CCWG-Accountability WS2

ICANN

Plenary

30 August 2016

0500 UTC

CCWG Plenary Agenda

- Update on ATRT Implementation – Larisa Gurnick / Avri Doria
- Updates Travel Support/Budget – Bernard Turcotte
- Status of remaining Staff Papers Update – Karen Mulberry
- Issues for Plenary discussion from WS2 Subgroups – Rapporteurs
  - SO/AC Accountability
  - Ombudsman
- Discussion of ICANN 57 Hyderabad Face-to-Face meeting plans - Co–Chairs
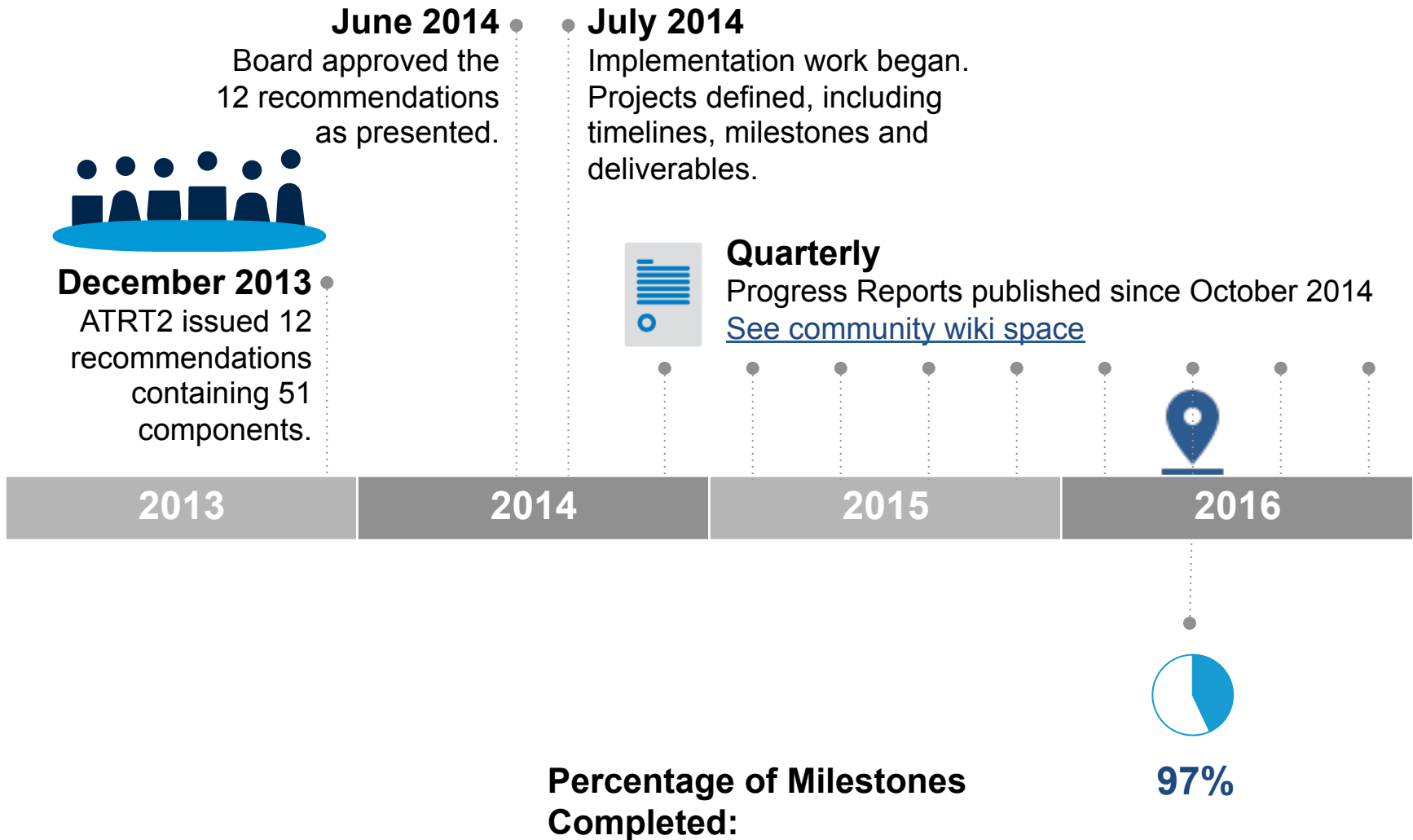
Next CCWG Plenary meeting – 13 September 1300 UTC

