ICANN

Moderator: Brenda Brewer
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2:00 pm CT

Coordinator: The recordings are started.

Leon Sanchez: Thank you very much. Welcome, everyone, to the CCWG on Accountability Meeting Number 64 on October 27, 2015, 19 UTC. And today we have a short agenda. And we will, as usual, be doing the roll call with those attending the AC room. And if there's anyone that is on the phone bridge that is not on the Adobe Connect room could you please state your name at this point?

Avri Doria: This is Avri. I'm only on the phone.

Christopher Wilkinson: Hi, good evening. This is Christopher Wilkinson. Hi. I'm not yet on the Adobe room for some reason the URL is not coming up. But I'm intending to get onto the Adobe room. Thank you.

Leon Sanchez: Thank you very much. So we have Avri and Chris.

Avri Doria: I have bad connectivity, I might not get on it at all.

Leon Sanchez: Good. Thank you, Avri. Thank you, Chris. Anyone else?

Kavouss Arasteh: Kavouss Arasteh is only on audio. I have no Internet connections.

Leon Sanchez: Thank you very much, Kavouss. Noted. Any. Okay so having no one else on the audio bridge a reminder to please fill in your Statement of Interest if you haven't done so. Please feel free to reach anyone on the staff so they can help you with filling your Statement of Interest.

There has been a lot of email exchange in regard to the IGF informal meeting. I will address the situation in the any other business part of our agenda so if you would like to do any kind of bashing to the co-chair you will be able to do so at any other business. And with no further delay I would now turn to my co-chair, Mathieu so he can go to Agenda Item Number 2. Mathieu.

Mathieu Weill: Thank you very much, Leon. And rest assured the whole group is very much looking forward to releasing you from your (unintelligible). And we'll take care of you in any other business. This is Mathieu Weill speaking, by the way. And welcome all to this Call Number 64. And the first one after Dublin.

We have - we had attempted to include in this call an agenda item regarding the update of the discussions that took place in Dublin on the mission, core values and commitments. However, this was tentative because we knew Becky Burr was still traveling, and unfortunately she cannot make it to this meeting so we'll have to postpone this agenda item until she has totally - she's in a position to present it.

So this should be quite a short call. Actually we have only some updates on the steps to - the next steps for our group to provide. Obviously I think all of us are still a bit recovering from a fruitful but exhausting week in Dublin. And but we are - we need to be aware that we need to keep a steady pace on our

work because the deadlines will be approaching fast and we have a lot of work to do. So most of the agenda item Number 3 is to update you on where we are and when we've been making progress with staff on organizing work for the next steps.

And starting with a view on the next step for the chartering organizations. We discussed in Dublin about the timeline and agreed that we would, as at the same time as we launched a public comment submit our recommends to the chartering organizations. And we wanted to review together the paragraphs of our charter, our CCWG charter, regarding chartering organization endorsement so that we are all on the same page for that.

So, Alice, can you show the relevant section of the charter on the AC room please? So for those who are not in the AC room I will shortly read this excerpt from the charter.

This says that, "Regarding SO/AC support for the draft proposal our group is supposed to submit draft proposals and following submission each of the chartering organizations shall, in accordance with their own rules and procedures, review and discuss the draft proposal and decide whether to adopt the recommendations contained in it. The chairs shall notify the co-chairs of the working group of the results of the deliberation as soon as feasible."

Then there's an extra couple of paragraphs about a supplemental draft proposal. "In the event that one or more of the participating SOs or ACs does not adopt one or more of the recommendations contained in the draft proposals the co-chairs of the CCWG Accountability shall be notified accordingly. This notification shall include, at a minimum, the reasons for the lack of support and a suggested alternative that would be acceptable, if any. The CCWG Accountability may, at its discretion, reconsider pasts for public

comments and/or submit to the chartering organization a supplemental draft proposal which takes into account," there's a typo in the charter because it says, "Takes into accounting," but anyway, "takes into account the concerns raised."

"Following submission of the supplemental draft proposals the chartering organizations shall discuss and decide in accordance with its own rules and procedures whether to adopt the recommendations contained in the supplemental draft proposal and the chairs of the chartering organizations shall notify the co-chairs of the results of deliberations as soon as feasible."

