**New gTLD Auction Proceeds Drafting Team – Charter Template Sections & Questions**

***Updated 21 April 2016***

**Section III: Deliverables and Reporting**:

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. What are the deliverables anticipated? | *The current practice is to require at a minimum an Initial Report, which is published for public comment, and a Final Report, which is submitted to the Chartering Organizations. Note that these are minimum requirements – if the CCWG is of the view that it is helpful to develop additional outputs or drafts, it is in no way prohibited from doing so.* |
| 1. Is the CCWG expected as a first step to develop a work plan? | *The current practice is that the CCWG is expected to develop a work plan and schedule which is shared with the Chartering Organizations for their information and kept up to date on a regular basis.* |
| 1. Is the CCWG also expected to follow the ‘standard’ approach of producing at a minimum and Initial Report for public comment and a Final Report for submission to the Chartering Organizations? | *See 1.* |
| 1. How are progress reports expected to be provided / delivered, both to the chartering organizations as well as broader community? | *The current practice is that regular updates are expected to be provided both to the Chartering Organizations as well as the broader community, but it is typically left up to the CCWG to determine how that is done.* |
| 1. Do the Chartering Organization Appointed Members (see also Section IV) have any specific role in relation to reporting? | *Our understanding is that this is currently left up to the Chartering Organizations to define how that reporting works in practice, but it is the expectation that as CO appointed members, they have a responsibility to ensure that CO’s are kept abreast of the CCWG’s deliberations and progress as well as being in a position to bring back any concerns or issues that the CO believes the CCWG should be aware of.* |
| **Example language from Framework for Country and Territory Names as TLDs CWG** | |
| *Work Plan*  *As a first step the WG should establish and adopt an initial work plan and an associated schedule. The work plan and schedule should include the schedule and methods for public consultation and informing the participating SO’s, AC’s and broader community on progress made. The initial work plan and schedule should be published on the web page of the WG. The Co-Chairs will be responsible for maintaining and updating the work plan and schedule and informing the Chairs of the participating SO’s and AC’s of changes made to the work plan and schedule.*  *Progress Paper*  *The Co-Chairs of the WG shall regularly update the participating SO’s and AC’s on the progress made. At appropriate times, as identified in the work plan, the WG shall produce a Progress Paper on progress made to inform the broader community on the progress.*  *Final Report*  *The Co-Chairs of the WG will submit the Final Report to the Chairs of the participating SO’s and AC’s (and GAC), and will be made public. The Final Report shall be developed through the process described in section 4.*  *In the event all participating SOs and ACs support the (Supplemental) Final Paper, and only if so recommended by the WG, the Chairs of the participating SO’s and AC’s shall jointly submit the Final Report, to the ICANN Board of Directors.* | |

