

The background of the image is a photograph of a cityscape at dusk. On the left, several tall, modern skyscrapers with glass facades are illuminated. In the center, there is a large, ornate fountain structure. On the right, a large, domed building with an arched entrance is visible. The foreground is filled with colorful flower beds in shades of red, pink, and white, with a paved walkway leading through them. The sky is a deep orange and red, suggesting sunset or sunrise. The text is overlaid on the right side of the image in a white box.

**ICANN**  
**ANNUAL GENERAL**

**60**

**ABU DHABI**

28 October–3 November 2017

# Community Feedback on Concluding CCWG- Accountability WS2

## Cross-Community Session

Thomas Rickert  
Leon Sanchez  
Jordan Carter

ICANN60  
30 October 2017



# Presenters



**Thomas Rickert**  
CCWG Co-chair



**Leon Sanchez**  
CCWG Co-chair



**Jordan Carter**  
CCWG Co-chair

# Agenda

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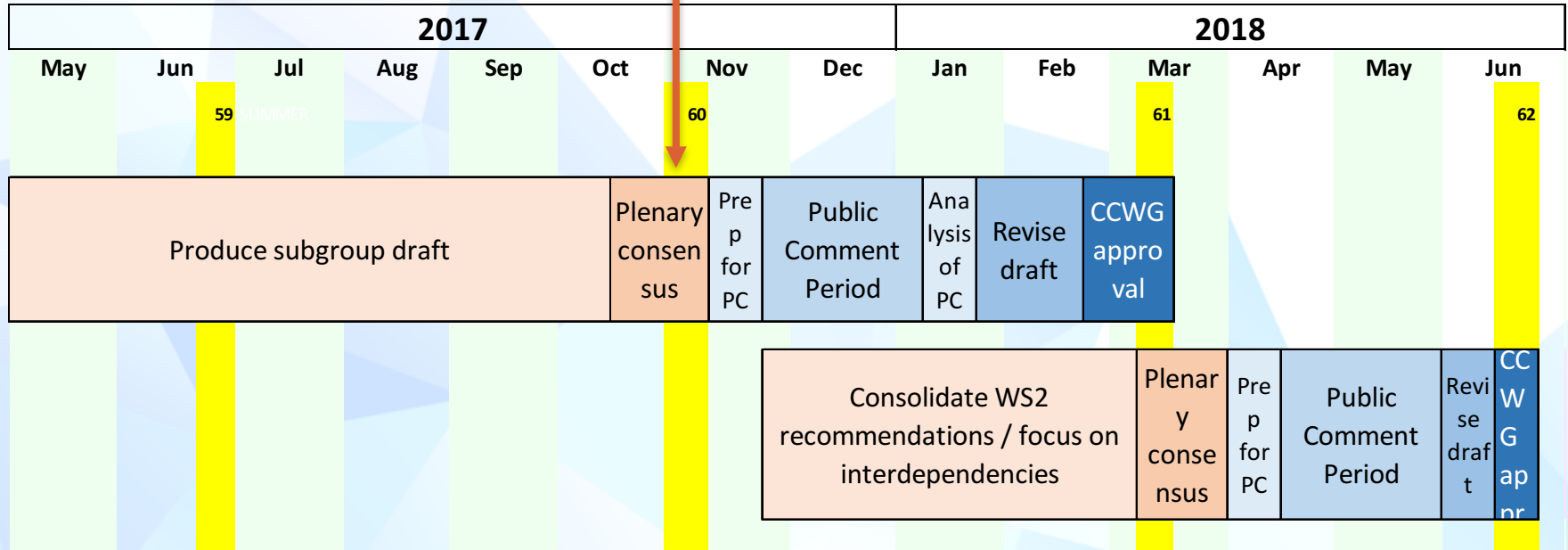
1. WS2 overall progress to date and approach to complete the work
2. WS2 topics update
  - Diversity
  - Guidelines for Good Faith Conduct
  - Human Rights
  - Jurisdiction
  - Ombudsman
  - SO/AC Accountability
  - Staff Accountability
  - Transparency
  - Independent Review Process
3. Questions & Answers
4. Wrap up