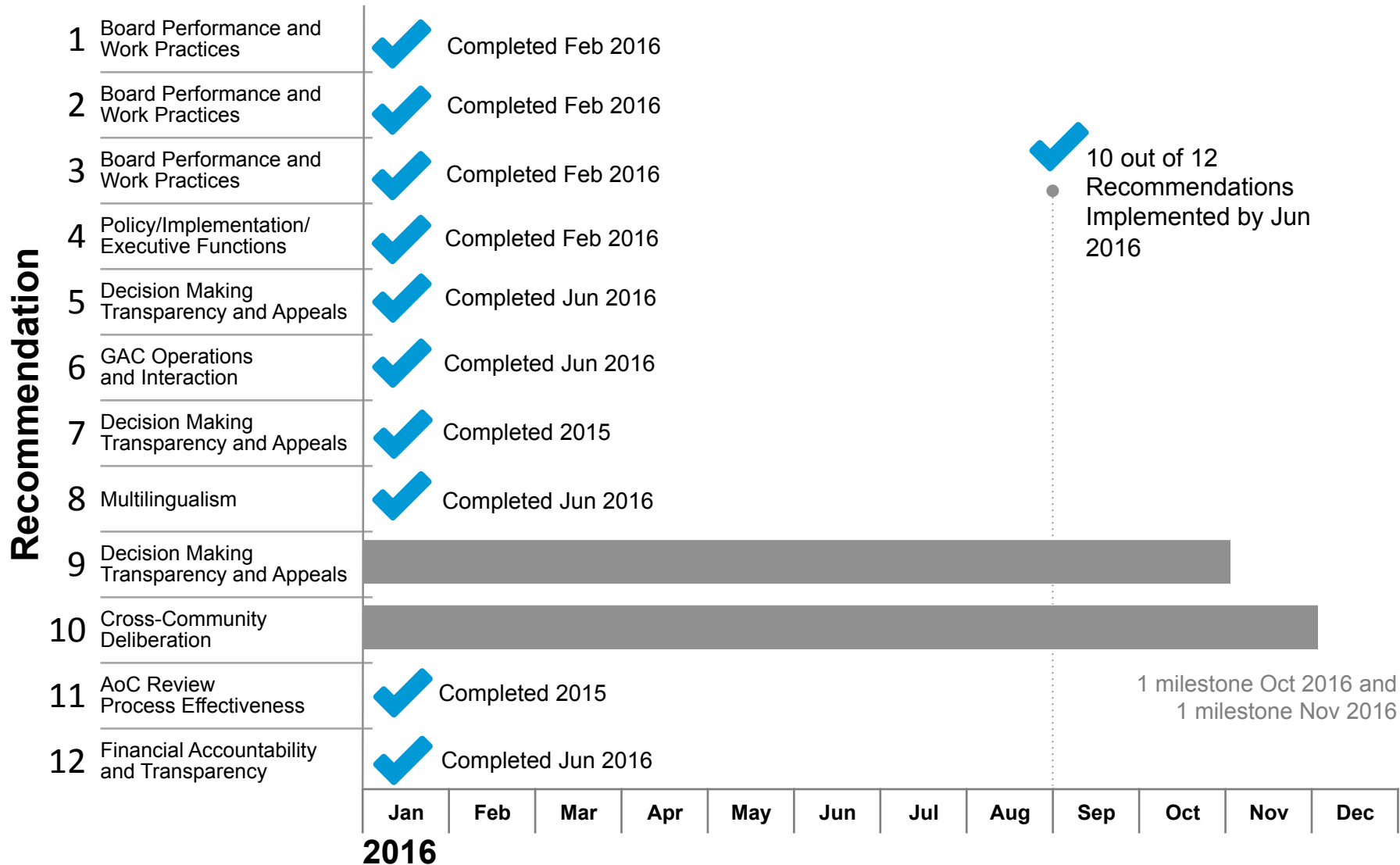# ATRT2 Implementation Update

30 August 2016

Topics for discussion

- Status of ATRT2 implementation

- Overlap of ATRT2 recommendations with CCWG-Accountability work

- Process improvements

ATRT2 Implementation Timeline

June 2014
Board approved the 12 recommendations as presented.

July 2014
Implementation work began. Projects defined, including timelines, milestones and deliverables.

December 2013
ATRT2 issued 12 recommendations containing 51 components.

Quarterly
Progress Reports published since October 2014
See community wiki space

2013	2014	2015	2016

Percentage of Milestones Completed: **97%**

Projected Timeline for Full Implementation

Recommendation

1	Board Performance and Work Practices	✓ Completed Feb 2016
2	Board Performance and Work Practices	✓ Completed Feb 2016
3	Board Performance and Work Practices	✓ Completed Feb 2016
4	Policy/Implementation/ Executive Functions	✓ Completed Feb 2016
5	Decision Making Transparency and Appeals	✓ Completed Jun 2016
6	GAC Operations and Interaction	✓ Completed Jun 2016
7	Decision Making Transparency and Appeals	✓ Completed 2015
8	Multilingualism	✓ Completed Jun 2016
9	Decision Making Transparency and Appeals	
10	Cross-Community Deliberation	
11	AoC Review Process Effectiveness	✓ Completed 2015
12	Financial Accountability and Transparency	✓ Completed Jun 2016

✓ 10 out of 12 Recommendations Implemented by Jun 2016

1 milestone Oct 2016 and 1 milestone Nov 2016

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

2016

* 2 milestones completed from work of the CCWG; 5 milestones removed from the workplan due to ongoing work by the CCWG WS2.

Status Summary as of 30 June 2016


Based on original timeline, modified where appropriate to reflect more realistic due dates

