



# Update on GNSO Council Implementation of Work Stream 2 (WS2)

17 February 2022

# Agenda

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# WS2 Recommendations Overview

# Categorizing WS2 Recommendations

Improve accountability mechanisms to ensure ICANN remains accountable in absence of historical and contractual relationship with the US government after the IANA Stewardship Transition

★ *Medium to high importance for the GNSO Council*

Recommendation 1 (1.1-1.8)  
**Diversity**

Recommendation 5 (5.1-5.11)  
**Office of the Ombudsman**

★ Recommendation 2 (2.1-1.3)  
**Guidelines for Good Faith Conduct**

★ Recommendation 6 (6.1-6.5)  
**SO/AC Accountability**

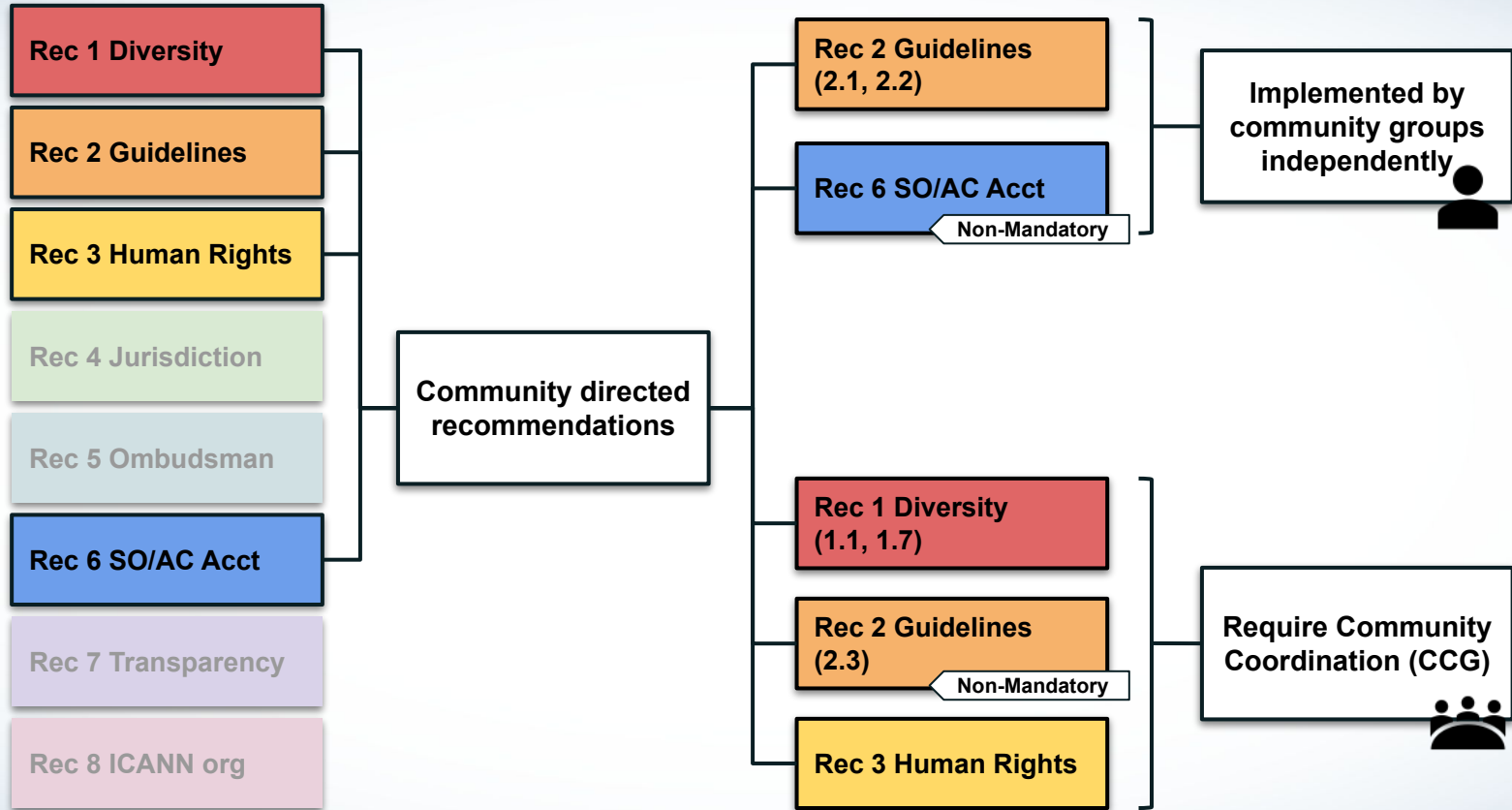
★ Recommendation 3  
**Human Rights Framework**

