

# A Uniform Framework of Principles and Recommendations for Cross Community Working Groups (CCWG)

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## 1.0 Introduction

The Cross Community Working Group (CCWG) is a mechanism to allow any number of ICANN’s Supporting Organizations (SOs) and Advisory Committees (ACs) to work together to address issues that are of common interest and that do not fall within the sole remit of one SO or AC. This document is intended to provide a general framework for the establishment, operations and closure of CCWGs. The framework is not intended to be a set of rigid binding principles to be followed in all cases, but rather is a collection of community-agreed guidelines that will frame the scope of, and create uniform shared principles for, future CCWGs. Nevertheless, certain principles that are considered fundamental or crucial to the effective functioning of a CCWG are highlighted as such in the text that follows.

This framework draws extensively upon lessons learned from previous CCWG efforts and is expected to serve as best practices for future CCWGs. In particular, the most recent community experiences in relation to the IANA Stewardship Transition and related Enhancing ICANN Accountability CCWGs provided substantial guidance for the development of this framework. In reviewing and applying this framework, however, the community is reminded that these two most recent cross community efforts represent the exception, rather than the norm, for CCWGs in terms of their subject matter, group size and intensive resource usage.

A draft CCWG Charter Template can be found in Annex A of this document, which aims to translate these best practices into a potential starting point for future drafting teams creating charter documents for future CCWG efforts.

## Fundamental Concepts

Based on analysis, experience, and discussions within the community to date, a CCWG is expected to have the following basic characteristics:

- Two or more Supporting Organizations or Advisory Committees adopt a single Charter, and are hence known as Chartering Organizations.

- The Charter is drafted by a cross community drafting team comprising participants from all SO/ACs that have indicated interest in participating in the CCWG.
- In drafting the proposed CCWG Charter, the drafting team is expected to rely on the principles and recommendations contained in this Framework document (including the draft Charter Template); however, the drafting team and the Chartering Organizations should also have the flexibility of adapting and modifying the principles, recommendations and template provisions to suit the subject matter and intended outcomes of the CCWG in question.
- The CCWG (e.g. members, participants, others) is expected to conduct its business in accordance with the terms and within the scope of the adopted Charter.
- Chartering Organizations each appoint members according to their own rules and procedures, including the need to provide for a Statement of Interest (SOI) or its equivalent.
- In appointing members to a CCWG, Chartering Organizations are expected to consult with one another to ensure that there is diversity of representation to the extent feasible – including but not limited to geographical region, stakeholder group and relevant skill sets – in the overall CCWG membership<sup>1</sup>.
- SO/AC appointed members are responsible for reporting regularly to their respective Chartering Organizations.
- Any differences in appointment or roles of Working Group members and participants are to be outlined in the Charter.
- The deliverables of the WG are submitted to all the Chartering Organizations for adoption/approval/support/non-objection. Following this step, in most instances, the deliverables are then submitted to the ICANN Board for its consideration.
- In principle, adoption/approval/support/non-objection by all Chartering Organizations is required before a final deliverable is deemed to be the CCWG-approved output or deliverable. In adopting/approving/supporting or not objecting to the final deliverable, a Chartering Organization shall not change the content. If it objects to part of or the whole final deliverable it shall notify the CCWG and the other Chartering Organizations. If the final deliverable of the CCWG is supposed to be submitted to the ICANN Board or other entities it may only be submitted if it fulfils all the criteria necessary for it to be deemed to be a CCWG approved output.
- Sufficient opportunity should be provided for those SO/ACs not participating as Chartering Organizations as well as others to provide input and/or comment on draft CCWG deliverables.

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<sup>1</sup> As this Framework is intended to guide future CCWGs and should be reviewed periodically going forward, any final recommendations that the ongoing CCWG-Accountability may develop with respect to diversity should also be taken into account in reviews of and updates to this Framework.

Additionally, before initiating a CCWG, the following critical points need to be considered:

1. Determine whether or not the CCWG is the best mechanism to address the issue.
  - If yes, determine if the potential Chartering Organizations are able to adopt a shared Charter (e.g., if the topic is within scope of the organizations, if there is interest in the topic, etc.) and whether sufficient resources, both community as well as staff, are available to undertake this effort.
  - This should be further clarified as far as possible during the Charter drafting phase, during which questions relating to any anticipated additional budget or other resources needed by the CCWG should also be discussed.
2. Consider if the participating organizations believe that they will be able to adopt/approve/support/not object to CCWG output that represents the consensus of the CCWG.
3. Discuss and agree on the circumstances and appropriate contexts in which the CCWG's final recommendations need to be submitted to, and possibly acted on, by the ICANN Board. Where the ICANN Board is expected to take action on a CCWG's final recommendations, this should be specified in the final CCWG Charter, and the CCWG's proposals published for public comment.

## 2.0 High Level Description of the Cross Community Working Group (CCWG) Life Cycle

The process flow below is intended to show the entire life cycle, based on recent experiences, of a CCWG at a high level. Each of the five elements of the life cycle is discussed individually in further detail in Section 3.0:

1. **Initiation of CCWG** – Two or more Supporting Organization(s) and/or Advisory Committee(s) make a determination that a CCWG is the proper vehicle to resolve the issue that has been identified. Some of the questions that are relevant to make such a determination are:
  - is the issue within the scope of policy development for a specific SO or within the specific remit of an SO/AC;
  - does the issue cut across different SO/ACs;
  - is there broad community interest to engage on this topic;
  - whether resolving this issue will have a substantial budgetary impact and are there sufficient community and staff resources available to form and support a CCWG<sup>2</sup>; and

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<sup>2</sup> The CCWG-Principles notes that the ongoing CCWG-Accountability has adopted a new process with respect to budgeting and approval for its Work Stream 2, including certain oversight roles for the Chartering Organizations and the particular CCWG's chair(s). The CCWG-Principles recommends that the

- are the deliverables intended to be submitted to the ICANN Board for action/consideration?

