ICANN

Moderator: Brenda Brewer
July 13, 2015
9:00 am CT

Leon Sanchez: Welcome, everyone, to this Work Party 3 meeting Number 4 on the 13th of

July, 2015. And we will go through the roll call as usual with those attending

the call through the Adobe Connect room. And I would like to call for anyone

that is not in the Adobe Connect room but is in fact on the phone bridge to

state your name. Is there anyone in the phone bridge that is not in the Adobe

Connect room?

Cheryl Langdon-Orr: I'm not sure that I'm fully in yet but I'm on my way. It's Cheryl.

Leon Sanchez: Thank you very much, Cheryl. Anyone else on the phone bridge that is not

already in way to the Adobe Connect room? Okay, so with that I'd like to go

through our next agenda item which is the repeat of the SO and AC

accountability draft paper.

As we agreed on our last call we circulated links to the Google doc version of

each draft document that we have to produce. And there was some changes in

these SO and AC accountability draft paper. There were no changes at all in

the (unintelligible) draft. And Sebastian Bachollet set up the review on

diversity document.

And we also circulated the Google doc link for that document so we could review and (add our input) to it. So I'd like to have staff please display the SO and AC accountability draft document so that anyone can see it in their screen at this point.

The main changes to this document were provided by Jan who is also in the call with us. And I think we still have missed a couple that would be included in our - in our draft document. And I would like to please ask those who are not speaking to mute their lines, we have a little bit of noise in the background for someone who hasn't mute their mic so thank you very much for muting your lines if you're not speaking.

I see also - also you have problems listening to me. Is that better? Can you hear me well now?

Cheryl Langdon-Orr: Yeah.

Leon Sanchez: Okay, thanks. So I see that (some was) added from the diversity doc and we will be (unintelligible) in short. So what we have in our last call was of course this draft (unintelligible) accountability. As I said, many of - or (these was) received by Jan was - have been already incorporated to this document. The bottom line is that we have added of course the operational (unintelligible) various SOs and ACs as part of the documents that have been reviewed in this exercise of inventorying the different mechanisms that are already in place and taking care of SO and AC accountability.

And we also added some new language to the proposals being made as (the recommendation of this) subgroup. And we would be suggesting to amend our (tourist deeds of this) document to include in our next proposal the

commitment to have each SO and AC perform a complete review or their existing accountability mechanisms as part of the (work) to be implemented after (they system) takes place.

And one of the concerns I've heard with regards to the suggested is that we need to find a (way to) perform this review (in order to) perform it in an efficient way so that there is no place for having each SO and AC perform this review and just saying okay (we performed this review we are a cap) good news for everyone.

So here I'd like to open the floor for comments on how we (can do these) and how we could build a better document in this sense. So I see Jan could you please take the floor?

Jan Scholte: Yes, Leon. Thank you. I just wanted to check. I sent a supplementary note this morning, was that received? It doesn't look on my own computer like maybe it sent.

Leon Sanchez: It has been received signals or points to a couple of comments made by Mathieu that (have) so far been incorporated to this draft document. And I will make sure they are included in the next version of this document so we can review it later today and have a final version of this document so we can deliver tomorrow (at the large) group.

Jan Scholte: Okay. The comments that I had on the SO AC review of their accountability was just a question and it's a political judgment as much as anything else. Are we confident, are we - that doing the SO AC review of their accountability procedures and rules and so on that doing that in Work Stream 2 and deferring it entirely to Work Stream 2 will be okay in terms of getting the IANA transition approved by (senate) others?

If they feel confident that that's going to be okay then it can be Work Stream 2 and we can rest easy for the minute. But if there might be concerns that that could be a stumbling block to get the transition itself approved then maybe one has to think shorter term. I don't have a judgment on it, I'm just raising the question.

Leon Sanchez: Thank you very much. I think if I understood your question was I think that most of the work that we need to do with regards to SO and AC accountability and staff accountability and diversity will be done in Work Stream 2 not only as a matter of time with regards to the work that we need to deliver for this transition to take place but also having in mind that those mechanisms or those measures that we are envisioning as part of Work Stream 1 would ensure that this task could be carried out as part of Work Stream 2 work.

So I think this is something that, of course, needs to be discussed as a larger group, it's not sufficient that we could be doing in this working party nor in any of the sub groups. But I think that once we come with our final document to be reviewed by the larger cross community working group then the cross community working group would be in that position to in fact decide whether we want to address these issues as part of Work Stream 2 or point to those issues that makes the (course) as part of Work Stream 1 work.

I don't know if that answers your question, Jan. Next on the floor I see Athina Fragkouli. Athina, could you please take the floor?

Athina Fragkouli: Yes. Thank you very much. I would like also to address Jan's concern as they have been described in his email. I think it is important before we start jumping into drawing conclusions and trying to find solutions with regards to the accountability of SOs and ACs we should also understand their roles. It

would be misleading to have like comparable tools and comparable procedures for SOs and ACs as we are now building for ICANN.

Because we are talking about different things. When it comes to ASO, which Jan brought as an example, ASO has a very - a very bottom up process which is documented and transparent and so on. And its role is not a policymaking - or is not a policymaking mechanism. The policymaking floor is elsewhere, it's with the community. And the ASO is primarily the (channel) that provides the community's will to ICANN.

So this is also something we should be very careful. We can certainly provide an analysis and explain how SOs and ACs work but it would be - which would be very difficult in us trying to draw parallels with what we now build with ICANN. We are talking about different roles, different needs and different procedures. Thank you.

Leon Sanchez: Thank you very much, Athina. Do we have any other comments in the floor for - with regards to this draft paper? I see Carlos (Rohan) is pointing in (chapters) that he wouldn't mind leaving it to Work Stream 2 as long as we set some targets in terms of (constance) or specific reviews like for example the concerns with process delegates to the (unintelligible), etcetera. And I see that Izumi is agreeing with Athina and also think that this can be discussed in Work Stream 2.

