core values) 2: Seeking 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.

References to GPI in the CCWG Final Report

- Annex 1 (CCWGV4-Annex 1-FinalV1.5) , para 1 - • The Articles of Incorporation will be amended to clarify that the global public interest will be determined through a bottom-up, multistakeholder process.
- Annex 1 (CCWGV4-Annex 1-FinalV1.5), para 17: 4. The Articles of Incorporation will be amended to clarify that the global public interest will be determined through a bottom-up, multistakeholder process. Note: Legal counsel indicated that the Articles of Incorporation could be amended to ensure that the ICANN Board must consider the community’s interpretation of the “global public interest” as ICANN pursues the charitable and public purposes set forth in Article III. The CCWG-Accountability recommends this change as part of the shift from a Sole Member to a Sole Designator model. The Articles will be amended to clarify that the global

References to GPI in the CCWG Final Report

- Annex 5 (CCWGV4-Annex 5-FinalDraftV0.9-Clean-Final), para 17: 2. Seeking 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;
- Annex 5 (CCWGV4-Annex 5-FinalDraftV0.9-Clean-Final), para 45: 9. Seeking 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;

References to GPI in the CCWG Final Report

- Annex 5 (CCWGV4-Annex 5-FinalDraftV0.9-Clean-Final), para 49 (changes to Bylaws Language): 3. Seeking 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;

- Diversity - Fiona Asonga, Rafik Dammak
- Human Rights - Niels ten Oever, Nigel Roberts, Paul McGrady
- Jurisdiction - Greg Shatan, Vinay Kesari
- Ombudsman - Sebastien Bachelet
- SO/AC Acct - Cheryl Langdon-Orr, Farzaneh Badii, Steve DelBianco
- Staff Acct. - Avri Doria
- Transparency - Michael Karanicolas
- 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