■ Complete

■ On Schedule

■ Behind Schedule, Recover

Recommendation

1 — Board Performance and Work Practices — 8
2 — Board Performance and Work Practices — 8
3 — Board Performance and Work Practices — 6
4 — Policy/Implementation/ Executive Functions — 8
5 — Decision Making Transparency and Appeals — 5
6 — GAC Operations and Interaction — 30
7 — Decision Making Transparency and Appeals — 7
8 — Multilingualism — 7
9 — Decision Making Transparency and Appeals — 11, 1
10 — Cross-Community Deliberation — 4, 1
11 — AoC Review Process Effectiveness — 17
12 — Financial Accountability and Transparency — 4

Number of Milestones (0, 5, 10, 15, 20, 25, 30, 35)

* 2 milestones completed from work of the CCWG; 5 milestones removed from the workplan due to ongoing work by the CCWG WS2.

Overlap with CCWG-Accountability Work

Recommendation

Status

9.1

Focus is on the proposed Bylaws change recommended by the ATRT2 to impose a requirement on the ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees.
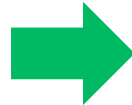
The proposed Bylaws text has been incorporated into the Draft New ICANN Bylaws that were approved by the Board on 27 May 2016 (https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf.).

The Cross Community Working Group on Enhancing ICANN Accountability identified the language recommended for inclusion in the Bylaws through this Recommendation 9.1 as language that should be adopted as part of the Bylaws necessary to be in place for the transition of the stewardship of the IANA functions. The CCWG-Accountability proposal was provided to Chartering Organizations for consideration on 23 February 2016. https://community.icann.org/x/8w2AAw, and the Board submitted the proposal to NTIA on 10 March 2016.