# WS2 Progress and Approach to Complete the Work

Agenda Item # 1

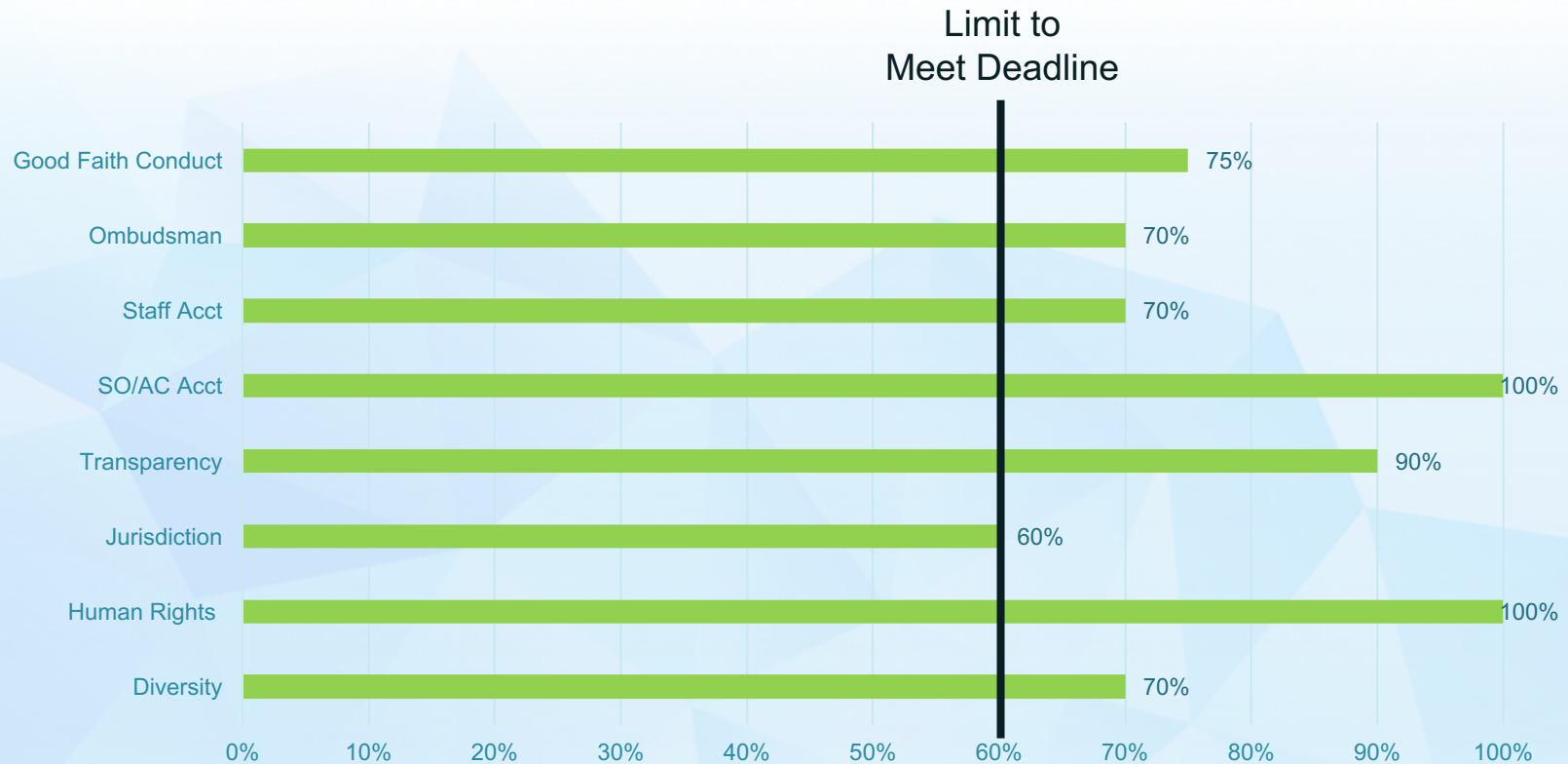
# WS2 Timeline

We are here



- Target is to finish the work within the FY18 timeframe
- ICANN61 (March 2018) is the drop deadline for subgroups to complete their work