IMPORTANT NOTE: A CCWG is not the proper vehicle for formal policy development where such authority has been granted under the ICANN Bylaws to a specific Supporting Organization.

2. **Formation of CCWG** – After considering the questions above (including that there is interest from at least two or more SO/ACs to move forward and determining that a CCWG is appropriate), a Drafting Team must be formed to develop a draft Charter for consideration by the SO/ACs who have expressed an interest to participate in the CCWG as Chartering Organizations.
  - The draft Charter is expected to establish the scope of work, working methods (including decision making methodology and the definition of consensus) and Operating Principles for the CCWG.
  - Ideally, the Drafting Team is kept small to ensure focus and should contain representatives from all SO/ACs that have expressed an interest in participating in the CCWG, as those are the SO/ACs that will need to consider and ultimately approve the CCWG Charter.
  - Only after adoption of the Charter by at least two or more SOs/ACs is the CCWG created and the SOs/ACs who adopted the Charter deemed to be its Chartering Organizations.
  - Each SO/AC adopts the Charter using its own processes.
  - The Charter will typically also contain information on participation, e.g. whether the CCWG will, in addition to members appointed by Chartering Organizations, include other participants who may in appropriate cases include Board and/or staff liaisons. In the case of members appointed by the Chartering Organizations, volunteers are requested and appointed according to the rules and procedures of each of the Chartering Organizations. A Chair(s) may be assigned by the Chartering Organizations if so foreseen by the Charter. As with recent CCWGs, the Charter may also provide that each of the Chartering Organizations has the option to appoint a co-chair to the CCWG.
3. **Operation of CCWG** – The CCWG will operate in conformity with the Operating Principles as laid out in its Charter. Following the formation of the CCWG and appointment of a Chair(s), one of the first steps is typically to develop a work plan which the CCWG will subsequently execute to produce a set of consensus-based outputs. This work plan is to be shared with the Chartering Organizations.
  - The CCWG work will normally involve conducting CCWG meetings (generally via teleconference or using other online tools), drafting reports, producing

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next review of this Framework also consider any lessons learned from the CCWG-Accountability Work Stream 2 budget process, and modify and update this Framework accordingly.

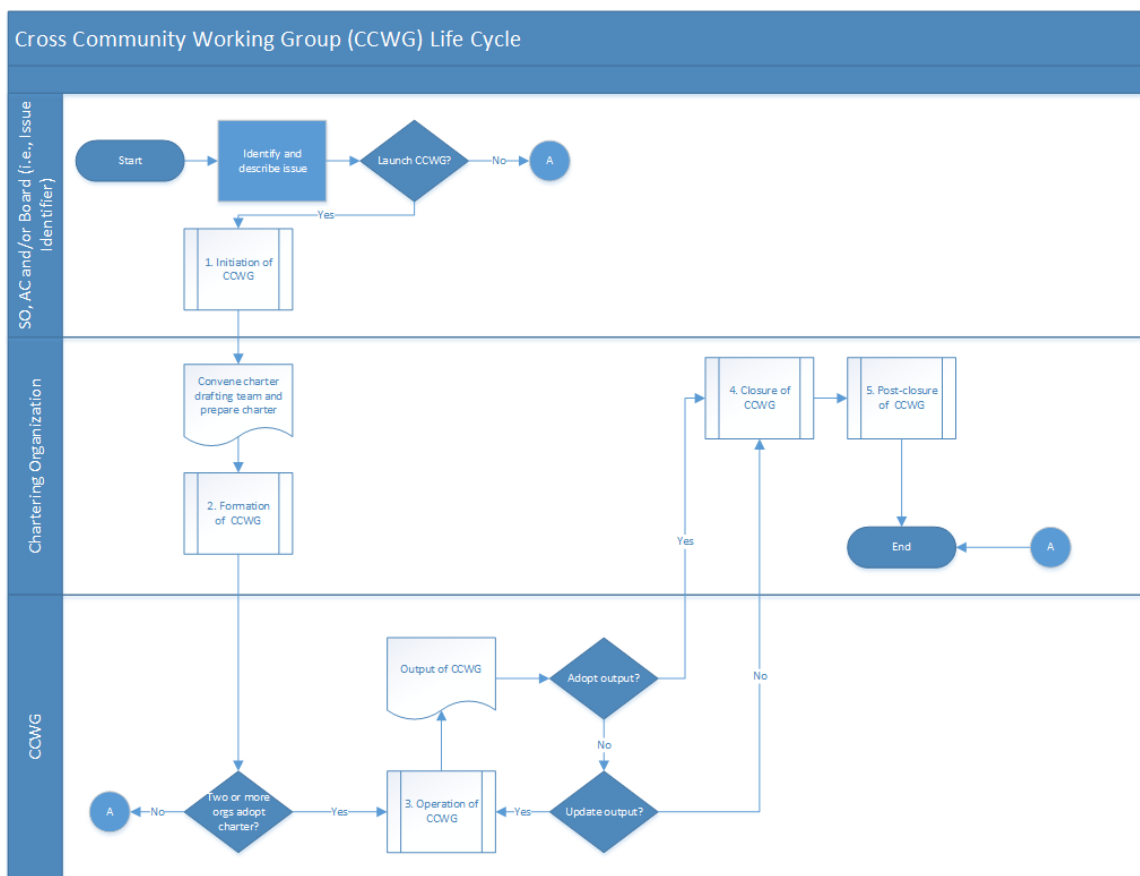
deliverables in accordance with the work plan and publishing these for public comment.