**Section IV: Membership Criteria**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Should the approach as proposed in the template CCWG charter as well as used in the context of the transition related CCWGs of having chartering organization appointed members, participants and observers be followed? | *This has been the approach for the two most recent CCWGs in relation to the IANA Transition and does seem to have served the purpose of enabling anyone interested to participate while at the same time ensuring that there is a direct channel of communication and input between the CCWG and the Chartering Organization which is important as at the end of the day, the Chartering Organizations will need to consider the output of the CCWG for approval.* |
| 1. If yes, how many members maximum should each chartering organization be asked to appoint? (FYI, the CCWG-Accountability and CWG-Stewardship it was a minimum of two and a maximum of five) | *The minimum of two and maximum of five seems to have worked well in the transition related CCWGs. It allows those SO/ACs that may not have five volunteers available to designate fewer members, while those that are organized according to geographic regions or other criteria are able to select members that represent the diversity of their communities.* |
| 1. Should each Chartering Organization be offered the possibility of providing a Chair or should the Chair be selected by the CCWG from its membership and/or participant base? | *Both the transition related CCWGs had the ability for COs to appoint a chair. For the CWG-Stewardship, two chairs were appointed out of 5 COs, while for the CCWG-Accountability 3 chairs were appointed out of 6 COs. This arrangement appears to have worked well as the chairs have the trust and confidence of the COs that appointed them based on their assessment of their abilities to lead a CCWG. Allowing the CCWG to select its own leadership, as is currently done in GNSO Working Groups for example, does have the practical effect that it may take a while before leadership can be agreed to as well as the need to develop / define the criteria that candidates would need to meet.* |
| **Draft language from CCWG Template[[1]](#footnote-1)** | |
| *Membership in the CCWG, and its sub-working groups should these be created, is open to Members, Participants, and others. Members are appointed by the Chartering Organizations in accordance with their own rules and procedures. Each Chartering Organization shall appoint a minimum of [optional: 2] and a maximum of [optional: 5] Members. Chartering Organizations should make reasonable efforts that individual Members:*   * *Have sufficient expertise to participate in the applicable subject;* * *Commit to actively participate in the activities of the CCWG on an on-going and long-term basis; and* * *Where appropriate, solicit and communicate the views and concerns of individuals in the organization that appoints them.* * *Commit to abide to the charter when participating in the CCWG.*   *Chartering Organizations are encouraged to use open and inclusive processes when selecting their members for a CCWG, and reasonable efforts should be made each of ICANN’s five regions is represented.*  *[Optional] In the event the CCWG decides to create sub-working groups, it is strongly advised that individual members participate in only one sub-working group in order to minimize the workload for individual members and to facilitate scheduling meetings.*  *[Optional] In addition, the CCWG will be open to any interested person as a Participant. Participants may be from a Chartering Organization, from a stakeholder group not represented in the CCWG, or may be self-appointed. Participants will be able to actively participate in and attend all CCWG meetings, work groups and sub-work groups. However, should there be a need for a consensus call or decision, such consensus call or decision will be limited to CCWG members appointed by the Chartering Organizations. By self-appointing a Participant commits to abide to the charter of the CCWG.*  *All Members and Participants will be listed on the CCWG’s Wiki [add link if available]. The mailing list of the CCWG will be publicly archived [add link if available]. [If applicable - All members and participants in this process are required to submit a Statement of Interest (SOI) following the procedures of their Chartering Organization or, a statement should at a minimum include the name of the participant, the SO or AC of affiliation, and external affiliation.*  *Volunteer chair(s) will preside over CCWG deliberations and ensure that the process is bottom-up, consensus-based and has balanced multistakeholder participation.*  *Appointment of chair(s).*  *Alternative 1. The chair(s) shall be appointed by the Chartering organizations, should a Chartering Organization decide to appoint a co-chair to the CCWG.*  *Alternative 2. The CCWG will nominate and appoint chair(s) from among its Members.*  *[Optional] The CCWG may include others persons as well. For example a liaison from the ICANN Board, bringing the voice of the Board and Board experience to CCWG activities and deliberations and is able to participate in the effort in the same manner as other Participants of the CCWG. A CCWG may also include an ICANN Staff representative to provide input into the deliberations and who is able to participate in the effort in the same manner as other Participants of the CCWG.* | |

**Section IV – Group formation, dependencies, and dissolution**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. What dependencies exist? | *This part of the section is supposed to ‘Include a list of dependencies and special circumstances that would result in ending the effort and closure of the CCWG’. Recent charters have only referred to the rules and procedures for appointing members (see for example hereunder). In this case, a possible dependency could be the work on defining the global public interest? Should it also include a provision for closure if the CCWG cannot come to agreement or is not able to deliver on its objectives?* |
| **Draft language from CWG-Stewardship and CCWG-Accountability Charters** | |
| *Each of the chartering organizations shall appoint members to the CCWG-Accountability in accordance with their own rules and procedures.* | |

