

20140915_CCG_Informational Call

Grace Abuhamad: Hello, all. Welcome to the Informational Call for the Cross Community Group, Monday September 15th, from 14:00 to 16:00 UTC.

Just a few housekeeping notes; this call will be recorded and transcribed. We will start with a short presentation from Theresa; then we will follow with some discussion questions. We will have a queue open for the questions. To join the queue, please raise your hand in the Adobe Connect room. The raise-your-hand symbol is at the center of the top of the Adobe Connect room. If you have any questions you can contact one of the hosts via the chat as well.

Thank you. And we will turn this over to Theresa.

Theresa Swinehart: Sounds good. So, good morning everybody; afternoon, or evening wherever you are. And of course, thanks so much for joining and participating on this. I think as many are aware, this is just purely an informational call in order to just answer any questions, and give an update to those who wanted to participate in this.

I realize that we've scheduled two hours for it, but appreciate that the call might end up being shorter, that's depending of course on how our discussions go.

So, again, it's an informational conversation. I think as many are aware, we are still in the comment period on the proposed process, for the accountability process, which is going from the 6th of September to the 27th of September. And so we look forward to receiving, obviously, comments in that timeframe as well. And thank you for those who have already provided some additional comments.

I thought for those who may be newer to these discussions, and I apologize for those who may be more familiar with it; I'll give just a quick overview about how we got to where we are. And then touch briefly on the scope of where we are as well, and then we can move into some questions and dialogue about group expectations and interests in the context of this process; and obviously, the Cross Community Group itself which is open for everybody's participation. On the process itself, I think as many are aware, on the 14th March, NTIA announced its intention to transition its stewardship role of the IANA functions to the multistakeholder community, the meeting criteria that they have set out.

And that process is currently underway through the IANA Stewardship process and the Coordination Group work that's underway there. In the context though of this specific process, one of the topics that came up was ICANN's accountability, more broadly, in light of its changing historical relationship with the U.S. Administration. And so, given discussions that occurred at the ICANN meeting in Singapore in March, a proposed process for looking at enhancing ICANN's accountability, and specifically looking at this area that's changing relationship with the U.S., was posted on the 6th of May, and we received comments through the 27th of June on that, including

briefings and discussions with the community at the ICANN meeting in London, and subsequent dialogues that occurred there.

We then incorporated some suggestions that were coming out of the IANA Stewardship track with regards to the link to the two processes, and engaged in discussions with the SO and AC and SG leadership in early parts of August, and then posted the proposed process, including an infographic which identified the Cross Community Group as being fundamental to this process overall.

Based on some community feedback and some very useful discussions over the past week, we've also -- or past weeks -- we then really felt that it was important to put out this revised process based on the community input and discussions since May for just a final round of comments, and that's where we are right now, and hence the informational session that we are having today.

So, just to reinforce the scope of the accountability process is, it's intended to deal with -- focus systemic (ph) views that are caused by the change in historical relationship with the U.S. This includes, for example, stress testing against internal and external captures, or takeovers, and safeguards against captures at all levels. And it's limited really to ensuring that ICANN remains accountable in the absence of its contractual relationship with the U.S. And that is, it's not intended to substitute or replace any of the existing ICANN accountability processes; which of course can always be strengthened and enhanced over time.

As part of the process we wanted to ensure, and based on community feedback, that there was full inclusivity to the broadest community possible that was interested in participating, enhance the structure and the proposed process outlines with the Cross Community Group, which is open to all participants. And just to give an idea of statistics, a bit over 85 have currently signed up to be participating in this group, or expressed an interest.

The process then proposes that there's a Coordination Group which is more limited in size, that takes the information and the feedback coming from the Cross Community Working Group, and looks at identifying, categorizing and prioritizing specific areas relating to the scope of the process, and preparing a report with recommendations based on community consultations to that process. And then there's the appointment of up to seven experts around different substantive areas with regards to specific accountability or governance issues that would be part of that Coordination Group, and that call for experts is still open right now.

But instead of my talking, what I'd really like to do is open this discussion here to the participants on the call to both be responsive to any questions, but also get a sense of what you hope to get out your participation. What would you like to see in the working methodologies, do you have any suggestions on how one may also ensure that there is good, global participation in the process, including from emerging regions. And then, more specifically, what your interests are in this process overall. And then I can, obviously, elaborate on anything else that participants are interested in talking about.

So with that, I was actually going to open it up to questions and any -- just put some questions on the WebEx for those who can't see--

Grace Abuhamad: Yes.