9.2

Focus is to review ICANN's existing accountability mechanisms through a community-comprised group.
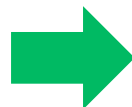
The Cross Community Working Group (CCWG) Accountability work is addressing reviews of the Independent Review and Reconsideration Processes. Prior to moving forward with the composition of a separate community group, it is important to allow the CCWG work to move forward. If it is determined – through consultation with the CCWG – that the work called for in Rec. 9.2 is not being fulfilled by the CCWG, then ICANN will need to move forward with a separate implementation plan. ICANN will maintain regular dialogue with the CCWG to confirm that work is progressing toward this recommendation.

Overlap with CCWG-Accountability Work

Recommendation

9.3

Review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.
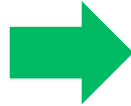
Status

Removed from workplan to avoid duplication with the CCWG-Accountability's Work Stream 2 effort on the Ombudsman.

An expert was expected to be retained and to perform a review of the Office of the Ombudsman by June 2015, with work expected to be completed by October 2015. Because of the unique nature of the Ombudsman role within ICANN, there were challenges in identifying a proper independent expert to undertake this review.
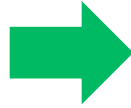
As ICANN was conducting a search for this review, work continued in the Cross Community Working Group on Enhancing ICANN Accountability on modifying the role of the Ombudsman. In addition to the changes to the Ombudsman role that are already reflected in the new ICANN Bylaws (particularly within the Reconsideration Process, where the Ombudsman has a new role), the CCWG-Accountability also noted that it will do a broader review of the Ombudsman role in its Work Stream 2 efforts that are under development now and anticipated to conclude mid-year in 2017. The CCWG-Accountability's Work Stream 2 efforts on the Ombudsman can be followed at https://community.icann.org/display/WEIA/Ombudsman. ICANN committed to this work in the Bylaws as approved by the Board on 27 May 2016 (https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf).