And, yes, just to reminder that the output for this working party is not to have an exhaustive or an (extended) work on addressing these emerging issues but rather have this representation so we can of course take care of the issues as part of our Work Stream 2 agenda. And only set those points that are in fact part of Work Stream 1 as signaled in our work.

And I see Avri's hand is up. Avri, could you please take the floor?

Avri Doria: Hi, thanks. Avri speaking. I agree that most of the work can be pushed off to Work Stream 2. But that I think is important and it is that we accept that there is a notion of AC SO accountability that needs to be dealt with at a wider level and that while all of us are bottom up or at least declare ourselves to be and probably are, it also, as in any system, needs some sort of review and some sort of ability to go beyond that to fix things.

I think also as we're looking at our models and we're looking at models that change the authority of members and boards with regard to most things that we need to be careful that we don't in, for example, becoming members that can overrule the board in many cases that, A, we have established our accountability in a very transparent way and that becomes much more critical because there becomes - we go into a situation where there is no external appeal to AC SO actions.

And so there are some issues that I think need to be dealt with in WS1 especially if we become members because if we become members then we need for there to be an appeal against our authority as a group and that has to rest on our accountability.

If we're staying closer to current designator models then that pressure is a little lower because we still have a board that has a certain ability to review and recommend changes to ACs, SOs in terms of their own accountability and such. And the board and mechanisms then serve as an appeals mechanism to AC SO actions. But as I say, if we become a member organization I'm very confused about how the board can be an appeals location for AC SO accountability issues. Thanks.

Leon Sanchez: Thank you very much, Avri. This is a very good point. And I think that we should at least signal in our paper that this work would be dependable of course on whether we choose to go with one - just one of the (discussed) models or another. And I think this should be clear in the feedback we provide to the larger group.

And I see next in the queue I have Greg Shatan. Greg, could you please take the floor?

Greg Shatan: Thank you, Leon. Greg Shatan for the record. I'm not sure I agree entirely with Avri on the dichotomy between the member - or a member type model and the designator or other models in terms of the pressure on us for SO AC accountability. I think that any of these models need to be properly designed so that the - if there is a member it speaks only for the SO that breathes life into it.

If the concern is not that rather that under the member model we're giving each SO and AC more power and with greater power comes greater responsibility and accountability and transparency then I actually tend to, you know, perhaps agree more with Avri but I think any of these enhanced accountability structures I think by definition are attempting to give more power and oversight responsibility to the SOs and ACs individually and collectively - primarily collectively and therefore there is an enhanced accountability kind of a 360 problem here if we're only looking at the accountability that we're going to wield and not at the accountability that we're going to take.

But we run into severe time issues among other things if we think we're going to solve major accountability problems in Work Stream 1. I think that the best we can do or the right thing to do, rather, is a high level statement that kind of

puts in a marker for what's going to be done in Work Stream 2 in this regard. And even there, you know, there are going to be issues, for instance, you know, the geographic diversity is a nice thing and an important thing in many ways but we have organizations that aren't organized geographically and that draw from different subgroups. And in those groups geography is a more difficult issue.

But I think, you know, my bottom line is that I think we need to, you know, have a good high level statement and not think that we're actually going to undertake some major accountability C-change in Work Stream 1 that'll be implemented as part of this work stream. Thanks.

Leon Sanchez: Thank you very much, Greg. Next in the queue I have Alan Greenberg. Alan, could you please take the floor?

Alan Greenberg: Thank you very much. It's Alan Greenberg speaking. I think we're ignoring a rather major part of AC SO accountability. We're talking about AC SO accountability to their own communities. And we've also heard mentioned accountability to the larger community outside of ICANN. But there's another issue that I think is absolutely crucial, it's often referred to as capture within ICANN. And capture doesn't mean that one single group wields all the power, it means you get - you have an imbalance.

When Fadi took over for a very brief period of time we used the expression multi-equal stakeholder. Out of vogue now because it's quite apparent we're not equal. And some stakeholders have access to resources, be it money or other types of resources, and are in a position to wield more power because of them.

You know, I can throw brick brass at the next speaker saying those who regularly speak before Congress implicitly have more power in some circles than others do. You know, this is not necessarily a nefarious power, it's simply a statement of fact.

And I think we have to make sure that whatever model we come up with is going to allow the very stakeholders who exercise their own level of control. If we have a situation where large numbers of the stakeholders opt out for whatever reasons we are implicitly giving control to the rest, the few who are - potentially few who are left. Thank you.

Leon Sanchez: Thank you very much, Alan. Next in the queue I have - Steve DelBianco. Steve, I see that your (unintelligible) and then up again so I would be...

((Crosstalk))

Leon Sanchez: You'll wait until the end. Okay.

Steve DelBianco: I'll wait until the end...

((Crosstalk))

Leon Sanchez: Excellent, no problem. So next in the queue I have Kavouss. Kavouss, could you please take the floor?

Kavouss Arasteh: Thank you. I am a little bit lost. The issue is that we are talking of many things at the same time. And we are not talking of the priority. If we are talking of accountability of SO and AC with respect to their own constituency that is another issue and does not have the priority.

The priority was ICANN accountability, not second category of priority means that accountability of say - let us say GNSO with respect to the community of GNSO. This is important but we do not have time to deal with this issue now. We should push it for the next step, Work Stream 2. And we should deal with the issue which is important and we have to see which model we take.

And I see that in that people are still pushing for a single model and talking that more power, more responsibility, more authority, yes, more power, more authority within the practicable manner. And we should not push a specific area. We should have something which satisfy everybody. I don't think there is still the go back to 24th of April and pushing on single matter.