Recommendation 7 (7.1-7.3)  
**Transparency**

★ Recommendation 4 (4.1-4.2)  
**Jurisdiction**

Recommendation 8 (8.1-8.4)  
**ICANN org**

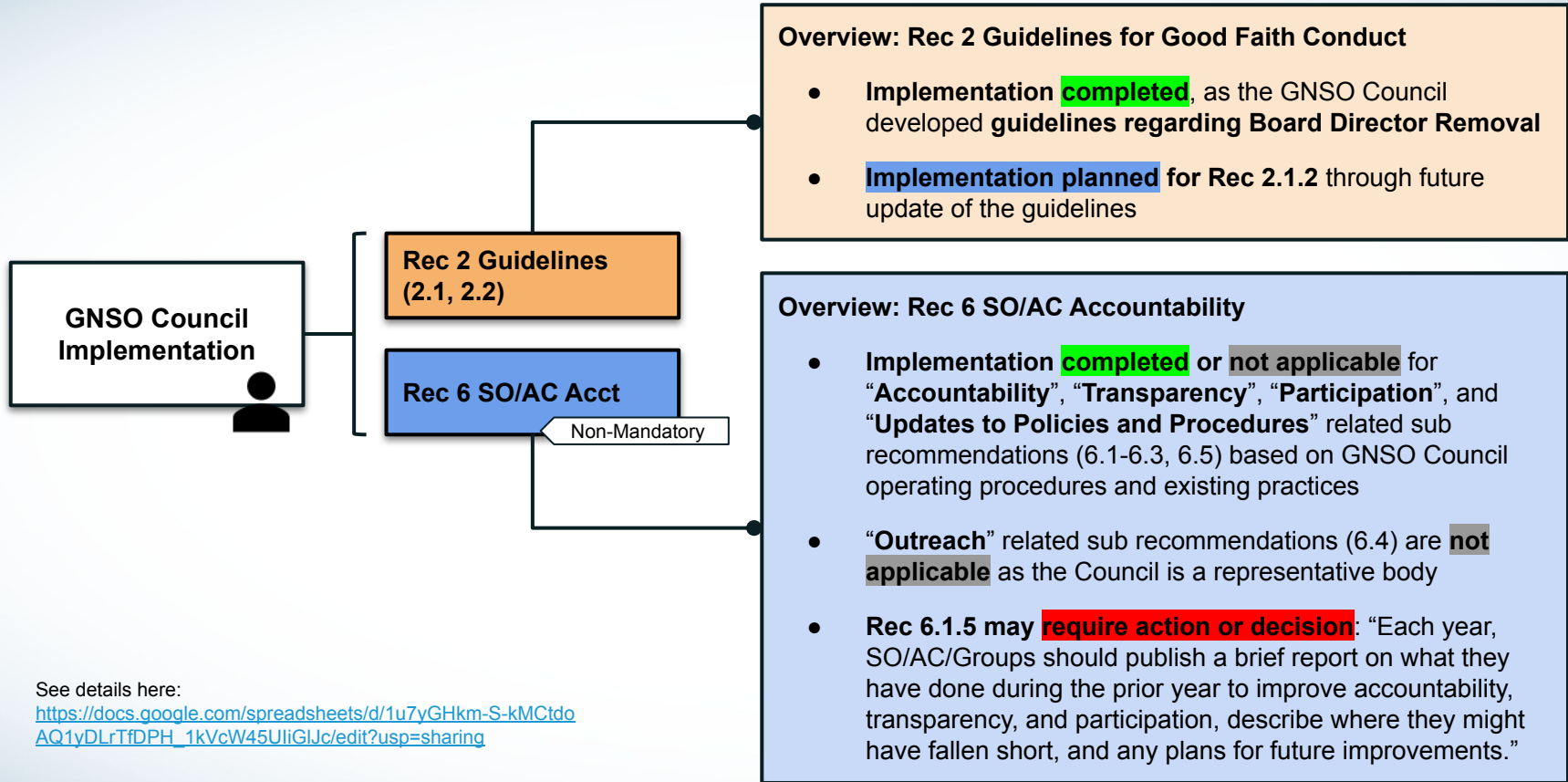
# Community Directed Recommendations



# Assessment GNSO Council Implementation

Recs 2.1, 2.2, 6.1-6.5 - Implemented by Groups Individually

# Staff Assessment Summary



See details here:

[https://docs.google.com/spreadsheets/d/1u7yGHkm-S-kMCtdoAQ1yDLrTfDPH\\_1kVcW45UliGIJc/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1u7yGHkm-S-kMCtdoAQ1yDLrTfDPH_1kVcW45UliGIJc/edit?usp=sharing)

# Recommendation 2: Guidelines for Good Faith Conduct

## Rec 2 Guidelines (2.1, 2.2)

### Rec 2.1 Petitions for Removal of Directors

2.1.1	May be for any reason	Complete
2.1.2	Must: • Be believed by the Indemnified Party to be true. • Be in writing. • Contain sufficient detail to verify facts, if verifiable facts are asserted. • Supply supporting if available/applicable. • Include references to applicable by-laws and/or procedures if the assertion is that a specific by-law or procedure has been breached. • Be respectful and professional in tone.	Implementation Planned

### Rec 2.2 Recommendations for guidelines with respect to procedures for consideration of board removal notices by SO/ACs to include:

2.2.1	Reasonable time frames for investigation by SO/AC councils or the equivalent decision-making structures if the SO/AC deems that an investigation is required.	Complete
2.2.2	Period of review by the entire membership of the SO/AC provided the SO/AC organizational structure customarily provides review for individual members; otherwise, period of review by those empowered to represent the SO/AC in decisions of this nature.	Complete
2.2.3	Consistent and transparent voting method for accepting or rejecting a petition; such voting may be by the entire membership or those empowered to represent the SO/AC in decisions of this nature.	Complete
2.2.4	Documentation of the community process and how decisions are reached	Complete



# Recommendation 6: SO/AC Accountability

## Rec 6 SO/AC Acct (6.1)

Non-Mandatory

### Rec 6.1 Accountability

6.1.1	SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding.	Complete
6.1.2	SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision.	Not Applicable for Action
6.1.3	SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member.	Not Applicable for Action
6.1.4	SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws.	Complete
6.1.5	Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.	Action/Decision Required
6.1.6	Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.	Complete
6.1.7	Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.	Not Applicable for Action

# Recommendation 6: SO/AC Accountability (Cont.)

## Rec 6 SO/AC Acct (6.2)

Non-Mandatory

### Rec 6.2 Transparency

6.2.1	Charter and operating guidelines should be published on a public webpage and updated whenever changes are made.	Complete
6.2.2	Members of the SO/AC/Group should be listed on a public webpage.	Complete
6.2.3	Officers of the SO/AC/Group should be listed on a public webpage.	Complete
6.2.4	Meetings and calls of SO/AC/Groups should normally be open to public observation. When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as: • Trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position. • Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course. • Information whose disclosure would constitute an invasion of personal privacy, such as medical records. • Information whose disclosure has the potential to harm the security and stability of the Internet. • Information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.	Complete
6.2.5	Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable.	Complete
6.2.6	Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable.	Complete
6.2.7	Filed comments and correspondence with ICANN should be published and publicly available.	Complete

# Recommendation 6: SO/AC Accountability (Cont.)

## Rec 6 SO/AC Acct (6.3)

Non-Mandatory

### Rec 6.3 Participation

6.3.1	Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.	Complete
6.3.2	Where membership must be applied for, the process of application and eligibility criteria should be publicly available.	Not Applicable for Action
6.3.3	Where membership must be applied for, there should be a process of appeal when application for membership is rejected.	Not Applicable for Action
6.3.4	An SO/AC/Group that elects its officers should consider term limits.	Complete
6.3.5	A publicly visible mailing list should be in place.	Complete

# Recommendation 6: SO/AC Accountability (Cont.)

## Rec 6 SO/AC Acct (6.4, 6.5)

Non-Mandatory

### Rec 6.4 Outreach

6.4.1	Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.	Complete
6.4.2	Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.	Not Applicable for Action
6.4.3	Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.	Not Applicable for Action
6.4.4	Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.	Not Applicable for Action
6.4.5	Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.	Not Applicable for Action