Other potential overlaps

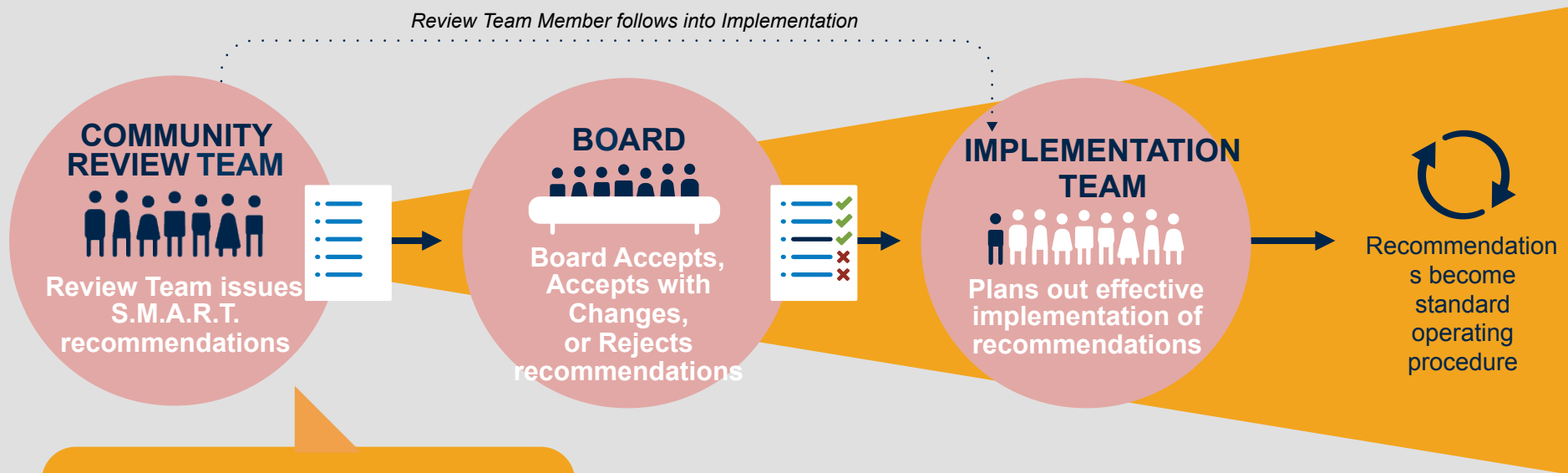## Recommendation

Status

9.5
Review of Anonymous Hotline

An expert conducted and completed a review of the Anonymous Hotline Policy and Procedures in January 2016. The expert analyzed the Anonymous Hotline Policy and Procedures to accepted global framework, identified gaps and provided recommendations for possible improvements that would elevate the Anonymous Hotline to a best practice reporting mechanism.

That work was completed (see Hotline Policy Review Report and Practices and Recommendations).

WS2 group on Transparency may be reviewing the Anonymous Hotline policy.
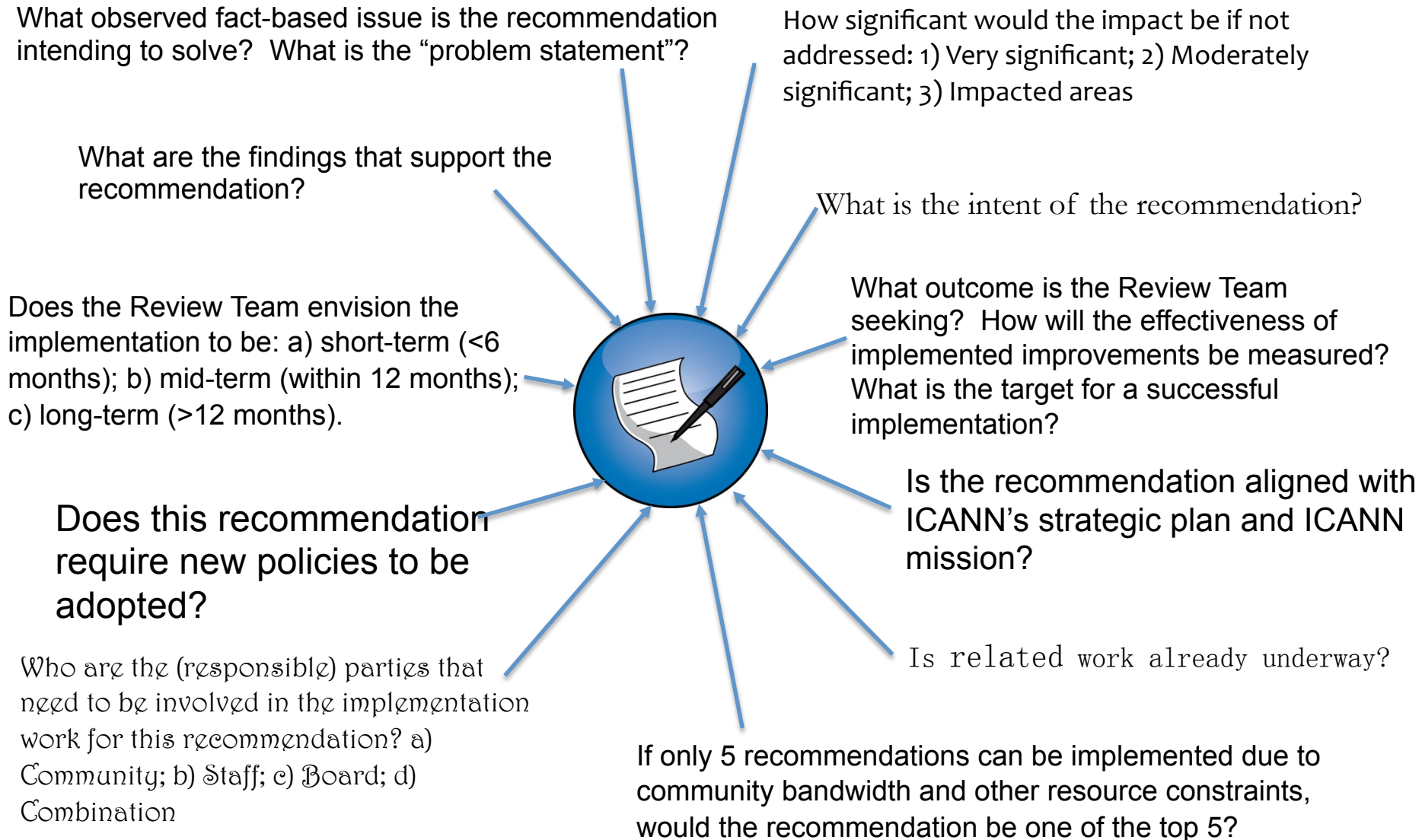
Process Improvements