So we have six chartering organizations. If we - if you remember our timeline and we are going to submit our draft proposal somewhere at the end of November, and so there will be - there will be - we need to prepare the SOs and ACs for the ability for them to review these proposals and provide feedback in a timeframe that's consistent with the overall public comment so that we may - we will be in a position over the end of the year, the turn of the new year, to assess whether Option Number 1, our draft proposal has been approved by all the chartering organizations; or, whether we need to issue a supplemental draft proposals to the chartering organizations which in turn might lead to an adoption during the month of January with an face to face meeting of the chartering organizations being something that is an option.

It would be only as needed or required by the SOs and ACs. It's important, I think, to remind ourselves that we need to prepare our respective SOs and ACs for that exercise and that starts very soon now. We also - we as co-chairs are being invited at a SO/AC leaders' conference call later this week, I think it is Thursday, to go through this process, explain our timeline and raise awareness about the need for timely responses.

There is nothing in our charter about relevant delays but the - only the mention of "as soon as feasible" so that's going to be one of the challenge that we have to face in the upcoming weeks and months. And with that I'd like to open for any questions, clarifications, comments on this process making sure that everyone had really - had the same understanding about the way the next few weeks are going to take place.

And one thing I should mention because I'm saying Matthew Shears's comment in the chat is that I think the plan would be to organize SO or AC-specific webinars instead of generic webinars. So we would do a GAC webinar with the GAC; a ccNSO webinar with the ccNSO in order to get - I mean, expedite the process or at least facilitate this. And Alan, the AC/SO chair is scheduled for Thursday if I'm not mistaken. And any question on that SO/AC approval process?

Okay I'm seeing no questions so maybe I'll move to my next item and then we'll - if there are further questions on this one as well it's certainly going to be open for discussion. The next - oh I see Steve's hand has been raised so please, Steve.

Steve DelBianco: It's Steve DelBianco, Mathieu. And I only noted that in the chat Arun had put up a question to clarify. Is it possible that a chartering org accept only part of the proposal and not all of it? And what would - why don't we explore for a moment what would that actually result in that the supplemental final might still include the part that the chartering org didn't agree with if, for instance, all of the other chartering orgs did agree with.

And then it would be a supplemental proposal that did include something and that would be put back to the chartering org to reconsider whether it would want to reject or accept with the extra piece in it. So that whole process is one

that could be prolonged if we allow it to be. And I think that's really the impetus for trying to consider that face to face of chartering orgs in January is to try to resolve differences like that. But Arun had a question and I wanted to be sure that you addressed that at some point. Thank you.

Mathieu Weill: Thank you, Steve. So the option - and that's probably going to address Jorge's questions as well. Jorge's questions are whether the options for the chartering organizations are only adopt or not adopt. So it is clear to me that it is - one of the options for the chartering organizations is to indicate which recommendations they will adopt or whether a specific recommendation could not be - would not be acceptable.

And that is very clear in the first sentence of the second - the paragraph on the supplemental draft proposal where there is a clear mention that one or more of the participating SOs and ACs could not adopt one or more of the recommendations. So I expect there could be a response that all recommendations but one are adopted; that one recommendation gets a rejection. So that's probably going to be - that is one of the options for the chartering organization, not only adopt or not adopt as a package but at a more granular recommendation level.

So Jorge, please indicate if that's not answering your question. And, Arun, I suspect that is also addressing yours? Okay thank you, Arun. I think that's a very important point that - which means that our report, at least a summary, should highlight a number of recommendations. Obviously we will make sure to - that it's clear that the recommendations come as a whole and it's not open for nit-picking.

But it is possible that we get some - at least one recommendation or a couple of recommendations not adopted by some SO/ACs and that we have to focus our supplemental draft report on those particular recommendations.

Kavouss Arasteh: Mathieu, sorry, I don't have Adobe connection. May I have a comment?

Mathieu Weill: Of course, Kavouss, please.

Kavouss Arasteh: Good evening to all or good morning, whatever time. I think - I have experience in other organization than ICANN in order to facilitate that reply a table could be provided in columns giving the various SO and AC, in another horizontal column giving the recommendation and they put cross yes or no. That facilitate a revision that we have done it in several other cases and that worked very well instead of having a separate - we have a table indicating cross yes or no Recommendation 1; cross yes or no Recommendation 2 and then SO and AC. That could be organized in the tabular form.