- The CCWG is expected to provide regular updates to the Chartering Organizations, which may happen via the Chartering Organization-appointed members to the CCWG. Regular updates and open meetings are typically also held during ICANN meetings.
  - Once the final deliverables are agreed upon by the CCWG in accordance with the decision-making process as outlined in the CCWG Charter, they are then submitted to each Chartering Organization for approval/adoption/support/non-objection (as appropriate).
4. **Decision Making by a CCWG** - As noted elsewhere in this framework, the decision making methodology (including the definition and designation of “consensus”) should be set out clearly in the CCWG Charter. It is important to note that voting and final decisions are to be taken by appointed members (not observers or non-member participants) of a CCWG; however, CCWG Chair(s) should have the flexibility and authority to obtain the views of non-member participants and observers in the process of reaching consensus on particular positions and proposals.
5. **Adoption of Final Report by Chartering Organizations and Closure of CCWG** – The Chartering Organizations will review the outputs from the CCWG to determine if these can be approved, adopted, supported and/or not objected to by each of the Chartering Organizations, in accordance with their own rules and processes. Only after these decisions by the Chartering Organizations have been made can further steps (e.g. implementation, submission of recommendations to the Board, providing CCWG input into other processes, etc.) be taken.
- The Charter will typically note that the Chartering Organizations will agree to formally close the CCWG once the final CCWG outputs have been formally approved/adopted/supported/not objected to by the Chartering Organizations and a final decision as to any action necessary as a result (e.g. forwarding to the Board, move to implementation, etc.) has been rendered.

*Alternative 1: The CCWG may close once the Chartering Organizations have taken a final decision that the final CCWG output cannot be approved/adopted/supported/not objected to, with the co-chairs of the CCWG informed accordingly.*

*Alternative 2: In the event the Chartering Organizations are informed by the Chair(s) of the CCWG that the CCWG is not able to reach a consensus position on a key deliverable, the Chartering Organizations may close the CCWG.*

6. **Post-Closure of CCWG** – The recommendations from the CCWG, if adopted, will be implemented and subsequently monitored against the success criteria identified previously by the CCWG (if any).
- In developing such criteria and in finalizing its recommendations, a CCWG is strongly encouraged to review and, if appropriate, adopt the Policy & Implementation Principles that were developed by the GNSO and approved by the ICANN Board in 2015, to the extent they are applicable.
  - If a CCWG believes in the course of developing its recommendations that it will be necessary for the CCWG to continue to be involved in the implementation phase, this should be communicated to its Chartering Organizations.



## 3.0 Detailed Descriptions of the CCWG Life Cycle

### 3.1 Initiation of Cross Community Working Group (CCWG)

1. Deciding whether or not a CCWG is the proper mechanism to address the issue at hand is the first and most important decision to make in the CCWG life cycle. The formation and running of a CCWG requires substantial community as well as staff resources, so due consideration needs to be given to whether such a mechanism is the most effective and efficient means to achieve the desired outcome. A CCWG should not be a substitute for existing mechanisms that can be used to address the problem(s) identified, including processes that are used for policy development work. A CCWG is intended to inform and enhance or supplement policy development work, and may precede it, but does not replace it.

Questions to consider at this stage include:

- Is the issue within the scope of policy development for a specific SO or specific remit of an SO/AC? If so, it is unsuitable for a CCWG unless the CCWG is specifically intended to provide input to the applicable SO/AC where there is no existing mechanism (e.g. AC advice, public comment forums) for such input.
  - Does the issue cut across different SO/ACs?
  - Is there broad community interest across SO/ACs to engage on this topic?
  - Is it likely that resolving the issue through a CCWG will have a substantial budgetary impact<sup>3</sup>? Are there sufficient community and staff resources available to form and support a CCWG?
  - What is the expected outcome? Is the effort expected to produce recommendations that are intended to be submitted to the ICANN Board for action/consideration?
  - What other alternatives are available to address the issue?
2. The SOs and ACs that are making a determination of whether or not to use a CCWG as the proper vehicle to resolve the issue(s) are strongly advised to provide answers to these questions, and perhaps others, prior to deciding to launch the process of forming a CCWG.

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<sup>3</sup> As noted in footnote 2, above, the CCWG-Principles recommends that future reviews of this Framework consider the experience of the CCWG-Accountability's Work Stream 2 in terms of developing and managing budgets, especially in cases where that particular CCWG is of the exceptional type that requires resources beyond the "normal" allocation from each participating SO/AC.

3. To allow SO/ACs to properly gauge their need or desire to participate in a CCWG, it is strongly advised that before making a determination to initiate a CCWG all relevant parties share a clear understanding of the issue(s) at hand,. To assist in making this determination, elements that may be considered include (but are not limited to):
  - A preliminary definition of the issue, which may include:
    - The current, or previous, situation (i.e., status quo)
    - The specific circumstances that may have led to the issue at hand
    - The potential consequences arising from the issue if not addressed
    - Data or other evidence to support the understanding of the issue, if applicable
  - A preliminary understanding of the goals and objectives of the CCWG.
  - A preliminary understanding of the expected scope of work for the potential CCWG, including if possible, specific questions and subjects to be considered.
  - A preliminary understanding of the desired outcome (e.g. recommendations to the ICANN Board).