**Section IV – Expert Advisors**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. What additional expertise is needed, if any? | *No standard approach seems to be in place, but some draft language has been included hereunder for the DT’s consideration.* |
| 1. If additional expertise is needed, what are the anticipated cost, selection process/methodology, and allotted budget |  |
| **Draft language -** *unless the DT determines in advance what additional expertise is needed, maybe language along the following lines could be considered (which is modeled on language from the GNSO Working Group guidelines):* | |
| *If the CCWG determines that it needs additional educational briefings occurring upfront or as issues emerge during deliberations, it should identify its specific requests to the COs including subject matter(s), type(s) of expertise, objectives, and costs. If additional costs are involved, prior approval must be obtained from the COs.*  *Additionally, the CCWG may, at any stage throughout its deliberations, decide to seek input from self-formed groups and/or individuals with the aim of further informing CCWG members about matters that fall within the remit of the CCWG and which are of interest to the ICANN community.* | |

**Section IV – Staff resources**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Is additional staff support needed beyond what has been identified in the charter? | *Recent CCWGs included language similar to the one suggested hereunder.* |
| 1. Should the role of ‘staff experts’ be identified as a separate role? | *None of the recent charters have identified the role of staff experts as a separate role, although staff members have been appointed to CCWGs as experts / liaisons. In those cases this separate role has been called out in the membership overview (see for example https://community.icann.org/x/IIMHAw) to make clear that the role is different from the support that is provided by the staff assigned to the CCWG to support the activities of the CCWG.* |
| **Draft language from CCWG Template[[2]](#footnote-2)** | |
| *ICANN will provide sufficient staff support to support the activities of the CCWG. The ICANN Staff assigned to the CCWG will fully support the work of the CCWG as requested by the chair(s), including meeting support, document drafting, editing and distribution and other substantive contributions. ICANN staff, in a coordinated effort with the CCWG, will also ensure that there is adequate outreach to ensure that the global multistakeholder community is aware of and encouraged to participate in the work of the CCWG.*  *The CCWG is encouraged to identify any additional resources beyond the staff assigned to the group it may need at the earliest opportunity to ensure that such resources can be identified and planned for.* | |