Sorry to come in without having the authorization in the queue but I'm very sorry. I don't have connection tonight. Thank you.

Mathieu Weill: Thank you very much, Kavouss. That's a very useful suggestion. And I see a follow up question from Jorge about the lack of clarity about the sort of non-adoption is totally - I have no idea whether that means that a fully positive decision is required for each of the recommendation or whether not adopt means having a documented objection.

I think we would have to refer to the precedence including the CWG where there apparently has been a case where a chartering organization did not formally endorse the recommendations but at least did not object to them. So I think that's something that we'll need to ensure we have clarity about. But I

think we should avoid - I'm hearing some background noise, if you can mute your mic while not speaking please?

So, Jorge, the point you're raising I think is a good one to try and have clarity on. However, our charter itself, not being very clear4, I expect we will be in a place where we need to refer to existing precedents and probably will have to review that offline after this call.

Anything else? Okay so two action items, one about investigating a little more on this I suspect about positive, negative views and whether abstention is an approval or a lack of rejection. And Kavouss's suggestion to provide a very clear table about the recommendations to the chartering organizations.

So moving on to the next sub-item an update on the process and timeline. If you remember in Dublin we discussed about hiring professional writers to help with our messaging and formalization of the report. And ICANN staff has been very - communications especially and Alice have been very active over the weekend to work at securing resources.

We can confirm that we have a person that maybe some of you know by the name of Susannah Gray who is now on board. And she already has a first proof of concept assignment with - to work with on the budget discussions. This is very much a proof of concept that we are experimenting so you can expect an outcome in the next few days but that's a work in progress obviously.

We have a second resource that is currently being worked at. A couple of things that - I should say a couple of things about Susannah. Alice, can you provide the - Susannah has been working with ICANN already and we had reviewed some existing material that she helped produce about IANA. There's

a very useful booklet that she produced which shows that she has very clear style and ability to discuss - to write about technical and Internet governance things.

I don't know if I can provide the links that are here. I'll put them in the chat because Alice is already - okay excellent. Alice is already taking the notes so - and that's - Susannah's profile.

So the key principles for working with the professional writers is - are going to be according to our discussions in Dublin that we will issue terms of reference for their writing and guiding them with the existing material that we have provided as well as some bullet points about what we think matters in terms of content. And that's going to be under the supervision basically of the work parties.

The deliverables will be - the work parties will have opportunities to review the documents block by block, not as a whole report at the end obviously. And although the turnaround is going to be short because of our timelines there will be this opportunity for review and the approval of the documents will be definitely made in the CCWG and no other place. But we will encourage very strongly to focus on whether the document reflects the choices of our group and not do wordsmithing within the course.

And so that - and we will - we are working right now on a detailed timeline with expected deliverable times so that each of us has a visibility about what part of the reports are expected to be produced at what point.

And so that's the - so that's to highlight the next steps which are a lot about writing. Obviously we have the decision making discussion that will be - that has been initiated by Jordan Carter and will be on the agenda of the Work

Party 1 call on Friday as well as some upcoming discussions on Stress Test 18 after the GAC input - the GAC communiqué that was issued in Dublin.

Bruce Tonkin: Mathieu, its Bruce Tonkin if I can just ask a question?

Mathieu Weill: Yes, please Bruce.

Bruce Tonkin: Are you clear on the audience for the document? Is the audio, for example, the advisory committee councils and supporting organization councils? Is the audience the ICANN community? Or is the audience the general public such as the press and politicians?

Mathieu Weill: Thanks for raising this point, Bruce. The way we're seeing it and we have been discussing this with ICANN communications as well and in the co-chairs rapporteur group and obviously happy to get your inputs, is we'll have a summary of 20 page of our report. And for that part the audience should be people who are not necessarily very familiar with ICANN. It needs to be understand at even the political level as well as for people outside of the ICANN community.

Then we'll have a second part with details regarding each of the recommendations, each of the powers, the IRP enhancements, the request for reconsideration enhancements, etcetera. And these more detailed parts - for these detailed parts the audience - the target audience is going to be much more about the ICANN community, people within the SO and ACs, not only the Council obviously, but the relevant communities.