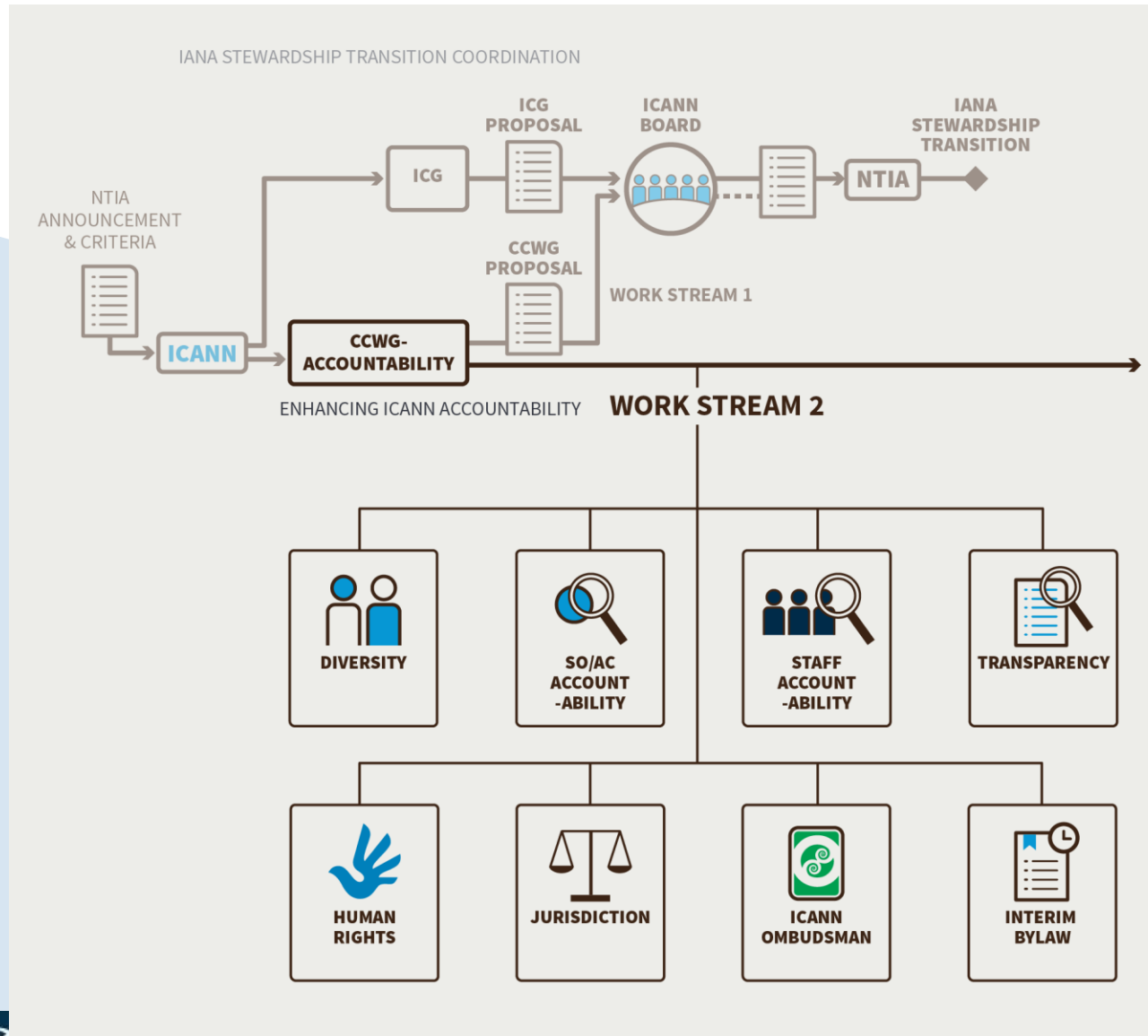
WS2 Next Steps

- 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 will be 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 need to meet and determine meeting times and dates

The background of the slide is a solid orange color. Overlaid on this is a stylized world map. The map is constructed from a network of small white dots connected by thin white lines, creating a mesh-like structure that outlines the continents. The text is centered over the map.

CCWG-Accountability
Legal cost control mechanisms
July 12 2016

Work stream 2



Additional topics :

- Review of CEP
- Community guidelines for conduct during Board removal process

Cost estimate for FY17 – WS2 (reminder)

- Includes WS2 accountability
- Does not include IRP Phase 2 (0,8 million \$), Transition Implementation (3,7 million \$) or General Project activities (1,2 million \$)
- Continuation of ongoing effort to support WG, including staff, AC rooms, transcription
- One day F2F meetings before Icann meetings (maximum of 20 travel support seats)
- Continuation of independant legal advice, with lower intensity and refined cost control mechanisms

	\$ (thousand's)
Staff	808
Travel & meeting	354
Telecom & Language services	201
Legal services	1,400
Other (education, engagement, communication)	344
Total	3,107

Legal Committee

- **Role :**
 - Filter, analyze, refine (ensure clarity), and approve requests for legal advice
 - Determine which firm is best suited to respond
- **Composition :**
 - Co-chairs ?
 - 3-5 CCWG members or participants ? (Previous Legal Committee had 6 + 1 co-chair)
 - Icann Legal needs to participate : as members or observers ?
 - Sidley & Adler as observers ?
 - Note : CWG-Stewardship Legal Committee has a total of 4 members including co-chairs
- **Process :**
 - Monthly meetings
 - Based on subgroup requests documented and share before the meeting,
 - Rapporteurs may attend relevant part of the call to discuss their requests
 - Legal Committee ensures that request is a legal issue (not a policy one)

Budget ownership

- Budget ownership scope excludes staff, as well as telecom & language services
- Ownership implies :
 - Regular updates and progress assessment against the planned budget
 - Potential trade-off decisions
 - Requesting additional budget if necessary (subject to Chartering Orgs and BFC approval)
- **Who would be budget owner :**
 - CCWG-A ?
 - Dedicated committee ?
 - Co-chairs ?

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Total	3,107 / 2,098

Legal Committee – allocation of requests

- **Option 1 :**

- If the request is admissible the CCWG Legal Committee would inquire if ICANN Legal could provide an answer to the request. If ICANN Legal can provide the answer the CCWG Legal Committee will request that ICANN legal do so.
- If ICANN Legal cannot provide the answer, or the answer provided by ICANN legal is judged insufficient by the requester, the CCWG Legal Committee will identify the best external legal resources for this type of work and request a submission for this.

- **Option 2 :**

- the Committee may direct the request at I cann Legal or external firms, based on a case by case assessment.
- If I cann Legal already has an answer available to the question, it can be shared immediately to avoid extra costs.
- Decisions would have to take into account costs, delays, respective skills, as well as potential requirement for “independent” advice.

- Additional business
- Closing remarks