The interested SO/ACs may request a staff report on these elements at this stage, to assist with community understanding and discussion of the need for a CCWG.

### 3.2. Formation of Cross Community Working Group (CCWG)

1. After at least two SO/ACs deem that a CCWG is the appropriate mechanism to address the identified issue, a Drafting Team (DT) is formed to develop a draft Charter to address the topic. Ideally, the DT is kept small to ensure focus, and should comprise representatives from those SO/ACs that have expressed an interest in participating in the CCWG. Those representatives are expected to consult with their respective organizations on a regular basis to ensure that the draft Charter meets the expectations of the Chartering Organizations. Alternatively one of the SO/ACs may develop a draft Charter to be used as a basis for discussion with other SO/ACs as to whether there is interest in the formation of a CCWG. The draft Charter may then be adopted or used by the DT to serve as a starting point for the final Charter.
2. ***The Charter is a critically important document that establishes the guiding principles under which the CCWG will operate in all phases of its life cycle in addressing the identified issue.*** A lot of experience has been gained through recent CCWG efforts. Based on that experience, elements of a Charter have surfaced that have proven their worth and can be considered to be stable and standard across CCWGs. As such it is strongly advised that these elements be included in a Charter. These elements include the concepts and language around



the CCWG decision-making methodologies (internal and external) and participation in a CCWG. However, it should be noted that other elements, such as the Problem Statement, Goals & Objectives and Scope, will have to be customized to meet the specifics of each CCWG effort. A template for a CCWG charter can be found in Annex A of this document. Certain key elements from the Charter template text should be used and included in the draft Charter for future CCWGs. This will build on and enhance a common understanding of CCWGs, promote consistency, and streamline the Charter drafting process,

3. Based on experience, a Charter will contain a number of sections, which are expected to guide the CCWG through its life cycle. The sections are:
  - I. **Section I: Cross Community Working Group Identification** – This section contains administrative details regarding the CCWG, including identification of the Chartering Organizations, the date(s) they approved the Charter, and links to relevant CCWG resources.
  - II. **Section II: Problem Statement, Goals & Objectives, and Scope** – This section focuses on describing the identified issue and its scope, including if feasible what is considered ‘out of scope’. In defining the scope of a CCWG it is strongly recommended that questions that need to be considered in order to address the issue, and the expected outcomes from the effort, be included expressly. This section needs to be customized for each CCWG effort.
  - III. **Section III: Deliverables and Reporting** – This section contains details related to the anticipated deliverables of the CCWG and may also provide preliminary timeline estimates for their delivery. The section will also contain reporting requirements for the CCWG (e.g., the CCWG Chair(s) or appointed members of the CCWG reporting to Chartering Organizations). Where it is expected that the ICANN Board is to take action on a CCWG’s final recommendations, this should be specified in the Charter.
  - IV. **Membership, Staffing, and Organization** – This section provides information related to the membership structure of the CCWG, including definitions of the various CCWG member types, if applicable. If Board and/or staff liaisons are viewed as needed, these roles should be specified in the Charter. The section will also include details related to ICANN staff support, rapporteurs and expert advisors, if applicable.
  - V. **Rules of Engagement** – This section provides critical information related to the operational rules and procedures of the CCWG, both internally and between the CCWG and its Chartering Organizations. This includes decision-making methodologies, problem escalation and resolution, modification of the Charter, and closure of the CCWG. See also the next section 3.3.

4. Once the drafting of the Charter is completed (see section 3.2 above) it is submitted to all participating ICANN SO/ACs for their consideration. Should there be any concerns regarding the Charter or proposed changes to the draft Charter, these should be communicated to the DT and all other participating SO/ACs as soon as possible so that the concerns or changes can be addressed expeditiously, to avoid the need to consider the draft Charter several times. Ideally, any major issues / concerns ought to have been addressed by the DT as a result of regular communication between the representatives on the DT and their respective organizations). In order for the CCWG to be formed, the same identical Charter must be adopted by at least two SO/ACs who will become the CCWG Chartering Organizations, each using the normal adoption process for that organization. If, as part of the adoption process, a SO or AC does not intend to become a CCWG Chartering Organization it is strongly advised that the organization expressly indicates this intention to the other SO/ACs, so as to ensure that all relevant SO/ACs are noted as having considered participation in the CCWG.
5. The Charter may also contain information on modes and methods of participation, e.g. whether in addition to members, who are appointed by Chartering Organisations, others from an SO/AC may be invited as “participants” (see Section IV: Membership Criteria and Section IV: Group Formation, Dependencies, and Dissolution from the charter template in Annex A for an illustrative example); and any additional topics which are agreed by the Chartering Organizations as necessary to include as part of the scope of work for the CCWG, e.g. the need to identify specific items for which, and the process to be followed where, additional budget or staff resources are required. As much as possible, a CCWG should follow the usual annual budget request process used by ICANN, in consultation with ICANN staff and (when appropriate) the ICANN Board. It should be noted, however, that the expectation is that most CCWGs will not incur or need additional budget or staff beyond those ordinarily provided to other ICANN working groups chartered by an ICANN Supporting Organization or Advisory Committee.
6. Volunteers are recruited typically through the launch of a call for volunteers, which is to be as widely distributed as possible. Volunteers may, depending on the Charter, join in one of the following, different roles:
  - I. Members. Members are volunteers who are appointed by a Chartering Organization according to the rules and procedures of that Chartering Organizations. Reasonable efforts should be made to ensure that individual members:
    - Have sufficient expertise to participate in the CCWG on the applicable subject;
    - Commit to actively participate in the activities of the CCWG on an ongoing basis;

- Where appropriate, solicit and communicate the views and concerns of individuals in the organization that appoints them; and
- By accepting membership, a member commits to abide by the Charter when participating in the CCWG.