So I suggest that accountability of SO and AC within their own constituency is not a priority issue to discuss it now with respect to the divergence it is very, very difficult to take all of these divergence, religious, race, gender and so on so forth, two important issue in the divergence is that one is the competency and the other is regional. That is all. The remaining we cannot.

If you find a lady or two ladies which are competent we should not go to the gender balance saying no we take one lady and we take one not. So we should go to the competency and go to the regional distribution whereas we still do not have a proper balance region. But we should not go to all of those, religious, race, language, political, this is too far I think. We have just four or five days to come to some sort of agreement. Is it possible to (unintelligible) some of this issue in a more workable manner? Thank you.

Leon Sanchez: Thank you very much, Kavouss. And, yes, you are right that we have very little time and that is why we are mostly proposing that we take care of these issues as part of Work Stream 2 because we are aware that we need to

prioritize our work as you well stated. And if you go through the different documents most of the accommodations point to declaring this work to Work Stream 2 and only take care of those issues that might be related to Work Stream 1 as part of Work Stream 1. So I think that we are on the same page here and we would be of course trying to push as many issues as possible to Work Stream 2 as we feel that those mechanisms that we will be keeping in Work Stream 1 would (unintelligible) that we would be addressing this issue in Work Stream 2.

So next in the queue I have Carlos (unintelligible) . Carlos, could you please take the floor? Carlos, might you be on mute? We are not able to listen to you.

Carlos Raul: Excuse me?

Leon Sanchez: No, I said Carlos, not Kavouss.

Kavouss Arasteh: Okay, sorry. I lowered hand.

Leon Sanchez: Yes, thank you Kavouss. Carlos, are you having problems with your mic maybe? Because I see that your hand is up and I have given you the floor but we are not being able to listen to you. Okay so he's having some issues with his mic. So next in the queue I have Steve DelBianco. Steve, could you please take the floor?

Steve DelBianco: Thank you, Leon. Whether or not you decide to tackle some of this in Work Stream 1 or 2 the Stress Test Work Party has been (unintelligible) a stress test recommended by Secretary Strickling in the letter that he sent to the CCWG in June. So if Alice could display that I wanted to show you a Stress Test Work Party draft stress test on internal capture. Alice, is there any way to rotate that or do we need to rotate it ourselves? Thank you.

So this is a draft, and it's even incomplete, and Cheryl Langdon-Orr and I and the rest will be discussing it on our call this Wednesday. But I wanted to show you that whether you tackle it in 1 or 2 we are going to have a stress test in our next draft because it was requested specifically by a few public commenters and by Larry Strickling. And it gets to the notion of internal capture which Alan Greenberg brought up.

I wanted to identify this of the measures available both in existing and proposed the first two are the same. The first two say that the bylaws do require periodic reviews. And I did see that in your paper. And the second is that an AC and SO can revise their own charters if and when they want to if they believe they need to do something to prevent a single group from being over-represented or from dominating the discussions of their internal working groups from changing and stacking the officer elections or voting on a decision.

But I do note that if you've been captured by a sizeable majority of people that are slanting your results you may not be able to get your new charter approved if the new charter compromises the power of those who captured you. So that's a caveat there.

The third paragraph says that if in fact let's say a captured AC and SO, GNSO was captured by, let's say, a registrar, and - or contract party - and it sent advice to the board it's not even clear how other members of the GNSO could challenge a board decision to follow the policy - not even clear how that would work.

On the other hand, in our new proposed accountability measures we've been looking into the revised core values and bylaws to understand whether there's

something in there that would provide the basis for an IRP challenge, a standard of review for an IRP challenge if the board accepted advice from an AC or SO that was captured internally. And the assumption of course is that there would be internal members of that AC or SO who would be the ones challenging a decision to accept that advice.

We don't yet know if there's the right language in there. Work Party 2 just concluded a two-hour call on what the new standards of review would be inside of an IRP so we'll update that before we get to Paris.

So I wanted to make all of you aware that the stress test is under discussion and I will try to incorporate in here anything that you come up with in your discussion. Thank you.

Leon Sanchez: Thank you very much, for this Steve. I think Carlos is back.

Carlos Raul: Yes, I'm sorry, Leon.

((Crosstalk))

Carlos Raul: Thank you very much. I just want to say thank you to Avri and Greg and explain that if we leave something for Work Stream 2 we have to be very specific what we are leaving to them because we have some problems in Work Stream 2 with the checklist as some of you know. And a few issues that I raised they are not accountability, Kavouss, they are just minimum transparency benchmarking ideas. I would (unintelligible) then like that.

We know that each group has a different way of finding consensus, of electing delegates (unintelligible) it would be nice if in some place you can compare

this minimum structural question of the SOs ACs for the time we give them more power. Thank you very much, Leon.

Leon Sanchez: Thank you very much, Carlos. Are there any other comments or reactions to what Carlos just said? I see Jan hand is up. Jan, could you please take the floor?

Jan Scholte: Yeah, no it's just (unintelligible) my notes a review of the existing published explicit stated rules and procedures of the SOs and ACs as far as I can tell. And I haven't been complete at all. But what I have looked at does seem to suggest that there isn't very much accountability language, internal accountability language for the SOs and ACs in any of those. And that does suggest that if that's going to be a serious thing in each of those (unintelligible) review and revision.

Leon Sanchez: Thank you very much. So now I would like to of course urge those who have any input to provide to this draft document to at least refer to the Google doc that we have late. So if you can add your contribution to the document so we can have a finalized version to deliver tomorrow to our larger working group.

As a reminder, we need to deliver final versions of these papers by tomorrow so we can add them to the frozen (unintelligible) that we will be circulating before our meeting in Paris. So we have of course very little time to (unintelligible) this. I think we are mostly covered with the work that's been done but of course we need some refinements to do. And I would kindly ask those who have provided their input in this call to go directly to each of the documents that provide the wording or the suggestions that we have done in this call directly to the document.

