**Draft Motion - GNSO Validation of CCWG-Accountability Budget Request**

WHEREAS,

1.      Per its Charter, the Project Cost Support Team (PCST) has supported the CCWG-Accountability in developing a draft budget and cost-control processes for the CCWG-Accountability activities for FY17, and has also developed a historical analysis of all the transition costs to date (see <https://gnso.icann.org/mailing-lists/archives/council/pdfpklU5q6Ojg.pdf>).

2.      The CCWG-Accountability FY17 budget was presented at its plenary meeting of June 21st and approved for transmission to the Chartering Organizations for validation as per the process agreed with the PCST. This request for validation was received on 23 June.

3.      Following review and discussion during ICANN56, the GNSO Council [requested](https://gnso.icann.org/en/correspondence/bladel-to-bfc-ccwg-accountability-chairs-10jul16-en.pdf) a webinar on this topic which was held on 23 August (see transcript at <https://gnso.icann.org/en/meetings/transcript-ccwg-accountability-webinar-23aug16-en.pdf>, recording at <http://audio.icann.org/gnso/gnso-ccwg-accountability-webinar-23aug16-en.mp3> and AC recording at <https://icann.adobeconnect.com/p8fu99qpt7d/>).

4.     The GNSO Council notes that many members of the GNSO community have expressed the view that the projected budget does not likely support revisiting the topic of the jurisdiction of ICANN’s organization in that such exploration would likely require substantial independent legal advice on alternative jurisdictions and their potential impact on the text and structure of ICANN’s Bylaws.

5.      The GNSO Council has discussed and reviewed all the relevant materials.

RESOLVED,

1.      The GNSO Council hereby accepts the proposed CCWG-Accountability FY17 budget, as well as the cost-control processes presented in conjunction with the CCWG budget, expects the working groups to be restrained and judicious in their use of outside legal assistance, and believes that the Legal Committee should exercise reasonable and effective controls in evaluating requests for outside legal assistance and should approve them only when deemed essential to assist a working group to fully and objectively understand and develop a particular course of action for which the group has reached a substantial degree of consensus and requires legal advice on its risks and feasibility.

2.      The GNSO Council expects to receive regular updates on actual expenditures as tracked against this adopted budget, and reserves the right to provide further input on the budget allocation in relation to the CCWG-Accountability related activities.

3. The GNSO Council expects ICANN staff, including its office of General Counsel, to provide the assistance requested by the CCWG and its working groups in an expeditious, comprehensive, and unbiased manner.

4.      The GNSO Council expects the CCWG-Accountability and staff to work within the constraints of this approved budget, and that excess costs or request for additional funding beyond said budget should be recommended by the Legal Committee only when deemed essential to completion of the CCWG’s work and objectives. .

5.      It is the position of the GNSO Council that revisiting the jurisdiction or organization of the ICANN legal entity, as established by CCWG-Accountability Work Stream 1, would not likely be supported by this projected budget and, further, that such inquiry should not be undertaken at this time because the new accountability measures are all premised and dependent on California jurisdiction for their effective operation, and any near-term changes in organizational jurisdiction could be extremely destabilizing for ICANN and its community.

6.      The GNSO Council requests the GNSO Secretariat to communicate this resolution to the CCWG-Accountability Chairs, and to the office of the ICANN CFO.