

From: Tripti Sinha
Sent: Thursday, Jul 20, 2023
To: Former CCWG-AP Members
Subject: Update on Grant Implementation

Dear Former CCWG-AP Members (in bcc)

In follow up to the update email from Xavier Calvez, I am writing to you as Chair of the ICANN Board to update you on the Board's discussions at its workshop during ICANN77. During this workshop, the ICANN Board discussed with ICANN org how to best implement Recommendation #7 of the Final Report.

As a reminder, part of Recommendation #7 stated that ICANN's existing accountability mechanisms – the Independent Review Process (IRP) or the Reconsideration Process – could not be used to challenge decisions made by the Independent Applications Assessment Panel on individual applications within the Grant Program. To allow this would add unnecessary complexity to the program. Additionally, the total available funding for the program could also be depleted by the cost of such challenges. The CCWG-AP (and the Board as well, as indicated in our June 2022 action on the CCWG-AP's Final Report) assumed that the best way to restrict the use of ICANN's accountability mechanisms in this way would be to amend the ICANN Bylaws to create a "carve-out." This would therefore require a Fundamental Bylaws Amendment.

After exploring this issue more in-depth, I am happy to share with you that the Board and ICANN org identified a path that both upholds the CCWG-AP's recommendation that individual application decisions should not be challenged through ICANN's accountability mechanisms, while also keeping ICANN's accountability mechanisms unchanged within the Bylaws. The Board is planning to take action on this later this month; however, I wanted to provide you with a preview. The Board will direct ICANN org to use the contractual terms and conditions required to apply for the Grant Program to obtain applicant agreement that they cannot use ICANN's accountability mechanisms to challenge any individual decision taken on their application within the ICANN Grant Program. This remains in line with the CCWG-AP's recommendation regarding the accountability mechanisms as well as the intention to lower complexity and protect the total amount of proceeds available for applicants.

When the CCWG-AP made Recommendation #7, it also provided guidance that providing limited opportunity for review of decisions within the Grant Program might also introduce complexity, and encouraged ICANN to not make such opportunities available. However, when considering the inability for applicants to use ICANN's accountability mechanisms for individual decisions, the ICANN Board will also ask ICANN org to explore whether there are appropriate interim opportunities within the evaluation process for applicants to ask for a limited procedural review. The Board hopes this will enhance ICANN's accountability to applicants, while following best practices within grant making programs.

We are happy to have identified a path forward that preserves the CCWG-AP's recommendation and enhances accountability to applicants and the wider Internet community. The Bylaws are important to us, and we are confident that we can keep up ICANN's accountability, as set up, while at the same time limiting the ability to challenge for individual selection decisions.

The Board is following ICANN org's implementation closely and looks forward to seeing this program launch next year. Thank you again for your time and efforts that went into envisioning this exciting program. The establishment of the ICANN Grant Program is a testament to your commitment to the work of the CCWG-AP and is an excellent representation of the multistakeholder model in action.

Kind Regards,

Tripti Sinha
Chair, ICANN Board of Directors