**Cross Community Working Group (CCWG) Charter**



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| **WG Name:** | **Cross Community Working Group on Enhancing ICANN Accountability** | | | | |
| **Section I: Cross Community Working Group Identification** | | | | | |
| **Chartering Organizations:** | |  | | | |
| **Charter Approval Date:** | |  | | | |
| **Name of WG Chair(s):** | |  | | | |
| **CCWG Workspace URL:** | |  | | | |
| **CCWG Mailing List:** | |  | | | |
| **Resolutions adopting the charter:** | | **Title:** |  | | |
| **Ref # & Link:** |  | | |
| **Important Document Links:** | |  | | | |
| **Section II: Problem Statement, Goals & Objectives and Scope** | | | | | |
| **Problem Statement:** | | | | | |
| The National Telecommunications and Information Administration (NTIA) has requested that ICANN “convene a multistakeholder process to develop a plan to transition the U.S. government stewardship role” with regard to the IANA Functions and related root zone management. In making its announcement, the NTIA specified that the transition proposal must have broad community support and meet the following principles:   * Support and enhance the multistakeholder model * Maintain the security, stability, and resiliency of the Internet DNS * Meet the needs and expectation of the global customers and partners of the IANA services * Maintain the openness of the Internet.   NTIA also specified that it would not accept a proposal that replaces the NTIA role with a government-led or an intergovernmental organization solution.  During discussions around the transition process, the community raised the broader topic of the impact of the change on ICANN's accountability given its historical contractual relationship with the United States and NTIA.  [Insert text from Mathieu]  Accountability in this context is defined as the existence of mechanisms for independent checks and balances as well as for review and redress.  ~~Taking this into account, the concept of accountability under the actual circumstances needs to be addressed as a two-fold issue. On the one hand there is the issue of enhancing ICANN’s accountability with regards to the management and execution of the IANA functions, and on the other hand there is the issue of ICANN’s accountability to its SOs/ACs, being the main difference between these two types of accountability that the first goes beyond ICANN’s organizational structure and the second deals with how ICANN is addressing its responsibilities in front of its internal community.~~ | | | | | |
| **Goals & Objectives:** | | | | | |
| [Text from Mathieu about what the CWG is expected to achieve]  [Identify the Stress Tests as a key deliverable for the CCWG] | | | | | |
| **Scope:** | | | | | |
| In the discussions around the accountability process, areas and topics have been identified to be important to enhancing ICANN's accountability but not directly related to accountability in the context of the changing historical relationship with the USG. To ensure that there's a mechanism to cover all areas, including topics outside of the immediate scope of the process, a suggestion is that the CCWG establish two work streams or subgroups:   * One focused on the scope of the work on enhancing ICANN accountability in light of the changing relationship with the USG within the time frame of the transition (Work Stream 1); * A second focused on addressing topics on accountability outside the scope of Work Stream 1, which are longer term and could potentially be addressed through existing mechanisms (Work Stream 2).   (Note, some issues may span both work streams)  Work Stream 1:  The scope of work stream 1 is to ensure that the whole of ICANN across all of its functions remains accountable to the community in the absence of its historical contractual relationship with the U.S. Government (USG), and the perceived backstop with regard to ICANN's organization-wide accountability provided by that role, such as the renewal process of the IANA functions contract. It called for an examination, from an organizational perspective, of how ICANN's broader accountability mechanisms should be strengthened to address the absence of its historical contractual relationship with the USG, including looking at strengthening existing accountability mechanisms.  Questions to be considered as part of this work stream should include, but are not limited to:   * Determine whether the existing accountability mechanisms in the AoC should be made permanent, through, for example, their incorporation into the bylaws, or replaced by other mechanisms?   Work Stream 2:  The scope of work stream 2 is expected to focus on any accountability reforms or enhancements that (i) fall outside of the scope of work stream 1,(ii) could be implemented after the USG disengages from its legacy role as counter-party to the IANA Functions contract, and (iii) could be addressed through an existing accountability process (such as ATRT). For any accountability reforms assigned to Work Stream 2, the CCWG should identify the processes or mechanisms that will be used to address them following the transition.  