Staff Report of Public Comment Proceeding

Draft Framework of Principles for Cross-Community Working Groups

Publication Date:	6 May 2016
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Public Comment Proceeding	
Open Date:	22 February 2016
Close Date:	16 April 2016
Staff Report Due Date:	7 May 2016

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Section I: General Overview and Next Steps

This public comment proceeding sought to obtain community input on a draft Framework of Principles for the initiation, chartering, operations and closure of cross community working groups (CCWGs) by the ICANN community, including post-implementation matters. There has been an increasing reliance on CCWGs due to the increasing number of issues that cut across and affect more than one of ICANN's Supporting Organizations and Advisory Committees (SO/ACs); however, to date there have been no agreed community-wide guidelines on their use. This CCWG was chartered by the ccNSO and GNSO Councils in March 2014 to develop a set of principles that can be used by the community to guide their formation and operations of future CCWGs.

The CCWG-Principles published a draft Framework of Principles for public comment on 22 February 2016. In developing these initial proposals, the group drew on previous community experiences with various CCWGs, including but not limited to the recent CCWG on the IANA Stewardship Transition (CWG-Stewardship) and the CCWG for Enhancing ICANN Accountability (CCWG-Accountability).

A total of fifteen (15) comments were received by the close of this public comment period. One (1) additional submission appeared to be an unrelated solicitation for investment services. Although the number of actual submissions in the Comment Forum is higher than 15, in several cases a commenter sent in supplementary or additional input to his/her original comment – these have been counted as a single submission for purposes of this Report.

Next Steps

The CCWG-Principles will review all public comments received and prepare a proposed Final Framework of Principles. This is expected to be completed in time for the ICANN56 meeting in Helsinki, where further community dialogue is expected to take place. Following this, the CCWG-Principles will prepare and submit the Final Framework of Principles (updated and amended if necessary) to its Chartering Organizations for their approval. The Final Framework will also be circulated to all other ICANN SO/ACs and the ICANN Board.

Section II: Contributors

At the time this report was prepared, a total of fifteen] (15) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
GNSO Registries Stakeholder Group	Stephane Van Gelder	RySG
ICC-BASIS (International Chamber of Commerce—Business Action to Support the Information Society)	Timea Suto	ICC
Government of France	Ghislain De Salins	FR
ICANN Board	Michelle Bright	BD
ICANN At-Large Advisory Committee	ICANN Staff	ALAC
GNSO Intellectual Property Constituency	Steven Metalitz	IPC

Individuals:

Name	Affiliation (if provided)	Initials
Mathieu Weill		MW
James Gannon		JG
Jorge Cancio		JC
Seun Ojedeji		SO
Carlos Raul Gutierrez		CG
Sebastian Bachollet		SB
Olivier Crepin-Leblond & Rafik Dammak		OCL/RD
Avri Doria		AD

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Most commenters generally supported the concept of a uniform framework of principles as a guide to the creation, chartering and operation of future CCWGs to be created by the ICANN community. However, one commenter (AS) raised the question as to the fundamental goal behind creating CCWGs, and another (AD) thought that a Framework of Uniform Principles might more appropriately function as a set of Guiding Principles instead.

It may be noteworthy that the comments were submitted by individuals who have had recent experiences in various recent CCWG settings, including the CCWG-Accountability, and the organizational comments by different parts of the ICANN community, viz. the ICANN Board, an ICANN Advisory Committee, a government participant in the Governmental Advisory Committee, a GNSO Stakeholder Group, a GNSO Constituency, and a organizational member of the IANA Stewardship Transition Coordination Group. All commenters drew on their experiences with various CCWG efforts in making their submissions.

Section IV: Analysis of Comments

General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.

There were some comments that noted certain issues that were not dealt with by the draft Framework. For example, a number of commenters (MW, SB, ICC, FR, BD) highlighted the importance of ensuring diversity – geographical, cultural, linguistic and in terms of expertise tailored to the needs of each CCWG – among the members of a CCWG while acknowledging the need to also respect the autonomy and processes of individual SO/ACs. A few commenters (MW, RySG, BD) remarked on a possible role for and potential value of using Board and/or staff liaisons and external experts.

Many commenters touched on the question of consensus in terms of a CCWG's decision making (MW, JC, AS, AD, FR. ICC, IPC), with most requesting that further clarity be added to this concept in the Final Framework. Several commenters (MW, AD, FR, ALAC) also sought greater clarity in relation to the meaning and consequences of the actions (or non-actions) of a CCWG's Chartering Organizations when it comes to adoption of a CCWG's final output.

In relation to membership in a CCWG, two commenters (RySG and IPC) highlighted the possible limitations of each participating SO/AC appointing a maximum of five members only. Other commenters questioned the need to distinguish between members and participants (AS) and the limited role of an observer (JG, AD). Most commenters who spoke to the issue, however, supported the principle that members should be appointed by the SO/ACs and few (if any) requirements for membership should be included as a uniform general principle – in this regard, two commenters noted that any mandatory membership requirements for a specific CCWG could be spelled out in the Charter (JG, AD).

Two commenters (MW, BD) mentioned that certain types of CCWGs may trigger the need to manage questions of budget, costs and resource allocation. While most commenters seemed to accept and/or assume that CCWGs will generally be finite in duration, two (ALAC, OCL/RD) noted that this is not necessarily always the case.

Most commenters also responded to the CCWG-Principles' set of open questions in the Draft Framework. These covered matters ranging from a CCWG's involvement in implementing its approved recommendations to how to deal with situations where one or more of a CCWG's Chartering Organizations wishes to discontinue its engagement with the effort. Among the responses to this list of questions, it is noteworthy that all commenters who provided input on the question whether a CCWG should be closed if it is clear that a Final Report cannot be produced or if circumstances have since overtaken the need for a CCWG answered "Yes". There was no unanimity, however, on the question as to whether formalized uniform rules of engagement are needed for all CCWGs. On the open question regarding the need for Board consideration of all CCWGs' output, some commenters (MW, SO, AD) supported the concept, others (CG, ALAC) disagreed, and a third set of commenters (RySG, BD) thought that this might not be necessary in all cases.

In the overall analysis, the comments received showed only minor disagreement with very few of the basic principles recommended in the Draft Framework. Almost all of the comments received were suggestions for improving or clarifying the recommendations in the Draft Framework. However, the comments also demonstrate that there may be some gaps and omissions in the Draft Framework

(particularly as regards the questions of diversity and consensus) that the CCWG-Principles may need to consider adding to its Final Framework following its review of these comments.

As this report of public comment summarizes only some of the more significant comments, readers are encouraged to refer to each comment in full for a more comprehensive understanding of the community input that was provided. In this regard, staff has prepared a Public Comment Review Tool – a comparative table showing the level of support and excerpted comments from each commenter corresponding to each section and open question of the CCWG-Principles' draft Framework. This can be viewed at the CCWG-Principles' online collaborative wiki space at https://community.icann.org/x/SwSOAw. Based on its analysis of all the public comments received, he CCWG-Principles will agree on appropriate responses as applicable (which will be reflected in an updated Public Comment Review Tool), and prepare a proposed Final Framework for the community's consideration prior to submitting the Final Framework to its Chartering Organizations for approval.