**JUNE 2014 FACE TO FACE MEETING OF THE CROSS COMMUNITY WORKING GROUP FOR A FRAMEWORK OF PRINCIPLES FOR FUTURE CROSS-COMMUNITY WORKING GROUPS (LONDON, ICANN50)**

**I. Summary of common observations and specific suggestions**

General agreement on:

* Need for consistent rules on creating CWGs – e.g. issue identification (origin)
* Besides consistency and a common framework, predictability and certainty on the “rules of engagement” upfront are also important
* Need for guidance on how CWGs should be chartered and operated – to include possibility of “checking back” with chartering organizations
* No “one size fits all” solution - some flexibility is needed to accommodate different types of issues (especially where issue may raise policy questions – most CWGs will not be policy development mechanisms) and difference in nature of chartering organizations (e.g. a ccNSO-GNSO CWG may be quite different from another involving one or more ACs)
* There may already be emerging in the ICANN community a general awareness of some of the topics that a CWG charter needs to have, e.g. SO/AC support; clear identification of participation (and/or non-participation and reasons for that)
* Recognition of different levels of consensus across SO/ACs – good reason why there may be distinct and detailed levels in GNSO WGs but perhaps not elsewhere or in a CWG
* Lines of communication and interaction, especially with a CWG’s chartering organizations, are very important; also with other ICANN groups
* By its nature a CWG would deal with issues that aren’t specific to just one SO or AC (e.g. not just a gTLD issue, which would be a GNSO issue)
* A CWG may not always be the right mechanism even for a cross-cutting issue; there may be other alternatives

Some specific questions to consider:

* How is a CWG formed?
* When should one be formed?
* What are the reasons that a CWG makes sense?
* What are the best ways to achieve the desired objectives?

Action Items:

Document: (1) current working group (or equivalent) rules and processes across all SOs and ACs; and (2) WG members’ experiences from different, prior CWGs

**II. Quotations & Excerpts of CWG-Principles Meeting (from official transcript)**

“Having a common framework [and] some consistency when we try to create these working groups and … how they would report back to the [chartering organizations].”

“I’ve been on several Cross Community Working Groups and I’ve seen how easy it is for them to fail simply because there is no guidance as to rules and procedure or… how to charter itself properly to begin with.”

CHRONOLOGICAL REPRODUCTION OF QUOTES FROM THE MEETING:

“The issues that we’re dealing with are going to require us more and more and more to depend on those things. So I think it’s important for us to understand more about the variety of working practices that different parts of the community have. And to figure out what works well in a particular situation, what doesn’t work well in a particular situation and actually just to enhance a sort of understanding and awareness about the alternatives.”

“I see many, many groups and committees and consultations that our colleagues have failed because there was not enough homework done upfront on what the rules of engagement are. So I think we have an opportunity to create predictability and certainty and actually just speed up the process because like you said, I think we’re going to see a lot more of these Cross Community Working Groups as the issues get more complex and/or involve many stakeholders.”

“We just need to have some guidelines that are in place when we form these groups … it’d be really great if we have the results of this group in place already.

“It may be that [we are] already somewhat informed about the qualities of an effective Cross Community Working Group. [Recent examples increasingly show] a common book of thought about Cross Community Working Groups … [e.g.] specific SO and AC support so that rather than one organization coming at it from the left and another from the right, they come at it from the same point of origin; … certified participation [i.e.] where an effective group ought to have members that are endorsed, nominated, certified by the body … that they represent [or] a notion of certified nonparticipation. One of the difficulties in a Cross Community Working Group is that some group or groups might not participate and then take issue with the results of the group. So the question is, did they not participate because they didn’t think it was a good idea? Did they not participate because they didn’t know? Did they not participate because there’s only a handful of them and they can’t spread themselves that thin? … What we’re seeking to do is to know that upfront; the notion of specific participation, specific limits and understanding that if you’re not participating it’s a delivered decision, they’re all important parts of a Cross Community Working Group.”