Questions to be considered as part of this work stream should include, but are not limited to:  Link with scope of CCWG to Develop an IANA Stewardship Transition Proposal on Naming Related Functions  This process on enhancing ICANN accountability is taking place alongside a parallel and related process on the transition of the stewardship of the IANA function. The CCWG to develop an IANA Stewardship Transition Proposal’s scope is focused on the arrangements required for the continuance of IANA functions in an accountable and widely accepted manner after the expiry of the NTIA-ICANN contract. Accountability for the administration of the IANA functions (i.e., implementation and operational accountability) is not within the scope of this working group as it is being dealt with by the CCWG to develop an IANA Stewardship Transition Proposal. Nevertheless, the two processes are interrelated and interdependent and should appropriately coordinate their work. | | | | | |
| **Section III: Deliverables, Timeframes, and Reporting** | | | | | |
| **Deliverables:** | | | | | |
| In working towards its deliverables, the CCWG will, as a first step, establish and adopt a work plan and associated schedule which should distinguish between work stream 1 and 2 as the proposal(s) for work stream 1, while organization-wide, are expected to be aligned with the IANA Stewardship Transition CWG and ICG timelines. The work plan and schedule should include times and methods for public consultation and Proposal(s) revisions, and should establish an expected date for submission of a final Proposal(s). This tentative schedule needs to line up with the IANA Stewardship Transition CWG as well as ICG schedule for work stream 1. In those cases where there are incompatibilities, these should be negotiated with the IANA Stewardship Transition CWG and/or ICG.  The work plan should include at the least the following action items:   * A definition/description of what differentiates a stream 1 issue from a stream 2 issue. Review of the guidelines given in this charter   + Now that NITA is no longer a backstop what replaces it * Review of existing accountability mechanisms,   + Review of the issues brought up in the ATRT2 report. Structures Expert Panel (ASEP) as one basis for its discussions     - Including a review of 2012 Report of the Accountability   + Operation and Viability of current reconsiderations process   + Operation and Viability of the CEP (cooperative engagement process)   + Review IRP criteria   + Is the AOC sufficient without the IANA pressure point   + Which of these is a stream 1 and which of these is stream 2 work item     - Define priorities * Stress test for each of the stream’s solutions * Review of possible solutions including   + Input received in relation to solutions as part of earlier public comment periods (see https://www.icann.org/en/system/files/files/proposed-solutions-25aug14-en.pdf)   + Input received in CWG-Accountability comment periods * Solutions for work stream 1 * Solutions for work stream 2 * Further work that needs to be done, if any   Work Stream 1 deliverable:  Stress Tests required (What are the stresses that were tested and how the various mechanisms enable ICANN to survive these ‘stresses’?)  Work stream 2 deliverables: | | | | | |
| **Reporting:** | | | | | |
| The co-chairs of the CCWG will brief the chartering organizations on a regular basis as well as their representatives on the ICG (particularly in relation to work stream 1). | | | | | |
| **Section IV: Membership, Staffing and Organization** | | | | | |
| **Membership Criteria:** | | | | | |
| Membership in the CCWG and in sub-working groups, should these be created, is open to members appointed by the chartering organizations. To facilitate scheduling meetings and to minimize workloads for individual members, it is highly recommended that individual members participate in only one sub-working group, should sub-working groups be created. Each of the chartering organizations shall appoint a minimum of 2 and a maximum of 5 members to the working group in accordance with their own rules and procedures. Best efforts should be made to ensure that individual members:   * Have sufficient expertise to participate in the applicable subject matter (see for example <https://www.icann.org/resources/pages/enhancing-accountability-faqs-2014-08-22-en#12> for areas identified for expertise); * Commit to actively participate in the activities of the CCWG on an ongoing and long-term basis; and * Where appropriate, solicit and communicate the views and concerns of individuals in the organization that appoints them.   In appointing their members, the chartering organizations should note that the CCWG’s decision-making methodologies require that CCWG members act by consensus, and that polling will only be used in rare instances and with the recognition that such polls do not constitute votes.  