### Rec 6.5 Updates to Policies and Procedures

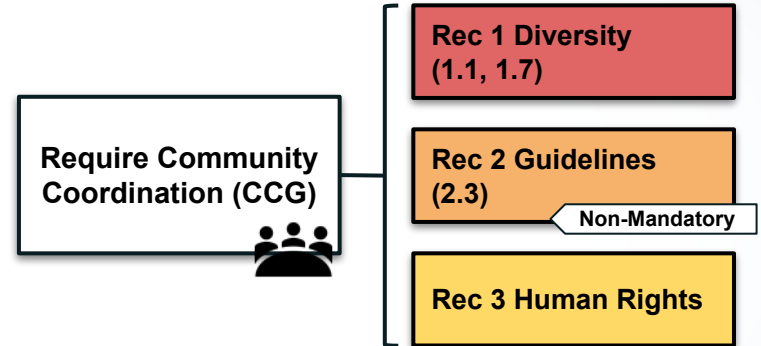
6.5.1	Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.	Complete
6.5.2	Members of SO/AC/Groups should be involved in reviews of policies and procedures and should approve any revisions.	Complete
6.5.3	Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer.	Complete

# Community Coordination Group Overview

Recs 1, 2.3, 3 - Require Community Coordination

# Roles and Composition

- SO/AC Chairs agreed to form a **lightweight coordination group** in December 2021
- Serve as a **central point to exchange** best practices, lessons learned, and sharing information and progress
- Address topics that can **benefit from a uniform, community-wide approach**
- **No decision making authority**
- Each SO, AC, GNSO SG, RALO to **appoint one (1) representative**; may appoint one (1) alternative
  - **Olga Cavalli** volunteered to represent GNSO Council
  - All groups have completed or nearly complete their process of appointing representatives
- Operate in a **transparent** fashion
- Aim to hold **initial call in March 2022 following ICANN73**



# Scope of Work

## Rec 1 Diversity (1.1, 1.7)

### Rec 1.1 Several Proposed Elements of Diversity

SO/AC/Groups should agree that the following seven key elements of diversity should be used as a common starting point for all diversity considerations within ICANN: Geographical / Regional Representation; Language; Gender; Age; Physical Disability; Diverse Skills; Stakeholder Group or Constituency

### Rec 1.7 Process for Handling Complaints about Diversity

ICANN staff should support SO/AC/Groups in developing and publishing a process for dealing with diversity-related complaints and issues.

- **May discuss other sub recommendations**
- **Will work with a diversity consultant**

## Rec 2 Guidelines (2.3)

Non-Mandatory

### Rec 2.3 Standalone Framework for Exercising Empowered Community Powers

2.3.1 A standard framework be developed and used to raise the issue of Board removal to the respective body – either the specific SO/AC who appointed the member or the Decisional Participant in the case of a NomCom appointee. The framework would be in the context of developing a broader framework for implementing community powers and entering into the discussions contemplated by WS1. This framework could be developed by a new group specifically formed for that purpose.

2.3.2 Implement the guidelines as a community best practice to apply to all discussions even if not covered by the indemnities contemplated under Article 20. There may be discussions around rejecting a budget or rejecting a proposed standard Bylaw that would benefit from a good faith process. The guidelines for engaging discussions around Board removal could be adopted as a universal standard given that they are broad enough to encompass any discussion.

## Rec 3 Human Rights

### Rec 3 Human Rights Framework

Recommends the adoption of the Framework of Interpretation it developed for the ICANN Bylaws dealing with Human Rights, which can be found in Annex 3.

- **Only information-sharing at CCG**
- **Each SO/AC implements in its own way**

# Proposed Path to Complete WS2 Implementation



# Proposed Path for Discussion



Coordinate with other community groups on the implementation of **WS2 recommendations 1, 2.3, and 3**, and discuss:

- Relevant **prioritization of recommendations** in the context of WS implementation and overall workload
- Scope & opportune timing for any **additional community consultation**
- How to **reach broad community agreement**
- What each individual group will need to **carry out any agreed implementation**



Carry out implementation work of the remaining community directed WS2 recommendations

- **Review staff assessment** of implementation status
- **Recommendation 1** - revisit Council's initial prioritization and carry out implementation for applicable ones, if any
- **Recommendation 3** - carry out implementation from Council's perspective
- **Recommendation 6.1.5 (non-mandatory)** - discuss whether and how to implement
- **Rank Recs 1, 2.3, and 3** from Council's perspective
- **Stakeholder Groups and Constituencies to identify WS2 experts to assist CCOIC for implementation**

# Questions?