Further, each Chartering Organization individually and in consultation with the other Chartering Organizations is expected to take reasonable efforts to ensure that the final membership of the CCWG is sufficiently diverse to the extent feasible (including but not limited to geographical region, stakeholder representation, and needed skill sets). However, care should be taken to maintain an appropriate balance in each CCWG as between diversity/representativeness and creating a CCWG where participation is so numerous as to hamper efficient operations.

Additional requirements may be included in the Charter with respect to members; for example, members may be required to report to their Chartering Organizations and take back to the CCWG views from their Chartering Organizations.

- II. Participants. Participants are volunteers from the community who are not appointed by a Chartering Organizations but who nonetheless are 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 accepting participation, a participant commits to abide by the Charter of the CCWG.
  - III. Observers. Observers are subscribed to the CCWG mailing list, but are not able to post to the list or join meetings.
  - IV. Board/Staff Liaisons. The need for these, and the scope of their roles (including participation in the CCWG as a full member), should be considered during the Charter drafting phase and specified in the Charter.
7. The names and SO/AC affiliation (where applicable) of all volunteers to a CCWG should be listed and publicly accessible. All volunteers participating in the CCWG are expected to submit a Statement of Interest (SOI) or similar statement, following the procedures of their Chartering Organization. Such a statement should at a minimum include the name of the participant, the SO or AC of affiliation, and any relevant external affiliation. A Chartering Organization may also require additional information, such as the inclusion of particular skills or areas of specific interest in relation to the issues to be addressed by the CCWG,

material relationship with other parties affected by ICANN and primary country of residence.

8. A Chair(s) will be either appointed by the CCWG or, as in recent CCWGs, each of the Chartering Organizations may each appoint a co-chair to the CCWG.

### 3.3 Operation of Cross Community Working Group (CCWG) or Rules of Engagement

1. A CCWG is expected to operate in accordance with its Charter, including the Rules of Engagement specified therein. Some of the relevant elements from the Charter that would govern this phase of the life cycle include:
  - a. Process for amending the Charter
  - b. Regular reporting requirements, including but not limited to the general public and all Chartering Organizations
  - c. Rules and procedures for handling feedback from Chartering Organizations
  - d. Rules and procedures for decision making, including what constitutes “consensus” and, if appropriate, establishing approval thresholds as well as:
    - i. Handling of minority positions, and
    - ii. Escalation of disputes
  - e. Communication methods (e.g., email, teleconferences, face to face sessions)
  - f. The use of public comment periods and how public comments received will be handled
2. It is strongly advised that, as a first step, the CCWG develops its own internal principles of operation that will guide the CCWG’s intended operations, for example:
  - Rotate meetings from a timing perspective to share the burden, as members and participants are typically located in different time zones and different geographic regions.
  - Decisions are to be taken only after two readings i.e., no firm decisions are made following discussion at a single meeting. At a minimum, those who were not present at the meeting should be offered the opportunity to provide input for review and consideration at the next meeting.
  - Members are expected to communicate the views of the communities that have appointed them to the CCWG, and also to communicate the information and deliberations from the CCWG back to their respective communities.

- Members and participants are expected to be familiar with the background material and documents that are developed during the course of the CCWG work.
  - Efforts should be made to ensure that non-native English speakers can participate on an equal basis in the discussions, e.g. through the use and availability of interpreters and prompt publication of translated materials, where possible.
  - If such principles of operation are developed by the CCWG, they should be made publicly available.
3. It is strongly advised that a CCWG should develop a work plan (including, where feasible, timelines and expected outputs) based on the deliverables outlined in the Charter, for the purpose of informing the community and Chartering Organizations of progress made and for public consultations.
  4. The CCWG will subsequently execute its work plan to produce its set of consensus-based outputs. To deliver its output, the CCWG will typically conduct CCWG meetings, draft reports, create the specified deliverables, and publish its draft reports for public comment.
  5. In developing its output, work plan and any reports, the CCWG shall seek to act by consensus. If explicit calls for consensus are made, the Chair(s) should always make best efforts to involve all members. Unless otherwise agreed and specified in the Charter, 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 relevant CCWG output.

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 particular proposal. 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.

In the event the Chair(s) of the CCWG have to designate lack of consensus (with consensus in the sense as defined above) on a key deliverable, the Chair(s) will inform the Chartering Organizations accordingly. The Chartering Organizations may then decide to close the CCWG or take other, mitigating measures to enable the CCWG to move forward with its work.

6. It is expected that a CCWG will produce a set of draft consensus-based outputs, which except in extraordinary circumstances are to be published for public comment. It is recommended that a CCWG's Charter specifies the nature of the outputs that are expected to the extent this is feasible.

The Charter should also make it clear whether the ICANN Board is expected to act on a CCWG's final recommendations, in which case the CCWG's proposals must be published for public comment.

Upon the close of a public comment period, a CCWG is expected to review and analyse all public comments received and publish a summary and analysis document. Following this review and analysis the initial outputs may need to be revised taking into account the relevant public comments. In some cases more than one round of public comments may be necessary.

7. The CCWG should seek to produce a set of final consensus-based outputs, which are then submitted to each Chartering Organization for approval/adoption/support/non-objection. See Section III of the charter template in Annex A for further context.