# WS2 Progress as of 27 October 2017



Progress	30%	40%	50%	55%	60%	70%		75%	80%	90%	95%
Milestone	Subgroup Initial Draft	Subgroup Stable Draft	Subgroup Consensus Draft	Plenary 1st Reading	Plenary 2nd Reading	Public Comment Start	Public Comment End	Subgroup has Completed PC Analysis	Subgroup Consensus Revised Draft	Plenary 1st Reading	Plenary 2nd Reading
Limit to Meet Deadline	10-Aug-17	7-Sep-17	5-Oct-17	12-Oct-17	27-Oct-17	17-Nov-17	29-Dec-17	22-Jan-18	16-Feb-18	23-Feb-18	9-Mar-18

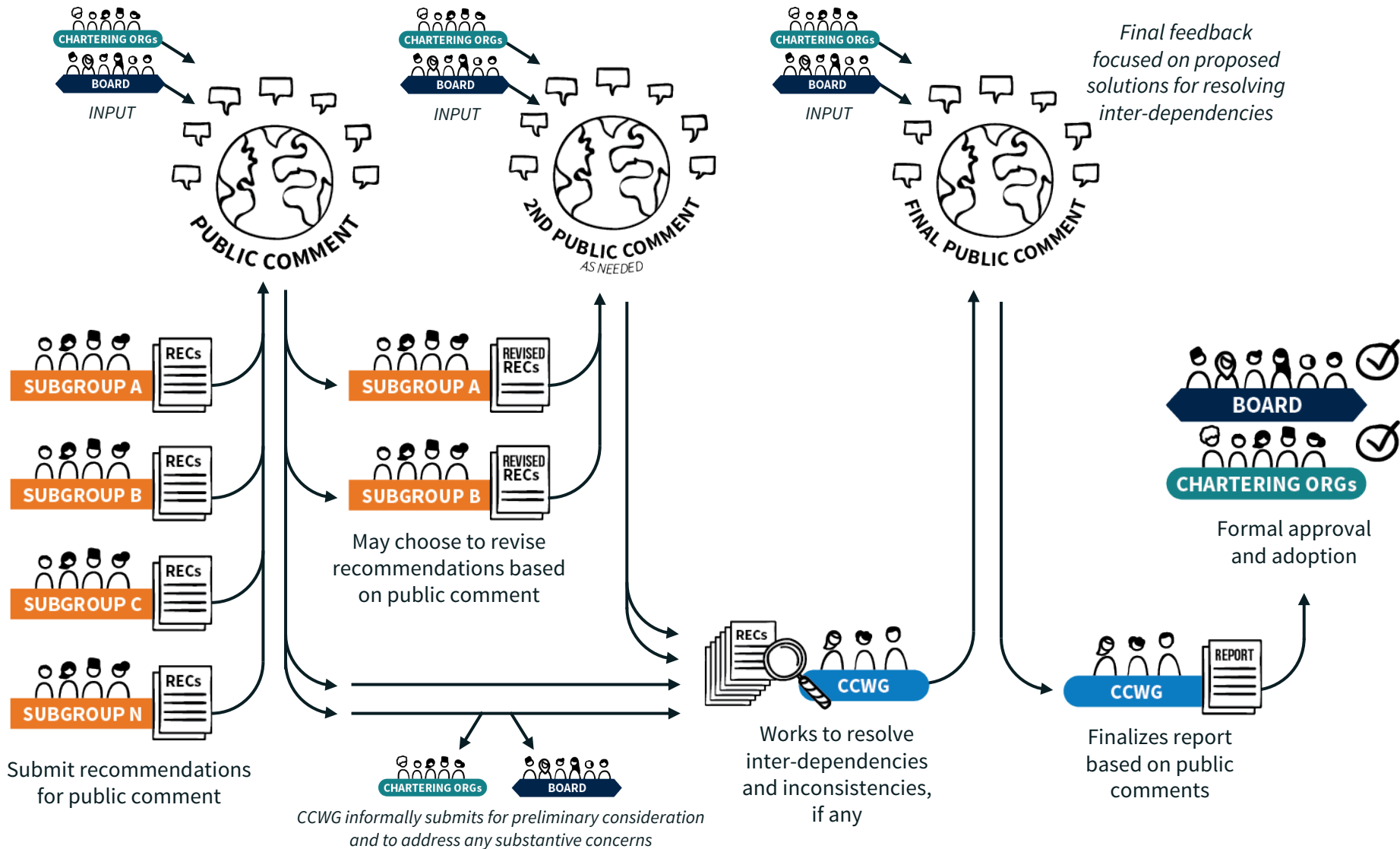


# Plenary Reviews and Public Comment Periods Schedule

	CCWG Plenary 1 <sup>st</sup> reading	CCWG Plenary 2 <sup>nd</sup> reading	Public Comments
<b>1<sup>st</sup> drafts</b>			
Diversity	✓ 08/30/17	✓ 09/27/17	TBA
Staff Accountability	✓ 09/27/17	✓ 10/11/17	TBA
Ombudsman	✓ 10/11/17	✓ 10/18/17	TBA
Jurisdiction	✓ 10/18/17	10/27/17	TBD
<b>2<sup>nd</sup> drafts (revised after first public consultation)</b>			
SO/AC Accountability	✓ 09/27/17	✓ 10/11/17	N/A (minor edits)
Human Rights	✓ 10/11/17	✓ 10/18/17	N/A (minor edits)
Transparency	✓ 10/18/17	10/27/17	TBD
Good Faith Conduct	TBD	TBD	N/A (tbc)



# Approval Process



# WS2 Topics Updates

Diversity

Guidelines for Good Faith...

Human Rights

Jurisdiction

Ombuds Office

SO/AC Accountability

Staff Accountability

Transparency

IRP-IOT

# Diversity

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- ⦿ Status: Draft recommendations open for public comment at <https://www.icann.org/public-comments/accountability-diversity-2017-10-26-en>
- ⦿ Eight recommendations applying to all SO / AC/ Groups (RySG...)/ICANN Board and ICANN Org:
- ⦿ Recommendations broken down into 3 major areas – Defining, Measuring and Supporting Diversity.
- ⦿ The recommendations identify the 7 key elements of diversity:

**Geographic/regional representation**  
**Stakeholder group or constituency**  
**Language**  
**Diverse Skills**

**Age**  
**Physical Disability**  
**Gender**

## Guidelines on Good Faith Conduct in Participating in Board Removal Discussions

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- ⦿ Status: Finalizing wording with ASO to submit final recommendations to WS2 Plenary. Do not expect a need for a second public consultation.
  