Theresa Swinehart: Why don't we read those out for those who are not on the WebEx itself? So, some questions for: Why did you choose to join the Cross Community Group or -- obviously signing up doesn't mean necessarily endorsement, we appreciate that, but what's your interest in participating in it? What do you hope to get out of your participation in the group? How would you like to see the Cross Community Group work? What are your overall interests in the process? And what questions might you have about the group overall? Does anybody have any questions or suggested responses?

Grace Abuhamad: We have Chuck Gomes who is in the queue. Go ahead, Chuck.

Chuck Gomes: Thanks. And thank you, Theresa. This isn't related to the questions you asked, I may do that later, but a large number of questions were submitted regarding this process, and we have a 21-day comment period that's already over -- one-third over. When will we expect to see responses to those questions, because those responses to the questions could have a significant impact on the comments that will be submitted?

Theresa Swinehart: Thanks, Chuck. I think as you know, also, those questions have been publicly posted in the context of correspondence received. We hope to have the responses ready in the next few days, and certainly well before the comment period is over.

Chuck Gomes: Thank you.

Grace Abuhamad: Thank you. Tijani, you have the floor.

Tijani Ben Jemaa: Thank you, Grace. Thank you, Theresa. Can you hear me?

Grace Abuhamad: Yes, we can hear you okay.

Tijani Ben Jemaa: Can you hear me?

Grace Abuhamad: Yes. We can hear you.

Tijani Ben Jemaa: Can you hear me now? Okay. Okay, thank you. Thank you, Theresa. Thank you, Grace. I would like to -- I have a question about the Coordination Group; I saw that you proposed one person or one representative by a constituency. I think that the role of this group is critical (ph) for the accountability and the governance, and having only one member from each constituency might -- how to say -- you will not have every call and every meeting all members present. So if one member is absent, and a constituency isn't represented; so I don't think it is a good choice to have only one member per constituency, at least two, so that if one is absent the other is there. This is the first question.

The second question is a (inaudible) one. The second one is the number of experts you propose; I think that seven experts is too much. Too much because the result of the discussion might be influenced (ph) by this huge number of experts, and I think that is -- the best is to have the community discuss, and perhaps one of the experts to help for issues that need expertise, technical expertise. Thank you.

Theresa Swinehart: Thank you, Tijani. I hope that you provided your comments and observations also into the public comment period. That would be very helpful.

Tijani Ben Jemaa: I (inaudible/crosstalk).

Theresa Swinehart: Including on the first point you've raised. I think one area that's important to also consider in the context of the Coordination Group, is that the responsibility of the participants who are on there, and selected by their communities, is also to ensure that not only are there in a potential representative role, but also that they have a responsibility of coordinating back to their communities very strongly. That the work of the Coordination Group is one that's fully accountable and transparent to the respective communities to which they are working, and it's intended as a group that help coalesce the feedback and the discussions, and come up with what would be a final report and recommendations. That obviously would need to go out for public consultation and community input more broadly as part of the process. But I do hope you provide your comments into the public comment period.

On the selection of the seven experts, I would view that more as contributors to the discussion. The work of the Coordination Group, or of the entire process, I think one would hope would operate by consensus and community dialogue, as opposed to -- sorry, I'm just trying to speak over the (inaudible) -- as opposed to any voting or anything of that sort. And so, in that context it's quite important that the work of the Coordination Group be operating in an open and transparent way through consensus and input by all.

Tijani Ben Jemaa: (Inaudible) perhaps discussed in a recent meeting, (inaudible).

Grace Abuhamad: Hi, all. This is just a reminder to mute your lines. We don't have anyone else in the queue at the moment. Would anyone like to join the queue? Maybe someone from -- or call-in only who are not able to raise their hand in the Adobe Connect room?

Theresa Swinehart: And one other thing. Just so -- building a little bit on the last point, the public experts who are looking at selecting the up to seven advisors going to the Coordination Group, also in light of the 21-day comment period, extended their call for proposals and suggestions of names to be submitted up to the 30th of September. So I would just encourage anybody who has suggestions on people who would be very good, or on the types of expertise, to make sure to provide that in. I know that they wanted to make sure, in light of the 21-day-comment period, to extend their call for suggested names as well. So that extension was posted, so please contribute to that.

Grace Abuhamad: We have a comment from Avri. Avri, go ahead.

Avri Doria: Thanks. Assuming I can be heard, otherwise you'd say, are you mute. Okay. I'm looking at the questions, and actually I quite quickly jumped to the bottom one, but looking at you asking questions, certainly why I chose to join it was, I couldn't see not joining it. If we are going to be doing a review of, you know, the necessary accountability for the changes, and if you are interested in accountability how could you not want to join it. I hope to be helpful. I want to see it generate ideas.

