

## **Cross Community WG's**

### **Introduction and Summary**

The GNSO has tentatively adopted cross community WG principles at its meeting in Costa Rica. It is now seeking input and feed-back from other SO's and AC's on:

1. The principles themselves, and
2. The route forward for community-wide adoption or development of a related set of principles for the operation of Cross-Community Working Groups

As to the principles themselves, and acknowledging they are high level, some aspects relating to the creation, workings and decision-making relating to cross-community working groups may need additional coverage by principles, in particular:

- Defining the purpose and scope of a working group;
- What should be included in a charter
- Decision making by the participating SO's and AC's, in particular in case of
  - o Disagreement across participating SO's and AC's or
  - o Between WG and (one of the) participating SO or AC.

For more details see section 2.

As to the route forward, the suggestion is to propose a cross-community working group (similar to the former SSA charter drafting working group that resulted in the creation of the DSSA WG) with the goal to arrive at common set of principles and identifying area's of divergence in guidelines and practices across SO's and AC's. Such a WG should take into account the experiences of the cross community working groups to date (both those that are active and closed). For more details see section 3

### **Analysis of the principles**

#### *ccNSO cross community working groups*

The ccNSO has initiated and participated cross community working groups. Some of these working groups have been more successful than others. Currently the ccNSO and ccTLD community are engaged in following cross community WG:

- Framework of Interpretation WG
- DSSA WG
- Joint ccNSO-GNSO IDN WG (JIG WG)

The ccNSO has also initiated some working or study groups with participants from other SO's and AC's, which are still active:

- Study Group on Use of country names as TLD's,
- IDN ccPDP Working group (1).

#### *Different expectations and perceptions*

Experience has shown that the success of cross community working group is among others dependent on the difference in expectations and perceptions by the participating SO's and AC's the function and working methods relating to cross-community working groups. The driving factors for these differences are:

- Purpose, scope and expected outcome: The ccNSO working groups is the general mechanism to organize activities and are used for a variety of purposes, ranging from administrative matters to an alternative vehicle for policy work.
- Main focus of activities and function of SO or AC in the general ICANN framework: Policy development in the ccNSO is very limited. GNSO is mainly focused on policy development and its implementation of policies.
- Expected outcome of working group activities: A high variety, ranging from agenda proposals to recommendations to the ICANN Board
- Role and function of Councils and Advisory Committees and the membership of the community.
- Role of support SO and AC support staff.
- SO and AC internal organizational rules and procedures: Each of the SO and AC have their own rules and procedures to adopt charters, appoint members to working groups and voting. The ccNSO council appoints members to WG. For the GNSO membership of WG's is generally open.

#### *Typology of Working groups*

Working Groups in which non-ccTLD managers are participating can be categorised as:

1. ccNSO established working group, with invited observers or liaisons. Example: DRD WG, IDN ccPDP WG 1.
2. ccNSO created wg with participation of other SO and/or AC on invitation basis. Example: FoI WG,
3. Joint WG: ccNSO and one or more SO or AC establish WG. Examples: DSSA WG, JIG WG.
4. Board appointed, joint WG: Examples: IDNC WG, Joint Board Geographic Regions WG (not included in comparison).

#### *Life cycle of working groups*

Each WG will follow the following typical life cycle:

- Definition of purpose and scope of WG by the Council or Advisory Committee (reflected in charter)
- Formation of the WG, resulting in adoption of charter and appointment of chairs and members.
- Internal Working Practices of WG, resulting in Final report
  - Rules and procedures of SO or AC for WG
  - Decision making in WG by WG membership
  - Definition of role of chair
  - Rules and procedures for adjustment of charter
  - Public consultations
- Decision making by constituting body. WG report to the constituting body, which will take a decision/action based on the output of the WG.
- Closure of WG
- Follow-up action (Share information, Inform Board, new WG etc.), next steps. This is out of scope of the WG itself, but could for instance lead to creation of a follow-up wg (examples: DRD WG -> FoI WG, ccNSO Geographic Regions WG -> Geographic Regions WG constituted by the Board)

### *Analysis of the GNSO Principles*

Combining the categorization and life-cycle, the requirements and guiding principles as proposed by the GNSO can be compared with the ccNSO practices and existing joint WG's (See Annex A).

Based on the comparison and from a ccNSO perspective, the guiding principles for cross community working groups do not cover all aspects. In particular the following main aspects are not covered:

- Who should define the purpose and scope of a ccWG?
- What should be covered in the charter? As experience shows, charters of cross community working groups do not cover the same aspects (internal decision making, reporting, membership), and the (SO/AC) internal guidelines and practices differ in these aspects.
- Decision making by Councils and Advisory Committees. The proposed principles seem to assume that Councils and Advisory Committees will automatically approve/support the output of ccWG's. Experience has shown this is not the case. Supplementary rules to deal with this situation should be included (for example the FoIWG and IDNC WG charters include these rules).
- Closure of WG. This is not addressed in principles.

At the same time it should be noted that some of the proposed principles do cover aspects that are covered in charters of ccWG in which the ccNSO is participating:

- Cross community output must not be taken as an expression of Community consensus, except if endorsed as such by chartering SO or AC.
- SOs/ACs should commit to timely review and finalizing of actions to avoid delays.

### **Route forward**

The second question raised by the GNSO is to provide feed-back on the route forward. The potential options are:

1. Do nothing. Developing principles is not a priority. The GNSO principles can always be used internally by the GNSO;
2. Set-up a cross community working group, with goal to arrive at common set of principles and identifying area's of divergence in guidelines and practices across SO's and AC's. Such a WG should take into account the experiences of the cross community working groups to date (both those that are active and closed) and could be framed in a similar manner as the former charter drafting working group that resulted in the creation of the DSSA WG;
3. Direct negotiations between the SO's and AC's to arrive at a common set of principles;
4. Adopt the GNSO Principles as they are.