Chartering organizations are encouraged to use open and inclusive processes when selecting their members for this CCWG. Best efforts should also be made to ensure that the CCWG and any sub-working groups, if created, have representation from all five of ICANN’s five regions.  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.  All members and participants will be listed on the CCWG’s webpage. All members and participants in this process are required to submit a Statement of Interest following the procedures of their chartering organization or, where that is not applicable for unaffiliated participants the GNSO procedures may be followed or alternatively a short bio should be provided which at a minimum should include name, whether the participant is representing a certain organization or company as part of his/her participation in this effort and primary country of residence.  Volunteer co-chairs appointed by the chartering organizations, should a chartering organization decide to appoint a co-chair to the CCWG, will preside over CCWG deliberations and ensure that the process is bottom-up, consensus-based and has balanced multistakeholder participation. ICANN is expected to provide day-to-day project administration and secretariat support and, upon request of the CCWG co-chairs, professional project facilitators or expert assistance. | | | | | |
| **Group Formation, Dependencies, & Dissolution:** | | | | | |
| Each of the chartering organizations shall appoint members to the CCWG in accordance with their own rules and procedures. | | | | | |
| **Working relationship with the CCWG to Develop an IANA Stewardship Transition Proposal on Naming Related Functions and the IANA Stewardship Transition Coordination Group (ICG)** | | | | | |
| The co-chairs of the CCWG will discuss and determine, along with representatives of the CWG on Naming Related Functions and ICG representatives, the most appropriate method of sharing information and communicating progress and outcomes to both the IANA Stewardship Transition CCWG and ICG particularly in relation to work stream 1. This could, for example, be done through regular chairs calls. In particular, the co-chairs will agree the method by which the final work stream 1 deliverable of the CCWG, the “**Enhanced ICANN Accountability related to the** **IANA Stewardship Transition Proposal”,** will be provided from the CCWG to CWG on Naming Related Functions and the ICG. The delivery of this final work stream one delivery is expected to occur following approval of the ICANN Board as outlined in Section V of this charter (see also<https://www.icann.org/resources/board-material/resolutions-2014-10-16-en#2.d>). | | | | | |
| **Expert Advisors** | | | | | |
| In addition to input from the community, the CCWG is expected to solicit and consider the input from the up to seven advisors selected by the Public Experts Group (PEG) to provide independent advice, research and identify best practices, at an early stage of its deliberations. In addition to input that is specifically solicited by the CCWG, the CCWG is also expected to give due consideration to any additional advice or input that the advisors provide as part of the CCWG deliberations. The advisors are expected to contribute to the dialogue similar to other CCWG participants. However, should there be a need for any consensus call(s), the advisors would not participate in such a call.  In addition to the advisors selected by the PEG, the CCWG may also identify additional advisors or experts to contribute to its deliberations in a similar manner as the advisors selected by the PEG. Should additional costs be involved in obtaining input from additional advisors or experts, prior approval must be obtained from ICANN. Such a request for approval should at a minimum include the rationale for selecting additional advisors or experts as well as expected costs.  The CCWG should integrate one Accountability and Transparency Review Team (ATRT) past participant to bring perspective and avoid duplication of work. Should there be an issue of a consensus call, the ATRT Expert would not participate in such a consensus call (unless the ATRT Expert is also selected as a member by one of the chartering organizations). | | | | | |
| **Staffing & Resources** | | | | | |
| The ICANN Staff assigned to the CCWG will fully support the work of the CCWG as requested by the co-chairs, including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate by the CCWG. ICANN will provide access to relevant experts and professional facilitators as requested by the CCWG Chairs.  Staff assignments to the Working Group:  ICANN will provide sufficient staff support to support the activities 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:** | | | | | |