So next I would like to have the paper or the draft paper on staff accountability displayed. So if you could please upload that to the Adobe Connect room? This draft paper has been untouched since our last call. And that kind of raises a concern to me since we have very little volunteers for this subgroup. And the draft that's been produced so far does provide some guiJance or does incorporate some comments from for example Matthew made some comments with regards to staff accountability.

And they are already reflected in this paper. But I feel that maybe we might be missing something with regard to the staff accountability. And for example one of the comments that I have received is that we already have some mechanisms or some provisions in our bylaws but these are provisions or mechanisms that are not being followed.

So maybe one of the suggestions that we would be making I feel that this might be being addressed with (unintelligible) is that I (unintelligible) minion here calling for his daddy. I have kids that are already on vacation so I do apologize for the background noise.

And so as I was suggesting, one of the comments is that we should be sure on implementing some kind of measures that would enable us to not only have these provisions in our bylaws or elsewhere but also making sure that they are followed in a proper way so we wouldn't be duplicating mechanisms or efforts and just having them not being followed in the future again.

So I would like to open the floor now for comments or suggestions with regards to these draft papers that, as I said, have been reviewed in our last call and have remained (unintelligible). So any comments are welcome.

Okay so I don't see anyone wanting to comment on staff accountability. Are we sure that this could be our final version of the document? I mean, it's a little bit concerning that one of the main issues that has been raised through our work in the CCWG is with regards to staff accountability and so far we have had very little comments on this emerging issue so I would really encourage all that have submitted comments on the (unintelligible) to voice them now as soon as possible.

And I see Alan Greenberg's hand is up. Alan, could you please take the floor?

Alan Greenberg: Thank you, Leon. I'm certainly a person who's been exceedingly vocal on staff accountability. I think we have some major problems. I think we've identified them over the years a number of times. The concept that ATRT referred to at least in its discussions I don't think it made its way into the final paper but I may be wrong - is that ICANN should have a culture of openness and transparency and that implies accountability because you know who made what decision and why they made it.

That doesn't happen today in many cases. And it's not clear how it is going to happen. There are a number of ATRT recommendations that - ATRT 2 recommendations that in my mind should, you know, we should have started working on immediately because they're (essential) for this. And as far as I can tell there's been no effort on it. So it is an issue; unfortunately this has come up very late in our group and many of us who are passionate about it are just too over-committed.

I can promise you to revise - come up with comments to this paper but it's not going to happen in the next two days. So I'm not quite sure where to go with this. I think it is a problem. I think it's a problem that ICANN has

systemically ignored for a long time. And I believe it needs to be addressed. But the mechanism for doing that I'm at a loss. Thank you.

Leon Sanchez: Thank you very much, Alan. Next in the queue I have Greg Shatan. Greg, could you please take the floor?

Greg Shatan: Thank you, Leon. Greg Shatan. I echo a lot of what Alan said. And as we began this CCWG a number of months ago I thought that we would deal with this issue much earlier. We got fixated on board accountability and perhaps on board accountability as an instrument to bend the board to hold the staff accountable but haven't really dealt with staff accountability per se.

And I think a lot of the times the complaints or concerns that I hear are around actions of the staff at least as much if not quite a bit more as actions of the board. And I guess I should say I'm referring primarily to kind of senior staff, executive staff. I'm not referring to policy staff. I'm not saying that just because they're on this call but I'm saying it because I think that's actually a fundamental distinction to be made in most cases.

So - but I think that there are cases - and some have worked for and some have worked against issues that I have a position on or a concern about. But overall there's a bigger issue of, you know, how the staff - how the senior staff is held accountable and, you know, whether it is - whether there's anything we can do about it in a sense other than indirectly and through kind of rulemaking because the - it is for better or worse the job of the board and the - to supervise the most senior staff - to provide may not be quite the right word - and then so on down the line.

But nonetheless this is one of our relatively few opportunities in the history of ICANN to sit and say something meaningful about the accountability of ICANN's staff to just about anybody. Thanks.

Leon Sanchez: Thank you very much, Greg. Next in the queue I have Avri. Avri, could you please take the floor?

Avri Doria: Thank you. Avri speaking. Yeah, having read through this and not having made any edits on it by and large when I look at the original comments that - or part of it that's driving this is that education and audit is critical. And I would agree with that.

The other part is sort of the transparency that an issue - it's hard to audit that which you cannot see. So - and educating staff members from new senior staff on down to the fact that they're living within a multi-stakeholder model and what that means is something that I think we often see the issue come out in in that it takes people time. It even took the president time to figure out what it means to be a staff member in a multi-stakeholder organization like ICANN so that education part. And while it was mentioned in a comment it doesn't flow through in the recommendations.

I think in terms of the ATRT is one of the places where more work can be done. And it's not true that we didn't touch anything to do with staff accountability, we did touch on the problem of we really don't know what's going on in the staff; that it is too opaque; that we don't even know if whistleblowers can blow their whistles and safety - and it shouldn't even be a whistleblower, it should be, hey, guys there's this problem and it comes out and it's publicly known so without any threat.

So, you know, it's not that we didn't touch it, it's that we touched it very tentatively and at the edge. So I think in terms of our ongoing recommendations is we can make a recommendation that says it is very important, it needs greater care, it needs education, audit and transparency. And then put, as Carlos said earlier on I think a different topic or maybe it was this one, and then, you know, refer to Work Stream 2 and to the ATRT in terms of, you know, Work Stream 2 dealing with all the details that fall out of this and the ATRT making sure to include this kind of accountability issue in its work.