Review Team Member follows into Implementation

COMMUNITY REVIEW TEAM

Review Team issues S.M.A.R.T. recommendations

BOARD

Board Accepts, Accepts with Changes, or Rejects recommendations

IMPLEMENTATION TEAM

Plans out effective implementation of recommendations

Recommendations become standard operating procedure

The most successful recommendations are S.M.A.R.T.

SPECIFIC
MEASURABLE
ACTIONABLE
RELEVANT
TIME-BASED

S.M.A.R.T recommendations set the right expectations and drive successful outcomes.

Formulating a Useful Recommendation

What observed fact-based issue is the recommendation intending to solve? What is the "problem statement"?

How significant would the impact be if not addressed: 1) Very significant; 2) Moderately significant; 3) Impacted areas

What are the findings that support the recommendation?

What is the intent of the recommendation?

Does the Review Team envision the implementation to be: a) short-term (<6 months); b) mid-term (within 12 months); c) long-term (>12 months).

What outcome is the Review Team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?

Does this recommendation require new policies to be adopted?

Is the recommendation aligned with ICANN's strategic plan and ICANN mission?

Who are the (responsible) parties that need to be involved in the implementation work for this recommendation? a) Community; b) Staff; c) Board; d) Combination

Is related work already underway?

If only 5 recommendations can be implemented due to community bandwidth and other resource constraints, would the recommendation be one of the top 5?

Next steps – discussion with subgroups?

- Update on status of ATRT2 implementation

- Integration of ATRT2 implementation work into the work of the WS 2 subgroups

- Lessons learned and process improvements

- Progress toward measurements and KPIs

More Information

For detailed information on the implementation of the 12 recommendations, visit:

➢ https://community.icann.org/display/atrt/ATRT2+Implementation+Program

For information on the first and second Accountability and Transparency Reviews, visit:

➢ https://www.icann.org/resources/reviews/aoc/atrt

1. Almost everyone will require a CONFERENCE visa
2. Complete online form and print
3. Send the following to Indian Embassy/mission to obtain a CONFERENCE visa:

   1 Qty. - Valid Passport
   1 Qty. - Visa Application Form
   1 Qty. - 2 x 2 Passport Photo
   1 Qty. - ICANN Invitation Letter
   1 Qty. - Local Host Letter AKA Clearance Letter
   1 Qty. - Flight Confirmation
   1 Qty. - Hotel Confirmation
   1 Qty. - Additional Particular Form For Visa Services
   1 Qty. – India Visa Application Fee Payment
   Additional Required Documents (as required)

DEADLINES AND TIMELINES

- Start Visa Application
- Local Host Letter AKA Clearance Letter - 2 Working weeks to receive
- Visa Processing - 2 Working weeks to receive (may vary per location)
- ICANN Meeting - 3 - 9 November 2016

Minimum expected processing time is 4 weeks. To be safe we would recommend you begin now.