- ⦿ Creates a framework for community members to propose removal of Directors in a manner that would allow individuals acting on behalf of their supporting organization or advisory committee to benefit from the indemnification clause enshrined in ICANN's Bylaws as amended on October 1, 2016.
  
- ⦿ Has two Stand-alone Recommendations to:
  1. Develop a broader framework for implementing community powers and entering into the discussions contemplated by WS1.
  
  2. Implement the guidelines as a community best practice to apply to all discussions even if not covered by the indemnities.



# Human Rights

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- ⦿ Status: Final recommendations approved by WS2 plenary and will be included in the WS2 Final Report.
  
- ⦿ In addition to the framework of interpretation, the subgroup included several considerations:
  - ICANN could refer to any of the widely adopted Human Rights declarations, conventions and other instruments while taking human rights into account in its policies and operations.
    - With regards to the UN Guiding Principles for Business and Human Rights, no consensus was reached as to their suitability for interpreting the Core Value. To the extent that ICANN the Organization is a business, it could consider certain aspects of the Guiding Principles as a useful guide when applying the Human Rights Core Value to its business activities.
  
  - In order to put the Human Rights Core Value into practice, ICANN the community as well as the organization will need to consider how to reflect this Core Value in their policy and operational processes.

# Jurisdiction

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- ⦿ Status: Draft recommendations were approved by the WS2 plenary at ICANN 60 and will be published for public comment shortly.
- ⦿ Recommendations focus on two key areas:
  - OFAC
  - Choice of law for gTLD registry and registrar agreements
- ⦿ The recommendations also include request for the community to identify an appropriate forum to continue these discussions after WS2 is completed.
- ⦿ Representatives of the Brazilian government, active participants in the Jurisdiction work, have published a dissenting opinion which is supported by GAC representatives from Argentina and Iran as well as an individual participant Parminder.

# SO/AC Accountability

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- ⦿ Status: Final recommendations approved by WS2 plenary and will be included in the WS2 Final Report.
  