And so taking that kind of, you know, approach to it I think can answer the Work Stream 1 question of its important and we've got to do something but it also answers the question of once we start digging into this we may find we have an ocean in our hands. And so, you know, moving that longer part of the job over to Work Stream 2 and ATRT to follow. Thanks.

Leon Sanchez: Thank you very much, Avri. (Unintelligible) and I think that - it might be partially reflected on Suggestion B of this draft paper. And next in the queue I have Kavouss. Kavouss, could you please take the floor?

Kavouss Arasteh: Yes, Leon. From the very beginning I have difficulty with direct reference to staff accountability. We breaking it a hierarchical approach in any organization including ICANN. We could not held responsible a particular staff with respect to the community. The staff are held responsible to their hierarchy and their hierarchy responsible to the CEO. That is the maximum that we can do.

I don't think that we could discharge the CEO from its responsibility and going directly to the staff and saying that you have not acted in accorJance with bylaw or in accorJance with the ATRT or in accorJance with other

provisions such as the Affirmation of Commitment. The responsible person is CEO or if you want to have CEO and Board of ICANN and not staff - staff are indirectly responsible but not directly.

If you go that path we exclude any responsibility of the CEO and the ICANN board saying that you have gone to this staff, you held (unintelligible) responsible so that is (unintelligible) anymore. So I think we breaking the rules. I don't understand this micromanagement of what we are doing CCWG going to the lowest level of the management and holding a simple staff accountable to the community for getting his boss or his hierarchy or his higher authorities including CEO and ICANN Board.

Accountability remains with ICANN Board and accountability remains with the CEO. And the staff are accountable to the CEO and to the ICANN Board and nothing else. Thank you.

Leon Sanchez: Thank you very much, Kavouss. And I think that - there are some comments in the chat box that actually referred to what you just said as, for example, the (unintelligible) pointing to the same issue. And I don't think that is the intent of this working group or this working party to go into this micromanaging of the staff but rather to provide high level recommendations that should be taken into account as part of Work Stream 2.

And of course that (unintelligible) the signal in the conclusions of these draft documents it would be recommending that in this case it should be clarified I think that for example maybe the CEO would or should need to build this document as part of the Work Stream 2 work.

And but I think that we can definitely recommend staff would need to create like for example the (unintelligible) criteria, the continuous education and

audit program for staff that of course would be I think led by the CEO itself but not by the larger community.

So, yes, I think that what you just said is in line with what we think the output could be or should be from this working group. Next in the queue I have Alan Greenberg. Alan, please take the floor.

Alan Greenberg: Thank you very much. Alan Greenberg speaking. I think we've fallen into the one of the multiple traps of the English language. The term "staff" has multiple meanings among them can refer to individual staff members or the composite staff, you know, the whole group. Certainly in my mind we're talking about the latter definition here, it's the overall group. We're not talking about volunteers having, you know, whips to get the staff in shape or to, you know, to fire them to dock them pay. That's not the issue.

The issue is accountability of the overall staff mechanism. And of course it is through the CEO and through the board that has to be affected. But it's an area where, right now, in many cases the transparency stops completely. So we're not talking about individual staff members but the staff as an overall group that needs to be accountable to the community through the reporting mechanisms that exist. So I don't think we're differing on this but I think we need to make sure that we all have the same definitions of the words we're using. Thank you.

Leon Sanchez: Thank you very much, Alan. Next in the queue I have Greg Shatan. Greg.

Greg Shatan: Thanks, Leon. I do think there is some difference between what some people are saying and what other people are saying. I'll come down on the side of those who say that we should be looking at staff accountability and by staff I'm thinking primarily, as I said before, senior staff.

And I think really what I'd like to suggest is looking at this a different way which is when we have concerns about holding ICANN accountability, when we have concerns about actions that ICANN has taken that appear for which accountability is an issue for - where concerns have been raised, you know, how many times are those actions of the board? How many times are those actions of the staff?

And how does that relate to our ratio of time spent discussing board accountability versus staff accountability? I think they're out of whack. I don't think anybody is suggesting micromanagement except for those people who would suggest that we don't take any action. But the people are suggesting that we take a look at staff accountability or we haven't exactly suggested what we are suggesting but I've seen a couple of notes - Robin had a couple of notes there about what we're thinking about and, you know, transparency and other things.

And certainly the types of accountability measures that we're talking about with staff wouldn't be the same as they are with the board and maybe that's the kind of micromanagement. I don't think we're talking about a situation where the stakeholders should be able to get together and fire a particular staff member because they say so.

But, you know, that's not even what we're suggesting with regard to the board; we're suggesting that, you know, in regard to a particular board member. It would only be the group that put that board member up that could take that board member out. So clearly none of us are hiring any particular member of staff so that power is kind of anapest to think that we're going down that route.

But I think that the issue of holding the staff accountable and the issue of how the staff should be acting in a more transparent and accountable fashion is very much within our purview. I went back and looked at the contract - at the charter, there's nothing that tells we have to look at this only on a top down way or only look at it in a traditional kind of corporate way.

And, you know, ICANN is not a traditional corporation and it is a governance ecosystem. The roles of stakeholders are not the same as the roles of shareholders or customers in other organizations. They have some similarities but we're more unique than we are similar and I think that the staff is in many ways where a lot of stuff happens for good or for ill. And looking at this only as a - something we can deal with indirectly I think is missing a fundamental point. Whether it's a Work Stream 1 point, that's a different question. But it is definitely within our larger mandate. Thank you.

Leon Sanchez: Thank you very much, Greg. I see Kavouss hand is up. Kavouss, could you please take the floor?

Kavouss Arasteh: That's me? Can I talk?

Leon Sanchez: Yes, you may.