Everything is on the ICANN web page for ICANN 57 at:
https://meetings.icann.org/en/hyderabad57/visa-application-guide-india

Update on Staff background Papers

WS2 Topic	Status
Diversity	Final Drafting
Human Rights	Completed and posted
Jurisdiction	Completed and posted
SO/AC Accountability	Final Drafting
Ombudsman	Completed and posted
Transparency	Final Drafting
Staff Accountability	Final Drafting
Guidelines for standards of conduct presumed to be in good faith associated with exercising removal of individual ICANN Board Directors	Completed and posted
Reviewing the CEP	Completed and posted

- SO/AC Accountability
- Ombudsman

SO/AC Accountability per WS2 Bylaw

review and develop … to the extent set forth in the CCWG-Accountability Final Report:

> (iii) SupporDng OrganizaDon and Advisory CommiJ ee accountability, including but not limited **to improved processes** for
>
> **accountability**,
>
> **transparency**, and
>
> **par4cipa4on**
>
> that are **helpful to prevent capture**

SO/AC Accountability per WS2 Bylaw

review and develop … to the extent set forth in the CCWG-Accountability Final Report:

(iii) Supporting Organization and Advisory Committee accountability, including but not limited **to improved processes** for

accountability,

transparency, and

participation

that are **helpful to prevent capture**

SO/AC Accountability in CCWG Final Report Recommendation **12**:

1. Include SO/AC accountability in **ATRT process**
2. Evaluate "**Mutual Accountability Roundtable**" (if viable, recommend implementation actions)
3. Propose **detailed plan on enhancing** SO / AC accountability as part of WS2
4. Assess **whether the IRP would also be applicable** to SO and AC activities

SO/AC Accountability in CCWG Final Report Recommendation **10**:

In Work Stream 1: Include the review of SO and AC accountability mechanisms in the **independent structural reviews**.

So, new Bylaws require independent reviews to also determine:

(iii) whether [SO/AC] **is accountable to its constituencies, stakeholder groups, organizations and other stakeholders**.

The present question for SO/AC Group

Should we (SO/AC group) seek to increase accountability of each SO/AC to global community beyond its membership?

For example, ccNSO was created with ccTLD managers as its members.

*Should we seek to make ccNSO **more accountable** to Internet users and domain registrants outside the ccNSO?*

Present SO/AC Accountability mechanisms for accountability *beyond* SO/AC members

1. Some SOs include Liaisons from other stakeholder groups

2. Some SO/AC must consider **public comment**

3. Board must approve SO/AC policies and decisions – *in the global public interest*

4. ATRT assesses whether ICANN's decisions are embraced, supported, and accepted **by the public and the Internet community**

WS2 Drafting Team "Ombudsman"

Active Participants

1. Sébastien **B**achollet - Rapporteur
2. Adebunmi Akinbo
3. Alberto Soto
4. Avri Doria
5. Carlos Vera Quintana
6. Cheryl **L**angdon-Orr
7. Chris LaHatte (previous Ombudsman)
8. Edward Morris
9. Farzaneh Badii
10. Herb Waye
11. José Francisco Arce
12. Jimson Olufuye
13. Herb Waye (acting Ombudsman)
14. Karel Douglas
15. Klaus Stoll
16. Michael Karanicolas
17. Raoul Plommer
18. Robin **G**ross
19. Sivasubramanian Muthusamy
20. Susan Payne

Observers

1. Aarti Bhavana
2. Alan **G**reenberg
3. Akinremi Peter Taiwo
4. Amrita Choudhury
5. Angie Graves
6. David Maher
7. Elizabeth Bacon
8. Gangesh Varma
9. Iftikhar Shah
10. Johan Helsingius
11. Jon Nevett
12. Mike Rodenbaugh
13. Pam Little
14. Philip Corwin
15. Renu Sirothiya
16. Rinalia Abdul Rahim
17. Vidushi Marda
18. Vinay Kesari

Board Liaisons · Asha Hemrajani · Mike Silber (backup)

