

## Draft request to no-objection on interpretation

Dear <name of chair of chartering organisations>

In order to complete the transition of the Cross-Community Working Group Internet Governance to a fully chartered CCWG, we seek your non objection on an interpretation of the section on observers in the CCWG IG charter to mean: *"In addition, the CCWG-IG will be open to any interested person as a participant. Participants may be from a chartering organization, from a stakeholder group not represented in the CCWG-IG, or may be self-appointed. Participants will be able to actively participate in and attend all CCWG-IG 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-IG members appointed by the chartering organizations."*

If you agree, could be so kind the "no-objection" with me on behalf of the co-chairs of the CCWG IG?

Olivier Crepin-Leblond, Jordan Carter, Rafik Damak

**Introduction and background.** At its meeting in Singapore the cross-community working group on Internet Governance (CCWG IG), discussed how to complete its transition to the formally chartered CCWG as envisioned by the chartering organizations. The main issue that needs to be addressed is dealing with the current status of (former) participants, taking into account the rules of the charter.

As you will recall the CCWG IG was originally an informal group, with no charter. Participants of the original group felt it necessary to provide a solid basis for its work and hence developed a charter, which was proposed to all supporting organizations and advisory committees for adoption. As you will know the charter was adopted by the ALAC, ccNSO, GNSO and SSAC in the September/ November 2014 timeframe. Following adoption of the charter some of the chartering organizations appointed members and a co-chair to the CCWG IG as envisioned in the charter, and one (SSAC) although adopting the charter, declined from its ability to appoint members. The newly appointed SO and AC members included some of the participants of the former, informal Internet Governance community group. To date the SO and AC have not appointed observers as envisioned in the charter. As a result participants now include newly appointed members, and people who have signed-up as participants in the (former) informal Internet Governance group i.e. before it was chartered (see: <https://community.icann.org/pages/viewpage.action?pageId=43984275>).

In order to avoid having to go through a formal charter changing process, we seek to achieve an effective change through an agreed interpretation of the term "observers" in the charter.

**Current definition of membership.** According to the current charter of the CCWG IG membership of the CCWG includes members (appointed by the chartering organisations, according to their own rules and procedures), observers and experts. In this context observers are described as people who: *"In addition, all SOs and ACs may appoint Observers if permitted by and in accordance with their own rules and procedures. Such Observers are entitled to participate in WG deliberations on an equal footing with the Members except for formal voting, when called for by the Co-Chairs of the WG. Voting is limited only to Members. The number of Observers appointed by each SO and AC shall not exceed the number of Members appointed by that SO or AC."*

**The proposed changes.** In order to complete the transition to the fully chartered CCWG IG, we seek your non objection on an interpretation of the section on observers in the CCWG IG charter to mean: *"In addition, the CCWG-IG will be open to any interested person as a participant. Participants may be from a chartering organization, from a stakeholder group not represented in the CCWG-IG, or may be self-appointed. Participants will be able to actively participate in and attend all CCWG-IG 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-IG members appointed by the chartering organizations"* (which is similar to the language in the charter of the CCWG- Accountability)

The major changes would be:

- No limit on the number of observers/ participants;
- Self-nomination as participant versus appointment by a chartering organization, allowing for broader participation

The benefits of this interpretation would be normalization of membership rules across the CCWG and CWGs (best practice) and providing clarity around "legacy" participation.

Before the CCWG IG was chartered, community members participated and participate in the activities of this particular CCWG ("legacy" participants). To date these participants have not been appointed by a SO or AC. Experience with the CWG Stewardship and CCWG Accountability has shown that broad participation, with additional obligations and privileges for appointed members, provides a fair and workable basis and at the same time increases transparency, interest in the work, and active participation of the broader community and community members.

The drafting team introduced a restrictive membership and participation rule at the time of drafting in response to risks of a WG without charter, un-clarity of representation on the WG and interest WG represents in its public statements. However, with charter in place resulting in a clearly defined role for chartering organizations and members, and the positive experience to date with participants on the CWG Stewardship and CCWG Accountability, a more liberal

interpretation of the “observer” rule as described above is advised, as it would increase the value to the community and legitimacy of the CCWG IG.