### **3.4 Decision-Making and Closure of Cross Community Working Group (CCWG)**

1. The CCWG's outputs are to be sent to all Chartering Organizations at the same time for their review and deliberations. Chartering Organizations may seek additional information from the CCWG if necessary. Each Chartering Organization will review the outputs from the CCWG in accordance with its own rules and procedures to determine whether the output can be approved/adopted/supported or, at a minimum, not objected to, whatever is considered to be most appropriate by the Chartering Organization.
2. Unless the CCWG's Charter specifies otherwise, a CCWG's recommendations are considered the formal consensus output of the CCWG only if all the Chartering Organizations, at a minimum, do not object to the CCWG final deliverable. However, if this is not possible, the output must be returned to the CCWG for possible revision, taking into account input from all the Chartering Organizations. The resulting decision as to whether to make any changes to its initial output is to be made solely by the CCWG. The amended output (if any) is to be sent to all the Chartering Organizations for their review and approval/adoption/support/non-objection, each in accordance with its own rules and procedures.

3. Unless the CCWG's Charter provides otherwise, further steps (e.g. implementation, submission of recommendations, providing input into other processes, etc.), if proposed, can be taken only after approval/adoption/support/non-objection of the outputs by the Chartering Organizations or the ICANN Board, as appropriate.
4. The Chartering Organizations will typically agree to formally close the CCWG once the final CCWG outputs have been formally approved/adopted/supported/not objected to by the Chartering Organizations and a final decision as to any action necessary as a result (e.g. forwarding to the Board, move to implementation, etc.) has been rendered.

*Alternative 1 for Closure: The CCWG may close once the Chartering Organizations have taken a final decision that the final CCWG output cannot be approved/adopted/supported/not objected to. The Chair(s) of the CCWG should be informed accordingly. See Section V – Closure & Working Group Self Assessment from the charter template in Annex A for further context related to closure.*

*Alternative 2 for Closure: In the event the Chartering Organizations are informed by the Chair(s) of the CCWG that the CCWG is not able to reach a consensus position on a key deliverable, the Chartering Organizations may close the CCWG (See section 3.3 4 above).*

### **3.5. Post-Closure of Cross Community Working Group (CCWG)**

Note: The implementation and post-implementation phases of a CCWG are the ones with the least amount of community experience to draw upon for lessons learned. As a result, the section below was developed based on the mechanisms currently used by the GNSO for policy development, and incorporating community comments from the public comment forum opened for the Draft Framework and during the ICANN56 meeting.

If there are recommendations to be implemented from the final CCWG outputs, an Implementation Review Team (IRT) should be formed comprised, at minimum, of ICANN staff and volunteers from each of the Chartering Organizations, and preferably including members from the CCWG. Recommendations should be implemented collaboratively and iteratively to ensure that the implementation matches the CCWG's intent. Except in extraordinary circumstances, the proposed implementation plan should be published for public comment.

The IRT should establish baseline data and metrics for post-implementation measurement against identified success criteria, if such data and metrics have not

previously been defined by the CCWG. The adopted CCWG recommendations will be implemented and subsequently monitored against the success criteria (identified previously).

Once baseline data and metrics are captured and recommendations are implemented, the implementation should be evaluated after a reasonable amount of time to determine if the recommendations have met the relevant success criteria. Further actions may be identified as needed, if the results significantly miss the definitions of success.

In developing success criteria (if any) for implementation and in finalizing its recommendations, a CCWG is strongly encouraged to review and, if appropriate, adopt the Policy & Implementation Principles that were developed by the GNSO and approved by the ICANN Board in 2015, to the extent they are applicable

Where a CCWG believes in the course of developing its recommendations that it will be necessary for the CCWG to continue to be involved in the implementation phase, this should be communicated to all its Chartering Organizations. If the Chartering Organizations agree with this assessment, the Chartering Organizations shall direct that the IRT should include members of the CCWG. The Chartering Organizations should also consider whether there is a need to create an implementation oversight panel consisting of representatives of all the Chartering Organizations to monitor the work of the IRT.



## 4.0 Conclusions

CCWGs are a relatively new phenomenon within the ICANN community, but they are becoming a mechanism that is being utilized more and more frequently to resolve issues of mutual interest to ICANN's Supporting Organizations and Advisory Committees. To date, there have been no formalized processes or procedures established to govern the operations of CCWGs, and while this Framework is intended to provide guidance, it is not intended to be prescriptive. It is intended to function as a living document, to be improved as lessons continue to be learned. ***To that end, it is recommended that the principles and recommendations contained in this Framework should be reviewed either three (3) years after its adoption by the community, or after three CCWGs have completed their work, whichever first occurs.***

In the Draft Framework that was published for public comment in February 2016, several open questions were identified for which community input was sought. The following are the non-exhaustive list of open questions and the CCWG-Principles' response to and recommendations for each:

- *Should there be a requirement that all CCWG recommendations must be considered by the ICANN Board, if minimum requirements are met (similar to the GNSO Policy Development Process)?*
  - CCWG response: This should be discussed and determined during the Charter drafting phase. If the anticipated outputs will: (i) impact SO policy development processes; (ii) require implementation by ICANN (e.g. similar in scope to implementation of a GNSO policy); (iii) result in possible Bylaw changes); or (iv) otherwise trigger action by the Board, the Charter and the CCWG's Final Report should make clear that the final recommendations will require Board consideration. In these cases, additional considerations such as the need for and nature of Board involvement in the CCWG will also need to be discussed prior to chartering the CCWG. As noted above, a CCWG is not the proper vehicle for policy development work and does not replace the policy development process.
  