Now, my interest here comes back to some of the stuff that comes out of ATRT2, which prompts my question about the group and its scope. Before this last task and this comment period, the scope was somewhat ambiguous. It was the accountability concerns we had as we faced the transition of stewardship. Now it seems like it's -- the scope is being heightened, and there needing to be some sort of notion of a direct link.

One of the things I brought in the comment I submitted, and I'm not sure whether it's appropriate to discuss comments on the call, but I'm going to assume it is and apologize later, is that the ATRT recommended that such a cross community group be created as part of resolving the issues of ICANN accountability, the redress mechanisms, and so on. And the questions that people are asking regarding the -- about the NTIA transition are of a similar nature, and so I'm really sort of concerned or, perhaps, just hopeful, in terms of how those two are linked, and to say that this group really has those two simultaneous functions seems like it make sense especially since so much of the conversation would overlap.

Now perhaps you may have designed it in a certain way, that there are two milestones for a certain group. One, the minimum necessary to solve the NTIA stewardship transition, and one to continue working on the other stuff, without there being a discontinuity and stuff; so I'm really, as I say, wondering about the scope narrowing, and whether you could discuss that at all. Thanks.

Theresa Swinehart: Sure. And also, Avri, thank you very much for the comments you put into the public comment period because -- already seen those and they are very useful. I think there are two things, one is that obviously this specific process in the context of its scope is not intended to substitute or replace any of the existing accountability processes, including the ATRT2 recommendations, which were really limited to the IRP and the consideration on investment areas.

So I think we need to -- we need to be looking at these from the context of existing processes and work undertaken by ATRT2, and in relation to those is work that needs to be underway, and needs to continue to be occurring in this process in particular. Then look specifically at, is there -- you know, is there anything else that needs to be looked at, and if so what, in the context of the specific change in historical relationship that's occurring. So I hope that helps to clarify it a little bit.

Grace Abuhamad: Hi. We've got Becky next. Go ahead, Becky.

Becky Burr: Hi. I have a couple of comments. The first one is -- the first question, "Why did you choose to join the Cross Community Group?" It was my understanding that a decision had been made to go ahead with this call, sort of, for informational purposes only, during the 21-day comment period. And so my first question is, is this call informational or is this call establishing the group? If so, that sort of prejudices community input which I think has wondered pretty directly, why this form over a standard cross community working group was chosen? So that's question number one.

Question number two, and it's sort of along the lines of Avri's question about scope is -- I mean, I don't know what the -- I've heard some of the references that suggest narrowing of scope and stuff. I think that there are two things going on, one totally legitimately, is that there is a timeline for the IANA transition, and that timeline is vital, and there -- you know, and it could indeed be possible that full implementation of accountability stuff is going to take longer than that.

To me, that is a very different -- acknowledging a timing issue as opposed to trying to narrow the scope in a way that is clearly going to fly in the face of community expectations. It seems like a better way to go. And I guess that's sort of a statement, not a question really.

And then the third point is, unlike Tijani, I actually think that the experts are going to be critically important for the coordinating group and for this process as a whole. I think that there are some very specific expertise that will be needed, and I'm concerned that you set up a situation where you are asking for experts from outside the community to come in, but there is no compensation for those people. And I have spoken with people and other CCs that I've talked with, and have the same experience of -- you know, of outside experts saying, sorry, why am I going to do this for free? So those are my three questions.

Theresa Swinehart: Thanks, Becky. So, just to be very clear, this is purely an informational call, as I said at the beginning, we are still in the public comment period, and at the end of the public comment period, obviously, we'll look at those comments put in, and look at what's being provided as input. So this is purely an informational call. Just to be clear on that.

Thank you, for your observation on the second point; and on the experts overall the -- what they looked at is compensation in the sense of travel, and obviously reimbursement for those kinds of expenses. If there's compensation for the actual time, that's really left to the judgment of the group that is selecting the experts overall, so I really can't predetermine that. And if there compensation it would obviously need to occur in a transparent manner. But right now we are just looking at the travel expenses and compensating for that.

Becky Burr: Could I just follow up on that, Theresa?

Theresa Swinehart: Sure. Mm-hmm.

Becky Burr: That's extremely interesting to know. I think that the public statement about the experts say that there will be no compensation other than travel, and if indeed, you know, the group of four is free to consider compensation, it would be very useful to have that information available.

Theresa Swinehart: But my understanding is that their view is, is that this should be voluntary, so it would be an exception to that situation, and I certainly can't -- I can't speak on their behalf with regards to that.

Grace Abuhamad: We have a question from Matthew Shears. I'll read it for you, Theresa. The question is, "How are those who have identified themselves as 'other' selected to be part of the Coordination Group?"