((Crosstalk))

Kavouss Arasteh: Yeah. Leon, I'm happy that we are now closing to each other. The last statement from Greg is more or less emerging situations or converging the situation. And Alan was quite right. What we could say we could say that in discussing or examining the ICANN accountability the issue of the staff accountability individually or collectively to the CEO and to the ICANN Board was discussed.

And it was felt important that this sort of accountability, once again I mention to the management or hierarchy needs to be ensured. But the important is not we mention that, important we find ways and means how to control that. So we have to find the ways and means how if this accountability collectively or individually to the hierarchy is not ensured how we could check that it is not ensured and if it is proved to us that is not ensured what we can do.

This is important. Important is not to highlight and to identify the problem, important is to propose a solution for the problem, to resolve the matter. And supposed that we identify (unintelligible) and why have not discharge their responsibility and that is not end of the story. We have to remedy that. We have to correct that.

How we correct that? So perhaps we should do this one. Highlight the importance of collective or individual responsibility and accountability of staff to the hierarchy and find ways and means how to identify that if it is not ensured and how to remedy that. This is the question for me important which considerably contributes to overall accountability of ICANN. Thank you.

Leon Sanchez: Thank you very much, Kavouss. These are very valid and useful comments. And I think that (unintelligible) we are beginning to converge in many points. And that is - I like the solution about making sure that accountability of staff is being carried out by the CEO or senior staff. And if it doesn't then we as the community could be in fact triggering some kind of mechanism just to make sure that this accountability is in fact being carried out properly.

So with this I would like to once more encourage those who have provided input in this call to please reflect this input in the draft document. We all have the Google doc link to the document. So if we want to accomplish our mission

by tomorrow, which is to deliver this document for (unintelligible) document reading list I would definitely encourage everyone to provide their input directly into the document so we can have a final version later today and have this reviewed in our call tomorrow.

So now I would like to jump into the next agenda item which is a review (unintelligible) draft paper. And here I see that - or at least I think that I already heard a couple of comments from Kavouss and I would appreciate that once we have the documents on our screen Kavouss could again tell us his thoughts on diversity. And now I would like to ask staff to place the document on our screen.

So this draft that we now have in our screen was the advice of Sebastian Bachollet. And it deals with or tries to address the issue on diversity that was raised through the public comments. And (unintelligible) enable scrolling to all that would be most useful.

And while the structure of this document is - I see that - okay, yes, scrolling is enabled. Thank you. And the structure of this document is pretty much the same as the previous draft document. And it refers to issues like, for example, how we would address diversity in the new mechanisms that we are creating, for example, the IRP or the community council.

There have been some concerns and some comments on that whenever we create a new mechanism we should be looking into the diversity factor as one of the deciding factors to maybe designate the people that will populate those new mechanisms.

So here Sebastian establishes why - what I understand not to be an exhaustive list of criteria to help address diversity but solely a reference list that of course

could be enriched and enlarged with other criteria, but so far we have region, origin, culture, language, gender, age, visibility, (unintelligible). So this would be one first approach, one trying to deal with diversity in the different mechanisms that we are creating now. And as I said, I don't think this is an exhaustive but the draft is just a reference that could be of course enlarged and enriched.

And I see Kavouss' hand is up. Kavouss, could you please take the floor.

Kavouss Arasteh: Yes perhaps when I commented, I was a little bit not following the discussions. I think you're referring to diversity, am I right?

León Sanchez: Yes we are...

((Crosstalk))

Kavouss Arasteh: All of the elements mentioned in this document is correct, but the problem is how to implement that. If we take the definition, which is very broad and very political, it's mentioned that elements, these can be along the dimension of race, relevant; ethnicity, relevant; gender, relevant; sexual orientation, relevant, and so on. All of them are relevant, but the problem that we cannot implement at.

What we can implement at is something which is practical. The practicality is that taking competence and taking regional distribution. Regional but not going to the political distribution, not going to the language, not going to the race, not going to the religion, not going to the gender and so on and so forth.

As I mentioned it would be completely inappropriate if three persons of the same gender are competent, we eliminate one or two of them because of the

gender balance. It's not appropriate, and we cannot separate ourselves from other activities of other people. They are all around the world dealing with this issue. I have dealt with this issue many, many, many times in various areas.

And we should stop to talk politically and so on and so forth. Something which is not implementable is not implementable. So we should not kill the competency because of the race. We should not because of the language, because of the so on so forth. I think the two elements which could be implemented: one, is regional distribution and diversity, and the other competency. Not one is the first or the second.

But the problem of the regional diversity that currently there is no balance regional distribution. North America is three countries only. I don't think they should be even with countries like Asia Pacific with 75 countries and so on and so forth. Although recently there has been a document released by ICANN, copied by Mathieu to us, that they have not properly or effectively identified the need for the redistribution of the region. But that is something to be done.

So we have to take that one. And I'm sure we could find a solution. We should find a solution as a proper distribution of countries and territories within the region in a more balanced manner and take that as one element. The other element is competency. All other elements are totally valid but is difficult to implement. It's absolutely difficult to implement because we get into the political area, which we would like to escape.

Really we don't want to go to the political area. It's completely difficult going to the language, going to the race, going to the political distributions of the countries and going to the gender. I fully respect the gender balance more than everybody at every meeting, but in this particular, it's difficult for the reason I

have given. Two or three distinguished young lady or ladies are competent. We say no we do like you because we have to have a man, or vice-versa. That is not possible. Thank you.

León Sanchez: Thank you very much, Kavouss. I think that it would be a risk for this group to discard beforehand any of the suggestions of the requirements that are trying to addressing the issue of diversity. So my suggestion would be not to rule out any of the criteria but rather just have as part of our outcome document the different criteria that would be - or that we recommend that should be taken into account.

And of course the final decision on whether which criteria would be (unintelligible) any decision would be left to those bodies needing to appoint people or representatives to conform to different mechanisms. So I think that the safe side to go would be not put that weight on ourselves and have a categorized item (unintelligible) this recommendation on different criteria.

