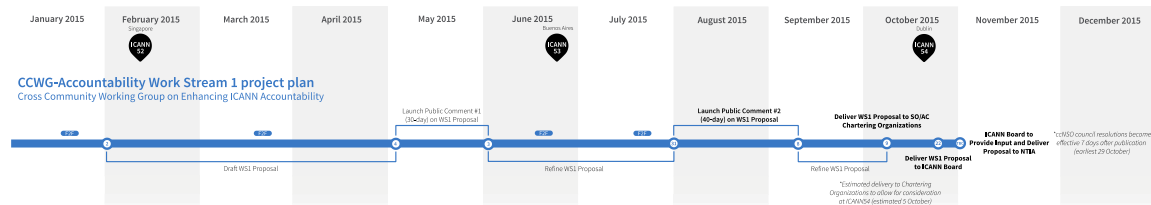


10) Implementation Plan Including Timing

10.1 Timeline

The timeline below is a review of the CCWG-Accountability Work Stream 1 effort.¹

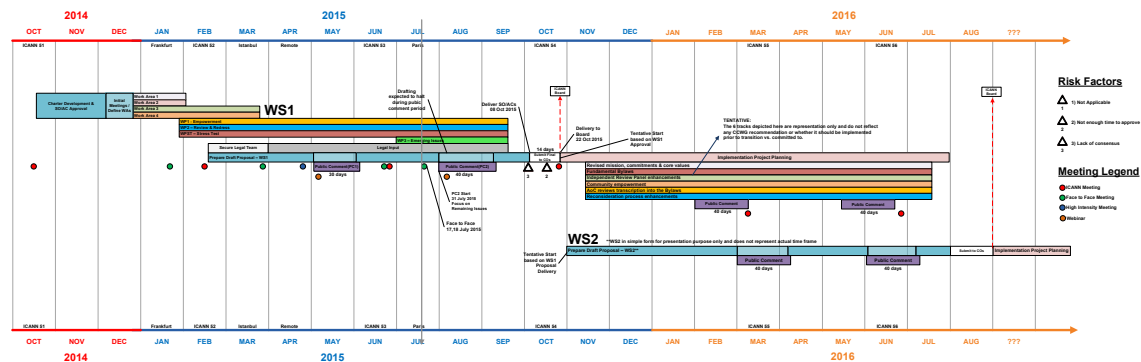


Full IANA Stewardship Transition and Enhancing ICANN Accountability timeline:
<https://www.icann.org/sites/default/files/assets/iana-stewardship-draft-transition-timeline-16jul15-en.pdf>

The subsequent timeline predominantly focuses on Work Stream 1 and its corresponding implementation. Work Stream 2 remains in basic form until there is more clarity on what accountability mechanisms will make up its scope.²

A full view of this timeline exists on the CCWG-Accountability wiki.

CCWG Timeline – 17 July 2015



10.2 Next Steps

- ❑ The second Public Comment Report sets out the CCWG-Accountability's proposal after receiving a first round of public comment, having considered these inputs and engaged with the community during ICANN53. After the second Public Comment period closes, the CCWG-

¹ Implementation of Work Stream 1 is expected to take place through June 2016
² Work Stream 2 will be further defined when scope and project plans are developed

Accountability will reconvene to finalize Work Stream 1 proposal(s) for submission to Chartering Organizations and eventually to the ICANN Board. Key milestones include:

- ❑ CCWG-Accountability reviews the second round of public comment and refines its proposal to prepare the final version.
- ❑ CCWG-Accountability delivers the final proposal to SOs/ACs for approval.
- ❑ CCWG-Accountability finalizes specifications for changes to the ICANN Bylaws.
- ❑ CCWG-Accountability prepares materials for ICANN54 and hosts several sessions to further inform the community on the final proposal.
- ❑ CCWG-Accountability delivers the final proposal to the ICANN Board.
- ❑ CCWG-Accountability certifies that changes to the Bylaws are consistent with its Work Stream 1 proposals.
- ❑ The CCWG-Accountability begins Implementation Oversight of Work Stream 1 items that are not Bylaw changes and begins its work on Work Stream 2.