Theresa Swinehart: Matthew, that's actually a good question, and I hope you put that into the public comment period, along with any suggestions on how there may be a selection for that, or what mechanisms may be used, if you have any suggestions. How would you see it working?

Grace Abuhamad: Matthew's audio isn't working.

Theresa Swinehart: Oh. I'm sorry. Okay. I think that's a very important point, and I hope it goes into the public comment, with suggestions on how to solve for that.

Grace Abuhamad: I have a question from Robin Gross as well, and then I'll go check the floor. So Robin's question, "When will the communities receive answers to the questions for clarifications which we gathered from our members and sent to staff?"

Theresa Swinehart: I think I had responded to that earlier, to Chuck's point. First of all the questions have been posted, and there are also links to the information around this 21-day public comment period, and we anticipated to be able to respond within the next few days, and well before the comment period ends.

Grace Abuhamad: All right. Chuck, Chuck Gomes, you have the floor.

Chuck Gomes: Thanks again. I'd like to respond to the third question in Adobe. "How would you like to see the Cross Community Group to work?" Well, I guess, first of all a general comment and then some more specific responses there. Generally I'd like to see it work using existing and tested community processes rather than a new process. And frankly I think the rationale given that we need to involve others outside of the ICANN Community in this is really weak. The existing processes do allow for that, very openly and transparently.

Then I'd like to say that I'd really like to see the whole process, not just the Cross Community Group, work in a way consistent with the public comments that were already submitted and summarized regarding the staff proposed process. And just to give you some examples, from just the written public comment period, and that was reinforced by comments in London, there were multiple people and organizations who said that ICANN should not manage the discussion process. There were about 1 out of 6 of the 49 comments who said that the Board should not control or limit the scope of the process.

There were 14% who said that the community should select the experts. There were almost 1 out of 10 who said that ICANN is conflicted and that that should be dealt with. And there were almost 1 out of 5 who said that ICANN accountability must be guaranteed before the IANA transition. So that's my response to question number three. And it's -- I guess really more in response to the whole process, not just the Cross Community Working Group. Thank you.

Theresa Swinehart: Chuck, thank you. And thanks for that (inaudible), and I hope -- you know, again, we are in a 21-day comment period so I hope you provide those comments. And as you know, we also received a lot of other comments. So really trying to consolidate all the ranges of inputs that we've received, and obviously looking forward to receiving the input during the comment cycle that's occurring right now.

Chuck Gomes: Theresa, can I -- This is Chuck. Can I respond to that?

Theresa Swinehart: Sure.

Chuck Gomes: Thank you. Well, there will be comments submitted during this comment period, but I called out things that were ignored in the first comment period, and there were only 3% of the comments in the first comment period that actually supported the ICANN process. So I understand we have another comment period, but when comments that have already been submitted have been ignored, it doesn't generate a lot of confidence in terms of the new comment period. I take it you didn't like the comments -- and I'm not speaking to you personally -- didn't like the comments in the first period, so you are hoping to get more supportive comments this period. So it doesn't make a lot of sense to me to just do another comment period, when significant portions of the comments in the first comment were ignored.

You don't need to necessarily need to respond to that because it wasn't directed at you personally. So, thank you.

Theresa Swinehart: Okay. Chuck, thank you. I think there have been a lot of comments received; there were a lot of adjustments made to the proposed process from the beginning of what was posted on the 6th of May. Also including the dialogues with SO and AC leadership in the conversations in August. And in looking at the input, really trying to balance against the wide range of comments and interests that are received; as you know, a large percentage of the comments that were received in the May through the June public comment period, were actually very much focused on substantive issues and substantive proposals around accountability overall.

So we are trying to really accommodate and take the input in relation to the process that have evolved, and obviously since the May timeframe, to meet the needs of a wide range of interests and parties that have provided their feedbacks. And so we look forward to getting the comments in this last cycle here that we are in.

Grace Abuhamad: Thank you, Theresa. Any other comments on the line? The queue is open, anyone who wants to join or speak, answer any of the questions?

Theresa Swinehart: Maybe I'll just add in, we certainly look forward to reaching solidification on the process, and as I think everybody is aware, moving forward on the substantive discussion, including some of the excellent proposals that were put in, and suggested topics in relation to the scope of this discussion is a very, very important next step, and look forward with the community and obviously everybody here to moving into that phase, once we are done with the public comment period for this phase of the process.

So thanks, everybody, for participating, and hope this was useful. And for those that will be in Los Angeles; very much look forward to seeing you there, and otherwise, seeing you online.

Grace Abuhamad: Thank --