And I see next in the queue I have Greg Shatan. So, Greg, could you please take the floor?

Greg Shatan: Thanks, León. I took a look at this document one more time to make sure that I was correct in my view. I think while there are a number of reasonably good points in this document, I think it is - has a fatal flaw. I think it has a real systemic failure in it that it fails to recognize the issue of diversity of the overall pool of participants in ICANN, and it focuses on diversity as people move into responsibility, leadership or just greater amounts of obligation, which usually come through some combination of nomination and volunteering or being volun-told to do things.

And I think that - my concern here is that this does nothing at all to address the issue of the imbalance in our subpopulation within ICANN. And until you have a different balance in the subpopulation, trying to solve diversity problems while drawing from that pool creates other problems of this - some discrimination. It creates problems of cutting off opportunities for some because they come from someplace that's considered to be over-represented within ICANN.

What this is lacking really is any discussion of outreach and engagement and of enablement and of lowering the barriers for participation in ICANN. If we had diversity in our pool then the discussion of diversity as you populate any particular group would be substantially reduced and the friction around the kind of choices that might be made or the kind of affirmative efforts that might be made would be substantially lower or even disappear.

And so for a document to discuss diversity and to discuss nothing about how to get more people into the tent from underrepresented areas and populations and groups however you want to put them in here, whether it's economic, or geographic, or gender, or ability, disability, is a fundamental failure. And I think that really fails to recognize, you know, what ICANN is. It also fails to recognize how hard some people work regardless of the fact that they may come from an overrepresented area. It kind of belittles their contribution in the sense that they're somehow getting there because they're empowered, they have a silver spoon in their mouth, or something like that.

But what really is important is to consider this from the root, the grasp of the matter by its root, and the root problem is the lack of diversity in the overall pool of people that we have at ICANN in - across all groups. And that is where substantial, substantial efforts need to be made, not further down the line primarily.

We - that's not to ignore, you know, what should be done now but - or could be done now in those areas, but I think that the balance between improving our - the diverse pool that we have versus changing how that pool shows up in our grouping are two different things. I agree there may also be barriers for people who are in the pool to move up and we need to look at how those barriers, so the kind of engagement is multi-level. And bringing people kind of up the ladder is important too, but just, you know, establishing quotas or sectors or seats and solving the problem that way is actually ignoring the problem. Thank you.

León Sanchez: Thank you very much, Greg. Next in the queue I have (Jan Shultan).

Jan Scholte: Yes thank you, León. Two preliminary comments on competence, which has come up, and Greg has already shifted the emphasis a bit in relation to the first of these two points. One is that competence can be in all groups, and so it's a question of looking for and nurturing and engaging that competence rather than take a sit back and wait to see what it delivered at a given ICANN meeting.

I'm sure that there are many talented and competent people in China among the 620 million users of the Internet in China. The fact that they are not actively involved on the whole is not a question about a lack of competence, it's about a lack of engagement, a lack of outreach, and a lack of inclusion. So I think that it's not - we're not talking about, you know, taking people who aren't competent. We're talking about finding the people who are competent and making space for their participation.

The second thing about competence is that diversity is part of competence. It's not in opposition. Competence on the one side, diversity on the other side. It's

you bring a lot of competence because of the diversity that you have, so low income people can people - a lot of things that people of higher income cannot simply know simply because of the life that they lead. And people of color and people of gender can bring competence, and that comes with the context in the position that they hold.

So again, diversity is not an antithesis of competence, it's part of it. Anyway, those are just two general things to get off my chest. But as for the other points on the paper itself, I (unintelligible) because he has written as a first draft by himself and he's taken - put the effort into it and we should of course make changes to it, but we should also thank him for the work that he's done. And he's not here to participate I guess.

One thing I thought the problem statement is at the moment three pages and it takes up three pages of the six. That seems a bit long perhaps for our purposes. When it comes to the end about the specific recommendations, there isn't a specific recommendation about bringing diversity to the community empowerment mechanism and diversity to the independent review panel. Those are the two institutional mechanisms that are being created now as part of the IANA transition.

Presumably we want to say something as a Work Stream 1 side of another, and on diversity in relation to those specific two bodies. Mathieu also made one specific recommendation in his notes, which I don't see taken up in this draft of (Sebastian). He said that there should be no more than one-third of the representations of any SO or AC in the council or review team or whatever, that no more than one-third of the representation of any AC should come from a single region.

I don't necessarily have - I'm not saying that it's right but I don't see that that proposal has been brought into this draft. Thank you.

León Sanchez: Thank you very much for this (Jan). Next in the queue I have Alan Greenberg. Alan, could you please take the floor?

Alan Greenberg: Thank you very much. We've got a lot of problems here, and they're not going to be simple ones to solve. You know, at one point if you looked at the composition of ICANN bodies, we can presume that all Asia Pacific was composed of Australia and New Zealand, or at least very large parts of it, which certainly is far from the case.

We're trying to have a meritocracy on some level, at the same time having diversity. It doesn't always work given the pool we have, as Greg said. In At Large and ALAC, we are balanced regionally. That doesn't mean we're balanced based on color or language. It certainly doesn't mean we're balanced on skill. We occasionally appoint people who are just the wrong people for any given job because that was the people from that region that one had available as the pool of volunteers to do that.

So I think we have to approach this knowing that we have some really difficult problems and we have to start looking at the source cause to start feeding things into the system to make - solve the problem. It's not an overnight process, but I think we have to acknowledge, among other things, that the pool is not balanced right now. It is far from balanced. And we need to start working to fix that. And it's a multiyear process to try to make any indents into it. Thank you.

León Sanchez: Thank you very much, Alan. Next in the queue I have Kavouss. Kavouss, can you please take the floor?