- *Should more formalized Operating Procedures be developed for CCWGs?*
  - CCWG response: It should be up to each DT and the Chartering Organizations for a new CCWG to determine whether new or more formal procedures in addition to the principles outlined in this Framework are necessary. During the recommended 3-year review cycle of this Framework, any such additional procedures that may have been adopted by new CCWGs can be considered for inclusion in an updated Framework.

- *Should additional mechanisms be developed to deal with situations in which Chartering Organizations may disagree or want to discontinue their engagement?*
  - CCWG response: Unless further community discussion at ICANN56 shows community agreement otherwise, the CCWG believes that it should be up to each DT and the Chartering Organizations for a new CCWG to specify any criteria or conditions that would apply to this situation.
  
- *Should there be a mechanism to close a CCWG if it is clear that it will not be possible to produce a final report or that circumstances have overtaken the need for a CCWG? (See Section 3.3.4 and 3.4.2 above)*
  - CCWG response: Either Alternative 1 or 2 as described in Section 3.4.2 should be adopted. In cases where a Chartering Organization believes that circumstances have overtaken the need to continue with a CCWG, it should notify the other Chartering Organizations to begin a discussion over closing the CCWG.
  
- *For implementation and post-implementation of the CCWG output, what should be the role of the CCWG? Should the Charter template be expanded to include these details? How would the process be initiated?*
  - CCWG response: As a result of further community input on this question at ICANN56, the CCWG-Principles has updated its response and resolution of this question (see Section 3.5 above).
  
- *As the appointment mechanism for members varies across SO/ACs, how can CCWG leadership and support staff be kept informed of appointments and changes?*
  - CCWG response: This should be part of the reporting requirement in a CCWG's Charter.
  
- *Are uniform Statements of Interest, or something similar, beneficial to the CCWG process? (See section 3.2.7 above)*
  - CCWG response: At minimum, CCWG participants should provide a statement listing their SO/AC affiliation (if participating as members) and relevant expertise, skills and interest in the subject matter. More broadly, a CCWG should consider including accountability mechanisms such as verification of participation statements where feasible.
  
- *Should specific requirements be listed for the appointment of members?*
  - CCWG response: This should be determined by each DT and the Chartering Organizations for a new CCWG. However, the CCWG's recommendations relating to diversity of membership should be considered in every CCWG.

- *Who launches a call for volunteers/participants?*
  - CCWG response: Unless a DT and the Chartering Organizations for a new CCWG have determined otherwise, this should ordinarily be done by the Chartering Organizations and ICANN.

## Annex A: Draft CCWG Charter Template



# Cross Community Working Group (CCWG) Charter Template

<b>WG Name:</b>		Cross Community Working Group on...	
<b>Section I: Cross Community Working Group Identification</b>			
<b>Chartering Organization(s):</b>			
<b>Charter Approval Date:</b>			
<b>Name of CCWG Chair(s):</b>			
<b>CCWG Workspace URL:</b>			
<b>CCWG Mailing List:</b>			
<b>Resolution adopting the charter:</b>		<b>Title:</b>	
		<b>Ref # &amp; Link:</b>	
<b>Important Document Links:</b>		•	
<b>Section II: Problem Statement, Goals &amp; Objectives, and Scope</b>			
<b>Problem Statement:</b>			
<p><i>[This section should clearly articulate the problem that requires resolution. Some elements that could be considered include:</i></p> <ul style="list-style-type: none"> <li>• <i>The current, or previous, situation</i></li> <li>• <i>The circumstances that may have led to the issue under consideration</i></li> <li>• <i>The potential consequences if the issue is not addressed</i></li> <li>• <i>Data or other evidence to support the issue</i></li> </ul>			

<b>Goals &amp; Objectives:</b>
<i>This section should outline the anticipated goals from the CCWG effort, as well as specific objectives that may help achieve those goals.</i>
<b>Scope:</b>
<i>This section should define the work that the CCWG will undertake. Specific questions and topics expected to be considered by the CCWG should be identified here. If there are inter-related efforts that may have an impact on the work of the CCWG, or vice versa, they should be noted.</i>
<i>To the extent possible, elements that are defined as out of scope should be identified as well.</i>
<b>Section III: Deliverables and Reporting</b>
<b>Deliverables:</b>
<i>This section should list and define the deliverables that the CCWG anticipates producing. Any data or metrics expected to be created or relied upon by the CCWG or to be used in implementation or future review of the outcomes of this effort should also be noted here, as far as practicable.</i>
<b>Reporting:</b>
The Chair(s) of the CCWG will brief the Chartering Organizations on a regular basis. Where CCWG members are expected to brief and liaise with their respective appointing organizations (see Section IV below), this should be noted as well.
<b>Section IV: Membership, Staffing, and Organization</b>
<b>Membership Criteria:</b>
Membership in the CCWG, and its sub-working groups should these be created, is open to Members, Participants, and others as noted in the Charter. 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:
<ul style="list-style-type: none"> <li>• Have sufficient expertise to participate in the CCWG on the applicable subject matter;</li> <li>• Commit to actively participate in the activities of the CCWG on an on-going basis;</li> <li>• Where appropriate, solicit and communicate the views and concerns of individuals in the organization that appoints them; and</li> </ul>

- 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 are expected both individually and in consultation with the other Chartering Organizations to take reasonable efforts to ensure that the final membership of the CCWG is sufficiently diverse to the extent feasible (including but not limited to geographical region, stakeholder representation, and needed skill sets).