| In developing its Proposal(s), work plan and any other reports, the CCWG shall seek to act by consensus. Consensus calls should always make best efforts to involve all members (the CCWG or sub-working group). The Chair(s) shall be responsible for designating each position as having one of the following designations:   * Full Consensus - a position where no minority disagrees; identified by an absence of objection * 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 that they do not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results.  Any member 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 relevant sub-group chair or the CCWG co-chairs. 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. If there is still no resolution, the matter could be referred to the ICG.  Chartering Organization support for any Draft Proposal(s) and the Final Proposal(s)  Any Draft or Final Proposal(s) will be reviewed by each of the chartering organizations in accordance with their own rules and procedures, which will determine whether or not to adopt the recommendations contained in it, explain their rationale, and develop alternative recommendations if appropriate. The Chairs of the chartering organizations shall notify the co-chairs of the CCWG of the result of the deliberations as soon as feasible.  Draft Proposal(s)  In the event that one or more of the participating chartering organizations elects not to adopt one or more of the recommendation(s) contained in the Draft Proposal(s), the co-chairs of the CCWG shall be notified accordingly. This notification shall include at a minimum the reasons for the lack of support. The CCWG participants may, at their discretion, decide to reconsider the recommendations, post the recommendations for public comments and/or incorporate appropriate changes into the Supplemental Draft Proposal(s) to the chartering organizations.  Following submission of the Supplemental Draft Proposal(s) (if any), 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 co-chairs of the CCWG of the result of the deliberations as soon as feasible  Final Proposal(s)  After receiving the notifications from all chartering organizations as described above, the co-chairs of the WG shall, within ten working days after receiving the last notification, submit the Final Proposal(s) to the Chairs of all the chartering organizations, which shall include at a minimum:   1. The Final Proposal(s) as adopted by the CCWG, including references to any initial or draft CCWG documents to inform the discussion of the Board; 2. The result of deliberations by the organizations; 3. A clear record of how consensus has been reached for the proposal in the CCWG.   In the event one or more of the chartering organizations do(es) not support (parts of) the Final Proposal(s), the Final Proposal(s) should clearly indicate which parts are fully supported and which parts that are not, and which chartering organization dissents from the CCWG view.  In the event that no consensus is reached by the CCWG, the Final Report will document the process that was followed and will be submitted to the chartering organizations to request possible suggestions for mitigating the issues that are preventing consensus. If consensus can still not be reached, the Final Report will document the processes followed, including requesting suggestions for mitigating the issues that are preventing consensus from the chartering organizations and will be submitted to ICG for their suggestions for mitigating the issues that are preventing consensus. If consensus can still not be reached, request for closing the CCWG should be made to the chartering organizations.  Proposal Submission  The Final Proposal(s) will be submitted by the CCWG to the ICANN Board which will consider it following the process as outlined in its resolution of 16 October 2014 [include link]. | | | | | |
| **Modification of the Charter:** | | | | | |
| 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 co-chairs shall decide if they think the charter needs to be modified.  In the event it is decided that the charter needs to be modified to address the omission or unreasonable impact, the co-chairs may propose to modify the charter. A modification shall only be effective after adoption of the adjusted charter by the chartering organizations in accordance with their own rules and procedures. | | | | | |
| **Problem/Issue Escalation & Resolution Processes:** | | | | | |
| All participants are expected to abide by the [ICANN Expected Standards of Behavior](http://www.icann.org/en/news/in-focus/accountability/expected-standards).  The co-chairs 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. This restriction is subject to the right of appeal as outlined above. | | | | | |
| **Closure & Working Group Self-Assessment:** | | | | | |
| 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 notification of the Chairs of the chartering organizations or their designated representatives. | | | | | |
| **Section VI: Charter Document History** | | | | | |
| |  |  |  | | --- | --- | --- | | **Version** | **Date** | **Description** | | 1.0 |  |  | |  |  |  | |  |  |  | |  |  |  | |  |  |  | |  |  |  | | | | | | |
| **Staff Contact:** |  | | | **Email:** |  |