“[We need to deal with] the different definitions of consensus … The ccNSO makes relatively few rules so you don’t have - the question doesn’t come up very often. The GNSO on the other hand [is] a somewhat more complex environment and … we make a lot more rules. Moreover we tend to on occasion make rules which affect contracted parties, registrars or registries which are a part of the GNSO. Therefore the rules are carefully constructed so that even without the [GNSO] Working Group consensus rules, the voting rules in the GNSO do not allow a single contracted party group to veto. No one stakeholder group can block a process.”

“For this particular group I think the ccNSO definition is the right one. Because if we cannot come to agreement that something should be a rule for all future Cross Community Working Groups then it shouldn’t be a rigid rule and it should be one of the variables which they can set on their own.”

“You always have the backstop rule that the supporting organizations at the end of the day need to support it. So it’s first of all, it’s the governance of the working group and then it goes out again for a sanity check.”

“There are certain special reasons why more in-depth considerations and especially when we talk about anything that touches on policy has to do with GNSO and ccNSO. The saving grace however is in many Cross Community Working Groups that we have held and are likely to hold, they’re not actually establishing policy.”

“Cross Community Working Groups are created with different purposes in mind. Because I think the issue that they’re addressing originates from different places. And so they will have different requirements there probably is no one size fits all solution [but there is] probably a core set of rules and principles that are appropriate.”

“And we very much have to allow for some options that are going to depend very heavily on the origin of the issue … things that come out of policy development that might end up being [contractual] obligations probably have a slightly different set of rules than Advisory Groups.”

“To begin thinking about initiating a Cross Community Working Group: how does that happen? When should a Cross Community Working Group be formed? What is - what are the reasons why it makes sense? And then what are the ways in which we think it might best be done?”

“I don’t know who else has done it other than the GNSO, but we’ve also paused and restarted working groups. So I don’t know whether you want to have that in there as something else then needs to be considered. It certainly is a part of initiation.”

“When we say cross-community, it means it’s not just a gTLD issue, it’s one that affects the broader ICANN community. And it varies sometimes; sometimes it may just be two or three groups.”

“How [a CWG] checks back with the chartering organizations, that’s probably big enough to be an item here.”

“Rather than calling it checking back … I think the important point is there is an interaction between a cross-community working group and the other groups for which the issue matters.”

“The inability to have the acceptance of a final report is a driver of this working group.”.

“As part of the operation, you’re dealing with interim reports, and then you get to ask the question, do we require explicitly support, a formal acknowledgment that the work is on track or not from those subgroups? You have the same question in closure. Are those other groups required or obligated to respond in some formal way during closure that the report is accepted, or is the report’s final work product supposed to be something that’s standalone?”

“First of all around this problem space … the question comes is there a need for cross-community working groups or are there alternatives. So that’s more a list for somebody who initiates it. It could be one or two. Or if it’s problem space conceived by two SOs or ACs, then it’s natural to have a cross-community working group.”

“An underlying question … is the CCWG the only way or should we check other things?”

“In every phase, you will see that … lines of communication are really important. And as soon as you hit the operations - so that’s the life of the working group itself when it really starts working, then it’s the communication from inside the working group to the broader community and the feedback into it.”

[QUESTION] “Have you considered the possibility of having a fixed or long living working group which would be able to handle all or most of the issues coming between the stakeholders?”

[ANSWER] “It’s hard to get people to commit. I mean a working group involving anything with much substance to it takes a long time. And to have a standing group would take even longer. And to get people to commit to that kind of timeframe is really tough because they are time consuming if you’re actively involved. We need some criteria to define what is needed to be able to start that working group because we have so many other working groups that are active.”

“What [we] design needs to be very flexible.”

“Part of this working group, we should collect what each SO and

AC, how they do it right now, so that we get a sense of how it could start.”

“You identify an issue that requires/demands/can benefit from cross-community participation, and so you immediately move to create a balanced set of participants [to ensure] that voices will be heard and not overwhelmed, and charter from that point of strength as opposed to chartering and then trying to append other organizations to it.”

“We should try to use the Wiki Page to capture everybody’s different experiences with all of the work that’s going on in the development and discussions about cross-constituency working groups and everything else, whether it’s called that or not, that’s going on with the transition and accountability.”