**Section V – Rules of Engagement – Decision-Making Methodologies**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Do any changes need to be made to the decision-making process that has been applied to recent CCWGs (see draft language below)? | *All recent CCWGs have operated under the rules below, without any issues.* |
| 1. Should consensus calls or objections to the designation by the Chair(s) also involve participants or only members? | *Recent CCWGs seem to have limited formal consensus calls and/or objections only to members, noting that CCWGs have strived as much as possible not having to make the distinction between members and participants and have only done so in those cases where it was not clear what the position of the CCWG (members & participants) was.* |
| 1. Does CCWG need to develop its own principles of operation or these should follow from this section and/or other parts of the charter? | *Recent CCWGs have developed some working principles at the start of their deliberations, with many of those flowing from this section and other parts of the charter.* |
| 1. Should the role of the ICANN Board in the decision-making process (after receipt of the Final Proposal) be included (see for example how this was done for CCWG-Accountability)? | *As noted, the CCWG-Accountability specifically included the process for Board consideration and it has helped set expectations on both sides (CCWG and Board). Lack of clarity on the expected ICANN Board decision-making process could create uncertainty in the CCWG as well as Chartering Organizations.* |
| 1. Are there any other aspects related to decision-making that are missing from the draft language below? | *None from the perspective of what recent CCWGs have in their charters.* |
| **Draft language from CCWG Template[[3]](#footnote-3)** | |
| ***CCWG (internal) Decision-Making***  *In developing its output, work plan and any other reports, the CCWG shall seek to act by consensus. The chair(s) may make a call for Consensus. If making such a call they should always make reasonable efforts to involve at a minimum all Members of the CCWG (or sub-working groups, if applicable). The chair(s) shall be responsible for designating each position as having one of the following designations:*  *a) Full Consensus - a position where no minority disagrees; identified by an absence of objection*  *b) Consensus – a position where a small minority disagrees, but most agree*  *In the absence of Full Consensus, the chair(s) should allow for the submission of minority viewpoint(s) and these, along with the consensus view, shall be included in the report.*  *In a rare case, the chair(s) may decide that the use of a poll is reasonable to assess the level of support for a recommendation. However, care should be taken in using polls: they should not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results.*  *Any member [or participant] who disagrees with the consensus-level designation made by the Chair(s), or believes that his/her contributions are being systematically ignored or discounted should first discuss the circumstances with the chair(s) of the CCWG. In the event that the matter cannot be resolved satisfactorily, the group member should request an opportunity to discuss the situation with the chairs of the Chartering Organizations or their designated representatives.*  ***[This section of the charter may include contemplation of the role of Supporting Organizations and Advisory Committees and if applicable, their review and approval of draft proposals, including how to resolve circumstances where there is not unanimous support for all recommendations. For instance, see below.]***  ***[Optional]*** *As a first work item the CCWG shall develop its own principles of operation that will guide how the CCWG intends to conduct its business. The principles of operations will be made publicly available.*  *In the event that no consensus is reached by the CCWG, the chair(s) of the CCWG will submit a Report to the chartering organizations. In this Report the chair(s) shall document the issues that are considered contentious, the process that was followed and suggestions to mitigate those issues that are preventing of consensus. If, after implementation of the mitigating measures consensus can still not be reached chair(s) shall prepare a Final Report documenting the processes followed, including requesting suggestions for mitigating the issues that are preventing consensus from the chartering organizations.*  ***External Decision - making***  *Decision making by the Chartering Organizations on the CCWG’s (Final) Output*  *Following the submission of the final output, each of the Chartering Organizations shall, in accordance with their own rules and procedures, review and discuss the output and decide whether to adopt the proposals and the recommendations contained within. The chairs of the Chartering Organizations shall notify the chair(s) of the CCWG of the result of the deliberations as soon as feasible.*  *Supplemental Final Output*  *In the event that one or more of the Chartering Organizations object to one or more of the recommendations contained in the final output, the chairs of the CCWG shall be notified accordingly. This notification shall include at a minimum the reasons for the objection and a suggested alternative that would be acceptable, if any. The CCWG may, at its discretion, reconsider, post for public comments and/or submit to the Chartering Organizations a Supplemental final output, which takes into accounting the concerns raised.*  *Following submission of the Supplemental Draft Proposal, the Chartering Organizations shall discuss and decide in accordance with its own rules and procedures whether to adopt the recommendations contained in the Supplemental Draft Proposal. The Chairs of the Chartering Organizations shall notify the Co-Chairs of the CCWG-Accountability of the result of the deliberations as soon as feasible.*  ***[This section may also want to consider the role the ICANN Board may play in decision-making. For instance, see below.]***  *Submission of a Board Report*  *After receiving the relevant notifications from all Chartering Organizations as described above, the chair(s) of the CCWG shall, within a reasonable time after receiving the last notification, submit to the Chair of the ICANN Board of Directors and Chairs of all the Chartering Organizations the CCWG- Board Report, which shall include at a minimum:*   1. *The (Supplemental) final output as adopted by the CCWG; and* 2. *The notifications of the decisions from the Chartering Organizations; and* 3. *Documentation of the process that was followed, including, but not limited to documenting the process of building consensus within the CCWG and public consultations.*   *In the event one or more of the Chartering Organizations do(es) not support (parts of) the (Supplemental) Final Output, the Board Report shall clearly indicate the part(s) of the (Supplemental) Final Output, which are fully supported and the parts which are not, and which of the Chartering Organizations dissents, to the extent this is feasible.*  ***[Note: The CCWG-Accountability ICANN Board decision-making process was defined in a board resolution, which may serve as a model for how future processes can be defined: https://www.icann.org/resources/board-material/resolutions-2014-10-16-en#2.d]*** | |

**Section V – Rules of Engagement - Modification of the Charter**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Should there also be an option to request clarification or confirmation of charter interpretation by Chair(s) from Chartering Organization? Is that something that needs to be spelled out in the charter or that is not necessary? | *The language outlined below follows the practice of recent CCWGs.* |
| **Draft language from CCWG Template[[4]](#footnote-4)** | |
| *In the event this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the CCWG, the chair(s) have the authority to determine the proper actions. Such action may, for example, consist of a modification to the Charter in order to address the omission or its unreasonable impact, in which case the chair(s) may propose such modification to the Chartering Organizations. A modification shall only be effective after adoption of the amended Charter by all Chartering Organizations, in accordance with their own rules and procedures and publication of the amended Charter.* | |