10.3 Implementation

The CCWG-Accountability views the oversight of Work Stream 1 implementation as a key element of its mandate. Work Stream 1 accountability changes have to be implemented or committed to before any transition of IANA Stewardship from NTIA can occur. The CCWG-Accountability estimates that implementation should take about nine months with several concurrent tracks, some of which will require multiple public comment periods. The CCWG-Accountability has tentatively outlined the following six tracks for implementation of Work Stream 1:

- ❑ Revising Mission, Commitments and Core Values.
- ❑ Establishing Fundamental Bylaws.
- ❑ Completing the Independent Review Panel enhancements.
- ❑ Establishing Community empowerment mechanism and incorporation of the community Powers into the Bylaws.
- ❑ Implementing the Affirmation of Commitments reviews into the Bylaws.
- ❑ Completing the Reconsideration process enhancements.

A significant number of CCWG-Accountability Work Stream 1 recommendations involve updating the ICANN Bylaws. A best-case timeline for implementation can be found below. Indeed, apart from the IRP enhancements, most of the Work Stream 1 recommendations will be implemented through updating the ICANN Bylaws.

The CCWG-Accountability has initiated a process to kick-start the drafting of Bylaws changes to implement its proposals. This is being done to meet the expectation of

the U.S. Congress that the set of Bylaw changes necessary for the transition should be adopted prior to NTIA certifying the transition proposal. This process is currently underway and Bylaw drafting has started for those parts of the proposal that were widely supported during the first public comment:

- Incorporating AoC reviews into the Bylaws
- CWG-Stewardship dependencies, as appropriate

CCWG-Accountability expects to deliver a set of Bylaw changes in time for their approval by the ICANN Board in mid-November 2015.

Implementation of the IRP enhancements beyond the relevant Bylaw changes, will include:

- Selecting panelists
- Establishing the secretariat for the panel
- Defining the rules of procedure

CCWG-Accountability anticipates that this will occur over a 9-month period and this should be completed by July 2016.

10.4 Bylaws drafting process

The Bylaw drafting process has been developed following discussions with the ICANN community at the ICANN53 meeting in Buenos Aires, and considering comments by the ICANN Board and ICANN legal staff to find a common ground with the requirements of the CCWG-Accountability to identify an acceptable and appropriate process.

Requirements

Consistent with the CCWG-Accountability's working methods, the process for drafting Bylaws is based on the concept of requirements:

- All final decisions about Bylaws proposed to the ICANN Board would be approved by the CCWG-Accountability and/or the relevant CCWG-Accountability subgroup.
- The CCWG-Accountability's decisions and those of its subgroups would be informed by independent legal advice.
- ICANN legal staff provides legal advice to the ICANN Board.
- The drafting process will be based on a collaborative effort between the CCWG-Accountability and its subgroups, ICANN legal staff and the CCWG-Accountability's independent legal counsel. This collaborative effort shall be based on specifications derived from the first public comment proposal and subsequent public comment and other advice received.

Bylaw drafting process

1. Specifications for revised bylaws will be developed based on the CCWG-Accountability's first public comment proposal, and the revisions to the proposal made in light of public comment received and other contributions, particularly during consultations held during ICANN53 Buenos Aires. The specification will be approved

by the relevant CCWG-Accountability subgroup, while considering any advice provided by ICANN legal staff and independent legal counsel.

2. The CCWG-Accountability will be responsible for approving the specification and initiate the Bylaws drafting process. Note: the specification may be presented in the form of rough bylaws drafts.
3. Initial Bylaws drafting and refining based on the specification will be undertaken by ICANN legal staff in collaboration with independent legal counsel.
4. Initial draft review: the relevant CCWG-Accountability subgroup, supported by both ICANN legal staff and independent legal counsel, will review the draft to ensure it meets the specification and intent of the CCWG-Accountability. The CCWG-Accountability subgroup will be responsible for approving the independent review.
5. An independent review will be conducted by the CCWG-Accountability's independent legal counsel (ICANN legal staff may also review), to assess compliance with the specification and ensure the absence of any unintended consequence.
6. The CCWG-Accountability subgroup will review the independent review advice and will make adjustments as necessary. The draft Bylaws and advice will be shared with the CCWG-Accountability and with the ICANN Board.
7. The full CCWG-Accountability members and participants will be responsible for deciding on any conflict of interpretation, and will be responsible for approving the Bylaw change for inclusion in a proposal that the draft be presented for public comment. In the situation where there is a conflict of interpretation, the full CCWG-Accountability will send the draft Bylaw back to the CCWG-Accountability subgroup and legal teams for further refinement.

The process of final approval of the Bylaws developed by this process would use the processes of the ICANN Board and the ICANN community.