Subgroup Time Slots

Day			WS2-Ombudsman
Monday	August 8, 2016	#01	Omb-WS2 05:00 UTC
Tuesday	August 16, 2016	#02	Omb-WS2 13:00 UTC
Monday	August 22, 2016	#03	Omb-WS2 19:00 UTC
Monday	August 29, 2016	#04	Omb-WS2 05:00 UTC
Tuesday	September 6, 2016	#05	Omb-WS2 13:00 UTC
Monday	September 12, 2016	#06	Omb-WS2 19:00 UTC
Monday	September 19, 2016	#07	Omb-WS2 05:00 UTC
Monday	September 26, 2016	#08	Omb-WS2 13:00 UTC
Monday	October 3, 2016	#09	Omb-WS2 19:00 UTC
Monday	October 10, 2016	#10	Omb-WS2 05:00 UTC
Monday	October 17, 2016	#11	Omb-WS2 13:00 UTC
Monday	October 24, 2016	#12	Omb-WS2 19:00 UTC
Wednesday	November 2, 2016		CCWG
Thursday	November 3, 2016		
Friday	November 4, 2016		
Saturday	November 5, 2016		ICANN 57
Sunday	November 6, 2016		03-09 November 2016
Monday	November 7, 2016		Hyderabad
Tuesday	November 8, 2016		
Wednesday	November 9, 2016		

12 participants + Staff
13 participants + Staff
15 participants + Staff
05 participants + Staff

CCWG-Accountability
Work Stream 2
Ombuds
ICANN

Document @#4 Ombuds

- Background for Ombuds Office in Work Stream 2
- Dependencies between the sub-groups
- Stress Tests
- Current role of the ICANN Ombuds Office
- Evaluation
- Various types of Ombudsman roles
- Challenges
- Recommendation
- Additional role for the Ombuds Office?
- Interaction
- Communication @ Relationship
- Trust
- Advice
- Conclusion

Dependencies between the WS2 sub-groups

1. ☑ **Diversity** (Sébastien Bachollet)
2. ☑ **Human Rights** (Raoul Plommer)
3. ☑ **Jurisdiction** (Farzaneh Badii)
4. ☑ **SO/AC Accountability** (Cheryl Langdon-Orr)
5. ☑ **Staff Accountability** (Avri Doria)
6. ☑ **Transparency** (Michael Karanicolas)
7. ☑ **Reviewing CEP** (Edward Morris)
8. ☑ **Guidelines stand. conduct** (Karel Douglas)
9. ☑ **IRP "Phase 2"** (Robin Gross)
10. ☑ **ICANN Ombuds**

- Stress Tests vs Ombuds?
- In addition, the CWG-Stewardship identified a new role for the Ombudsman, as a place of escalation for complaints about (Public Technical Identifiers) PTI's naming function service delivery.
  [***Can someone point to an official document?***]

  - ICG final proposal p.111
    https://www.icann.org/en/system/files/files/iana-stewardship-transition-proposal-10mar16-en.pdf
    The ombudsman gets involved at phase two

- Evaluate the current Ombudsman charter and operations against industry best practices
  - Ombudsman Framework (April 2009)
- International Ombuds Association
  - http://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx
  - http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Best_Practices_Version3_101309_0.pdf

- Juridiction
- Powere
- Independence
- Neutrality, Impartiality, Fairness
- Confidentiality
- Informality and other standards
- Communication
- Output

CCWG ICANN 57 Proposed Meeting Plan

- Morning
  - General Administration
  - PCST report
  - Update from sub-groups and sanity check of scope and deliverables – part 1
- Coffee break
  - Update from sub-groups and sanity check of scope and deliverables – part 2
- Lunch
- Afternoon
  - Discussion of significant open issues from update/sanity check – part 1
- Coffee break
  - Discussion of significant open issues from update/sanity check – part 2

AOB & Closing

Next CCWG Plenary meeting – 13 September 1300 UTC