**Section V – Rules of Engagement – Problem/Issue Escalation & Resolution Process**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Language should make clear that ICANN Expected Standards of Behavior applies to both members and participants? | *Recent CCWGs have operated under the assumption that the ICANN Expected Standards of Behavior apply to anyone that is involved in the CCWG, whether it is a member, participant or observer.* |
| **Draft language from CCWG Template[[5]](#footnote-5)** | |
| *The members of the CCWG are expected to abide by the ICANN Expected Standards of Behavior.*  *The chair(s) are empowered to restrict participation of someone who seriously disrupts the working group. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place; in extreme circumstances, this requirement may be bypassed. This restriction is subject to the right of appeal as outlined above.*  *If a WG member feels that these standards are being abused, the affected party should appeal first to the chair(s) of the CCWG and, if unsatisfactorily resolved, to the chair(s) of the Chartering Organizations or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that CCWG members make every effort to respect the principles outlined in ICANN’s Expected Standards of Behavior as referenced above.*  *The CCWG chair(s) are empowered to restrict the participation of someone who seriously disrupts the Working Group. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed. Any CCWG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the CCWG should first discuss the circumstances with the CCWG chair(s). In the event that the matter cannot be resolved satisfactorily, the CCWG member should request an opportunity to discuss the situation with the chair(s) of the Chartering Organizations or their designated representative. In addition, if any member of the CCWG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.* | |

**Section V – Rules of Engagement – Closure & WG Self-Assessment**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Are further details required with regards to closure? | *The proposed language below appears to follow the approach of recent CCWGs.* |
| 1. Are further details required with regards to self-assessment? | *No formal self-assessment is currently in place (unlike for GNSO Working Groups for example), however it may provide important insights also in light of the CWG-Principles work?* |
| **Draft language from CCWG Template[[6]](#footnote-6)** | |
| *The CCWG will consult with their Chartering Organizations to determine when it can consider its work completed. The CCWG and any sub-working groups shall be dissolved upon receipt of the requested notification from the chair(s) of the Chartering Organizations or their designated representatives.*  ***[This section of the charter should also contemplate the role of the ICANN Board. For instance, perhaps the Final Report will be submitted to the ICANN Board, along with the chartering organizations, requesting closure of the CCWG by the chartering organizations.]*** | |

**Section V – Rules of Engagement – Implementation**

|  |  |
| --- | --- |
| **Questions** | **DT Comments / Responses** |
| 1. Is a role foreseen for the CCWG in relation to implementation? See for example the role of the CCWG-Accountability and CWG-Stewardship or should this be managed by a separate body akin to an Implementation Review Team which is created in the context of the implementation of GNSO Policy Recommendations? | *Both the CCWG-Accountability and CWG-Stewardship have been / are involved in implementation, in a similar way as an Implementation Review Team in a GNSO context – to work with staff to ensure that the implementation meets the intent of the recommendations. However, this role was not foreseen in the charter but confirmed/agreed by the COs after it become clear that further input would be needed as part of the implementation process. Nevertheless, the DT may want to consider whether it would make more sense to create a separate IRT, as specific expertise may be needed for the implementation phase compared to the recommendations development phase, or leave it up to the COs to decide at the time of the Final Report?* |
| **Draft language from CCWG Template[[7]](#footnote-7)** | |
| ***[This section of the charter should consider the role of the CCWG in implementation, as well as a possible post-implementation role to analyse the effectiveness of implemented recommendations.]*** | |

1. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-1)
2. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-2)
3. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-3)
4. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-4)
5. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-5)
6. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-6)
7. This template is currently out for public comment, see https://www.icann.org/public-comments/ccwg-framework-principles-draft-2016-02-22-en [↑](#footnote-ref-7)