[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.

In addition, the CCWG will be open to any interested person as a Participant or Observer. 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. A Participant commits to abide by the Charter of the CCWG. Observers may sign up to be subscribed to the CCWG mailing list but will not be able to participate in or attend CCWG meetings and discussions.

Where Board/staff liaisons or advisors are to be appointed to a CCWG, this should be specified in the Charter.

All Members, Participants, Observers, advisors and liaisons 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].

Where applicable, all participants in this process shall submit a Statement of Interest (SOI) following the procedures of their Chartering Organization or at minimum a statement listing his/her SO/AC affiliation (if applicable), and relevant expertise, skills and interest.

Volunteer Chair(s) will guide 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.

#### **Group Formation, Dependencies, and Dissolution:**

[Optional] Include a list of dependencies and special circumstances that would result in ending the effort and closure of the CCWG (see, e.g. Section 3.4 of the Final Framework for Future CCWGs).

#### **Expert Advisors:**

***If expert Advisors are expected to be needed, guidelines for their involvement should be included here. For instance, the following elements may be considered:***

- *Define the expertise needed, anticipated cost, selection process/methodology, and allotted budget.*
- *The role of Advisors – for instance, they may or may not be expected to contribute to the dialogue similar to CCWG Participants, though if there is a need for any consensus call(s), the Advisors should not participate in such a call.*

#### **Staffing & Resources:**

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 providing meeting support, document drafting, editing and distribution as well as making substantive contributions. ICANN staff, in a coordinated effort with the CCWG, will facilitate outreach to ensure that the global multistakeholder community is aware of and able as much as possible to participate in the work of the CCWG.

To the extent possible, any additional resources (beyond the assigned ICANN staff) that may be needed should be identified at the earliest opportunity, to ensure that such resources can be obtained and planned for.

## **Section V: Rules of Engagement**

#### **Decision-Making Methodologies:**

##### **CCWG (internal) Decision-Making**

In developing its output, work plan and any reports, the CCWG shall seek to act by consensus. The Chair(s) may make a call for Consensus. In making such a call, a Chair(s) 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 or relevant deliverable.

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 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). In the event that the matter cannot be resolved satisfactorily, the Member should request an opportunity to discuss the situation with the Chairs of the Chartering Organizations or their designated representatives.

In the event that no consensus is reached by the CCWG, the Chair(s) of the CCWG will submit a Chair(s)' 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 any suggestions to mitigate those issues that may be affecting consensus-building. If, after implementation of the mitigating measures, consensus can still not be reached the Chair(s) shall prepare a Final Chair(s)' Report documenting the processes that were followed to reach consensus. The Chair(s) may request that the Chartering Organizations provide recommendations on additional means for mitigating the issues that are preventing consensus.

#### **Decision Making by the Chartering Organizations on the CCWG's [Final] Output**

Following the submission of the [final] CCWG 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 their deliberations as soon as feasible.

#### **Supplemental Final Output**

In the event that one or more of the Chartering Organizations object to, or cannot approve, adopt or support 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 and a suggested alternative that would be acceptable, if any. The CCWG may, at its discretion, reconsider its recommendations, post them for public comments, and/or develop and submit to the Chartering Organizations a Supplemental Final Proposal, which takes into account the concerns that have been raised.

Following submission of the Supplemental Final Proposal, the Chartering Organizations shall discuss and decide (each in accordance with its own rules and procedures) whether to adopt, approve, support or at a minimum not object to the final recommendations contained in the Supplemental Final Proposal. The Chairs of the Chartering Organizations shall notify the Chairs of the CCWG of the result of these deliberations as soon as feasible.

***[This section may also include a description of the role the ICANN Board may play in decision-making, where this is applicable for any specific CWG. For instance:***



### 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 the Chairs of all the Chartering Organizations the CCWG-Board Report, which shall include at a minimum:

- a) The (supplemental) final output as adopted by the CCWG;
- b) The notifications of the decisions from the Chartering Organizations; and
- c) Documentation of the process that was followed, including but not limited to documenting the process of building consensus within the CCWG and any public consultations that were held.

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 which part(s) of the (supplemental) final output are fully supported and the parts that are not, as well as 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>***

**Modification of the Charter:**

In the event this charter does not provide sufficient guidance and/or the impact of the Charter is found to be unreasonable for conducting the business of the CCWG, the Chair(s) have the authority to determine the proper actions to be taken. 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.

**Problem/Issue Escalation & Resolution Process:**

Members and Participants of the CCWG are expected to abide by the [ICANN Expected Standards of Behavior](#).

If a Member or Participant 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 may not have been necessarily intended as such. However, it is expected that CCWG participants will make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair(s) are empowered to restrict the participation of someone who seriously disrupts the 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 below. Any CCWG Member or Participant who believes that his/her contributions are being systematically ignored or discounted, or who wishes 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 affected party should request an opportunity to discuss the situation with the Chair(s) of the Chartering Organizations or their designated representatives. In addition, if any CCWG Member or Participant 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.

**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 all sub-working groups shall be dissolved upon receipt of notification from the Chair(s) of the Chartering Organizations or their designated representatives. See, further, Section 3.4 of the Final Framework for Future CCWGs.

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**Implementation**

*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. See, further, Section 3.5 of the Final Framework for Future CCWGs.*

**Section VI: Charter Document History**

Version	Date	Description
1.0		

<b>Staff Contact:</b>		<b>Email:</b>	
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<b>Translations: If translations will be provided please indicate the languages below:</b>											