Kavouss Arasteh: Yes. Once again, León, everybody said, whatever they said, is absolutely valid and relevant. But the problem is how to implement that. We need years to study that. Perhaps what we could do is to list some of those which have - or which could play a greater role such as geographical diversity, competence, and I would have to add that one, and experience, and then we add everything else with the qualification, by saying to the extent possible or practical, then you add whatever you want: gender balance and so on and so forth. That is what we do in every other area that we have to deal with this issue.

What I suggest is not to just talk, to implement. There are areas that we're talking of the gender balance but never at the stage of election or selection. We respect that. There are competent people, gender balance, ladies competent, but politically or alternatively they were not taken into account. So try to put something that you could take into account, talk about geographical diversity, competence and experience on the subject under discussions and, to the extent practicable, then add to that one whatever is possible. Otherwise we're just talking of something that are un-implementable and we could talk.

Today, this is the second call. In a few hours we have the third call, and all capacity, all energy is limited. Let us do it in a more constructive way. I don't think that we could resolve the issue of diversity at this meeting or the next meeting and the next meeting. Thank you.

León Sanchez: Thank you very much, Kavouss. And that will take me now to concentrating on the different suggestions, not to say conclusions, because I don't think that the aim of each of the papers is to arrive to any conclusions but rather than just make suggestions on how to address the different emerging issues in Work Stream 2.

So I would suggest and urge all of the participants of the working group to please have a look at the suggestions being made as ending remarks in each of the documents to see whether we are in agreement that those should be the suggestions we would be making to the larger group so we can discuss them in Paris, and of course if approved by the larger group, then we would be building them into our next draft document for follow-up comments.

And in this sense, we would be calling for your input directly on those document again so we can have at least our final versions for review in our call tomorrow and then we should deliver our output to the larger working group. So if we all agree in doing so, our next step would be to go back to each of the Google Docs, provide our input directly into the document. I would then incorporate all the comments and suggestions that you make directly into the Google document so we can have a consolidated version for our call tomorrow. And with that then we would be able to deliver to the larger group.

So if you agree, we will be closing anything on this preliminary version of the document by tonight midnight UTC. That would be 24:00 UTC today. So we can have also some time to review that input from those of you who go into the document and we can have a finalized version - a consolidated finalized version for our call tomorrow, which is scheduled to happen at 18:00 UTC.

So with that, I would like to hand over the floor to Kavouss, whose hand is up. Kavouss, please take the floor.

Kavouss Arasteh: Yes last comment. In order to be - to respect the balance, not age, not origin, not language, not competency, I am neither competence nor stick with language and so on and so forth, I propose something and I request a note writer to include that.

Concentrate on issues of competency, experience and geographical distribution and list other elements with some qualification such as could extend the possible and practical. I would request the minutes -- not minutes -- the note writer to include that also in the document for your consider. Thank you.

León Sanchez: Thank you very much, Kavouss. And I see a comment from Jeff Neuman that he would propose midnight everywhere in the world as opposed to UTC, and I think that many would support that but since we need to coordinate times, that is why we go with UTC. So the closure of the document for edits and proposals would be midnight UTC today. Then I would be going -- yes 23:59 UTC, as Cheryl Langdon-Orr suggests -- then I would be consolidating the document so we can review the final version in our call tomorrow.

So at this point I'd like to open the floor for any other business. Are there any other business that we should be taking care of in this call at this point? Okay so seeing that there are no other business at this rate, I would like to thank - I think Greg Shatan's hand is up. Greg, could you please take the floor?

Greg Shatan: Thanks. Sorry to interrupt everyone getting back to their real lives but it doesn't seem that we have a choice. Have we, you know, come down to a choice that it's going to be 23:59 UTC and not something later for those of whom, especially that kind of, you know, takes away our evening in terms of the ability to work on comments? It's sometimes harder to do this while dealing with work days. I guess it depends on what the - what's going to happen at 24:00 or 0 that makes 23:59 a good cutoff time.

León Sanchez: Thanks, Greg. I'm quite aware this carries some difficulties. It gives California less hours, it gives Mexico five less hours also, and I mean we all need to deal

with the time issue. As Cheryl pointed in the chat box, there are also those who are a day ahead.

It can be messy but we need to coordinate in some way, so I apologize for some inconvenience that exists that might bring to any of the participants of this working group, but we need to be mindful that we need to coordinate. And the only way that I can think of at this point is to have closure at UTC hours instead of anyone else's time.

Greg Shatan: Of course it's measured in UTC. Why not make it 08:00 UTC instead of 23:59 or 07:00?

León Sanchez: 08:00 UTC. Yes that would be also useful, Greg, but you have to keep in mind that we have 08:00 and we have a call at 18:00. So that would leave very little time for consolidating the document...

((Crosstalk))

Greg Shatan: If we have a 12-hour rule, then maybe it should be 06:00.

León Sanchez: 06:00. Okay that could work, I think. That would work, I think. And that is a good suggestion. So following the 12-hour rule that Greg is bringing up, then I think that 06:00 tomorrow would be the deadline for providing any comments and then we would be reviewing the title function of older versions on our call tomorrow at 18:00. So thanks, Greg, for that 12-hour rule. Avri of course is asking where do we stated that 12-hour rule. Is that another of Greg's rules, she's saying in the chat box.

I think that we've come up to a resolution with this suggestion from Greg, and I appreciate that. So yes, the deadline would be 06:00 for any input, and we will be reviewing the consolidated version in our call tomorrow at 18:00 UTC.

Okay so if there are no - any other business to be raised at this point, I would like to thank everyone for attending this call and urge you again to provide your input directly into the document through the Google Doc link that we have situated. And I would like to call this call adjourned at this point. Thank you very much, everyone.

END