As stated before, with the increased complexity and cross community nature of the issues the SO's and AC's are facing, it can be expected that the number of cross community working groups will increase. General principles agreed upon across the ICANN community, would facilitate the creation and enhance the functioning and activities of these working groups. However taking into account the divergences in expectations and perceptions of working groups and the different internal practices relating to working groups, further understanding and a common framework for cross community working groups is probably needed across the ICANN community. Such a framework will probably only add value if it incorporates the experiences to

date. As this will probably require time and resources, the ccNSO Council is advised to propose option 2: the creation of cross community working group to propose a common framework.

**Annex A Overview requirements and guiding principles**

	<b>ccNSO WG with observers, liaisons.</b>	<b>ccNSO initiated WG with full external participation (example FoIWG)</b>	<b>Joint WG (Example: DSSAWG)</b>	<b>GNSO ccWG Principles</b>
<b>Purpose/Scope</b>	By definition purpose in scope of ccNSO, if agreed by membership.  No policy binding on ccNSO membership or ccTLD community or individual ccTLD's	By definition purpose in scope of ccNSO, if agreed by membership  No policy development binding on ccNSO membership or ccTLD community or individual ccTLD's	Purpose in scope of activities of participating SO's and AC's  No policy binding on ccNSO membership or ccTLD community or individual ccTLD's	Limitation of purpose and scope: - Provide information and recommendations to chartering organizations  - Provide platform for discussion  Out of scope: - consensus policy development only in accordance with current PDP rules as defined in ICANN Bylaws.  - ccWG do not define policy  CCWG: prior, following or independent of a PDP.
	Purpose defined by ccNSO.	Purpose defined by ccNSO.	Purpose defined by participating SO's and AC's.	
	Define end product (Final Report)	Define end product (Final Report)	Define end product (Final Report)	Include expected outcome

<b>Formation</b>	Charter adopted by ccNSO	Charter adopted by ccNSO.	Charter to be adopted by SO's and AC's	All participating SO's/AC's to approve single charter that defines the rules and procedures for the CWG.
			Inform each participating SO and AC on adoption.	
				Apply appropriate SO/AC guidelines.
		Provision in charter to invite other SO's and AC's to participate. This implies if they participate, they agree with charter and prerogative of ccNSO to amend charter.		
	Include # of members from participating SO and AC's	Include # of members from participating SO and AC's	Include number of members from each of the SO's and AC's.	
	Appointment of chair and ccNSO members by the ccNSO Council	Provision in charter on appointment of additional members and chair and vice chair.	Provision in charter on appointment of additional members and co-chair in accordance with appropriate rules and procedures of participating SO's and AC's.	
		Include channel of communication with participating SO and AC's.		
<b>Working</b>	Working	Working	Develop	

<b>practices</b>	procedures WG, as ccNSO in Guidelines for WG	Procedures as in Guidelines for WG.	common set of rules through formation process.	
	No rules on voting, WG chair determines	No explicit rules on voting, reading of document in two sequential meetings affirmed by membership.	Structural difference in voting procedures (voting, majority /minority views in WG) Example: DSSA WG.  ccNSO rules more flexible, but leaves more power to chairs,  GNSO rules more process driven, includes voting procedures.	CWGs should seek to accommodate diverging views where possible before finalizing positions.
	Define adjustment of charter	Define adjustment of charter: ccNSO council adoption at request of chair of WG.	Define adjustment of charter: ccNSO and other participating SO and AC adoption at request of (co-) chair(s) of WG. Adoption according to own rules and procedures.	CWGs should follow the approved charter and bring concerns back to all chartering organizations for resolution according to their respective processes
	Definition of role of chair	Definition of role of chair.		
	Determine WG is open or closed (other attendants).	Determine WG is open or closed (other attendants). Standard working	Determine WG is open or closed (other attendants).	

	Standard working method WG is closed.	method WG is closed.		
		Progress Reporting and Public consultation (different processes)	Progress Reporting .	
<b>Decision making on results</b>	Submission of Final Report to ccNSO Council	Submission Final Report to ccNSO Council	Final Report submitted to all participating SO's and AC's	CWGs must Communicate final Reports and Outcomes to Chartering organizations for review and action
				CWGs' output must not be taken as an expression of Community consensus, except as it may be endorsed as such by its chartering organizations.
	End Product to be adopted by ccNSO only.	End Product to be adopted by all participating SO's and AC, according to own rules and procedures.	End Product to be adopted by participating SO and AC, according to own rules and procedures.	CWG Charters should include steps to be followed to review outcomes by chartering SOs and ACs
		Conciliation rule if end-product not adopted first round by one of the chartering SO's and AC's.		
				SOs/ACs should commit to timely Review and Finalizing of actions to avoid Delays
<b>Closure</b>	Automatic closure after	Automatic closure after adoption Final	Automatic closure after	

	submission Final Report	Report	adoption Final Report	
<b>Follow-up action</b>	ccNSO to conduct follow-up action.	ccNSO to take lead in follow-up action: sending report to the Board, implementation)	Only action after combined adoption Participating SO and AC.	CWG Policy related recommendations should be considered for possible approval through the appropriate PDP
			Agree upon action to be taken (include in charter)	
			Agree upon format combined action	
				SOs/ACs should commit to timely review and finalizing of actions to avoid delays