- ⦿ Recommendations broken down into 3 tracks:
  - Track 1: Review and develop recommendations to improve SO/AC processes for accountability, transparency, & participation that are helpful to prevent capture – Makes 29 recommendations that each SO/AC/Group should implement.
  - Track 2: Evaluate the proposed “Mutual Accountability Roundtable” to assess its viability and, if viable, undertake the necessary actions to implement it - While a small minority of CCWG participants supported this, the CCWG consensus view is not to recommend the Mutual Accountability Roundtable for formal implementation.
  - Track 3: Assess whether the IRP would also be applicable to SO & AC activities – The conclusion is that the IRP should not be made applicable to activities of SO/AC/Groups. The appropriate mechanism for individuals to challenge an AC or SO action or inaction is through ICANN’s Ombuds Office, whose bylaws and charter are adequate to handle such complaints.



# Staff Accountability

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- ⦿ Status: Draft recommendations were approved by the WS2 plenary and will be published for public comment shortly.
- ⦿ Four main areas of recommendations to address underlying issues or concerns identified through the group's analysis:
  - 1) Addressing the lack of understanding of the existence and/or nature of existing staff accountability mechanisms – 2 recommendations
  - 2) Addressing the lack of clearly defined, or broadly understood, mechanisms to address accountability concerns between community members and staff members regarding accountability or behavior – 3 recommendations.
  - 3) Addressing complex issues or situations not susceptible to redress by any one of the accountability mechanisms – 1 recommendation
  - 4) Addressing the lack of service level definitions and guidelines – 2 recommendations.

# Ombuds Office

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- ⦿ Status: Draft recommendations were approved by the WS2 plenary and will be published for public comment shortly.
- ⦿ The report makes 11 specific recommendations based on an external evaluation of the ICANN Office of the Ombuds (IOO). Some of the key recommendations include:
  - All relevant parts of ICANN should be required to respond within 90 days (or 120 days with reason) to a formal request or report from the Office of the Ombuds.
  - The Office of the Ombuds should be configured so that it has formal mediation training and experience within its capabilities.
  - The Office of the Ombuds should be ideally configured so that it has gender, and if possible other forms of diversity within its staff resources
  - ICANN should establish an Ombuds Advisory Panel
  - The Ombuds should have as part of their annual business plan, a communications plan, including the formal annual report, publishing reports on activity, collecting and publishing statistics and complaint trend information, collecting user satisfaction information and publicising systemic improvements arising from the Ombuds' work.

# Transparency

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- ⦿ Status: Draft recommendations were approved by the WS2 plenary at ICANN 60 and will be published for public comment shortly.
- ⦿ Subgroup made recommendations in 4 areas:
  1. Improving ICANN's Documentary Information Disclosure Policy (DIDP) – 21 recommendations.
  2. Documenting and Reporting on ICANN's Interactions with Governments – 1 recommendation.
  3. Transparency of Board Deliberations – 3 recommendations.
  4. Improving ICANN's Anonymous Hotline (Whistleblower Protection) – 8 recommendations

- ⊙ It is important to note that the IRP IOT was included as part of WS2 for administrative simplicity but is in fact independent of WS2. Current expectations are that the IRP IOT will continue beyond the scheduled completion date for WS2 of June 2018.
  
- ⊙ Rules of Procedures – The IOT is working on updating these based on the comments received from the public consultation on the first draft of these.
  
- ⊙ Post – Rules Tasks:
  - Recommendations regarding training for Standing Panel;
  - Review the Cooperative Engagement Process (CEP) (Bylaw sections 27.1(b)(ix) and 4.3(e));
  - Standards/rules regarding IRP appeals to full panel;
  - Process for recalling members of Standing Panel;
  - Procedure when ICANN fails to reply to claim;
  - Recommendations regarding periodic review of IRP.

# Rapporteurs

- Diversity: **Fiona Asonga, Rafik Dammak**
- Guidelines for Good Faith Conduct: **Lori Schulman**
- Human Rights: **Niels ten Oever**
- Jurisdiction: **Greg Shatan**
- Ombudsman: **Sebastien Bachollet**
- SO/AC Accountability: **Cheryl Langdon-Orr, Farzaneh Badii, Steve DelBianco**
- Staff Accountability: **Avri Doria**
- Transparency: **Michael Karanicolas**
- IRP-IOT: **David McAuley**

# Questions & Answers

Agenda Item # 3

# Links to Current Recommendations

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- [Diversity](#)
- [Guidelines for Good Faith Conduct](#)
- [Human Rights](#)
- [Jurisdiction](#)
- [Ombudsman](#)
- [SO/AC Accountability](#)
- [Staff Accountability](#)
- [Transparency](#)





# Thank You and Questions

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