And so that's the two levels of writing that we are intending to have in the report. Does that answer your question?

Bruce Tonkin: Yeah, I think that's helpful because I think if we're talking the general public we've really got to remove the sort of acronym soup, you know, like the supporting organization and - you know, ALAC, GNSO, CC - so none of those things are understandable to the person on the street or to a politician for that matter. Whereas within the ICANN community, you know, we're pretty well versed in the terminology so I think the audiences are very different.

Mathieu Weill: Thanks, Bruce. I see Cheryl is agreeing on that. And David, I know you raised a point in the chat earlier is there anything else we can clarify on this next steps, David?

David McAuley: Mathieu, thank you very much. I just have a question or maybe it's really a question to confirm. What I understand from your remarks is that you're looking for a second resource meaning a second writer and that the work will be divided between the two writers along the lines of work parties as opposed to one doing a summary and one doing something more detailed. Is that a fair statement?

Mathieu Weill: Yes I think that's a fair statement. Maybe not exactly the line of the work parties but at least - well actually I would withdraw what I said. I guess there will be only one writer for the summary and then the rest will be divided. But I think we need a unity of style for the summary. But that's still very much work in progress so if you have specific recommendations or ideas they're welcome.

David McAuley: No, it sounds feasible to me. And as a member of Work Party 2, if I can help along the way be happy to so thanks very much.

Mathieu Weill: Thanks, David. And I know you've been volunteering and if need be we'll certainly call you out for your help on that. And you'll be certainly put to work

at least reviewing the terms of reference and the content for consistency with our report.

David McAuley: Thank you.

Mathieu Weill: Any other questions on this? So you can expect detailed timeline as well as a first sample of writing on the budget powers in the next couple of days basically, two to three days. And we'll certainly update on that during the next call on next Tuesday.

Okay, so I'm back - back over to you, Leon, for the much anticipated AOB. Have you been released?

Leon Sanchez: I don't know, I think I might still be on the well. Am I?

Mathieu Weill: It's a little better.

Leon Sanchez: Okay. So I'm climbing up. So as any other business you might as well have seen an email in which I invited those who can and are willing to join us to continue our work at the IGF. You might remember that in our last session we asked who was going to be at the IGF and it seemed as a good idea that since many of us were already going to be there we might as well gather together to continue the work and discuss final tweaks to any progress that has been made in the working parties between that day of that session and the day in which we could gather in the IGF.

So therefore I reached out to Pedro, which kindly - very kindly arranged with the IGF secretariat for us to have a room available if we wanted and if we would be able to work for two days for three hours each day. But this is only as a basis, as Greg pointed in the email list, as if we went to the bar and

discussed things in a very informal environment. And this would of course not be or entail any kind of decision making.

I mean, this is only to take advantage that many of us will already be there. And if we want to iron out some details that would then be subject to approval by the larger group. That could be a good way to actually go and iron out those details between us seizing the opportunity that we are in a face to face meeting. But this of course would be an informal meeting. This is not an official CCWG meeting.

As such ICANN would not be in a position to either provide any kind of staff support, any kind of remote participation, any kind of travel support. I mean, this is just as I said, as we are all in the same place just agree that we want to have dinner together and discuss any kind of topics. This is what it is. It's not any kind of obscure or back meeting in which we will take advantage of those not present to steer things in the way that the others wouldn't want to. It's not at all like that. It's just, as I said, a chance to actually iron out details in a face to face way.

So with this in mind I suggested that we filled in a form in which we will be able to actually see who is attending the IGF and from there we could coordinate to see if we actually hold a meeting or we don't hold a meeting at all. So, Pedro, as I said, kindly arranged for us to have this working space in case we are able to actually hold any kind of gathering. I would not call it a meeting because, as I said, this is not a meeting; it would only be a gathering for us to actually be able to talk face to face but that's it.

And should we choose not to hold any kind of gathering or any meeting of course I think it would be very useful for Pedro to know this so they can release those spaces for other meetings. So at this point I think that's the

clarification I wanted to give you on this proposed informal gathering in the IGF. And I am mindful that many of you have already other commitments and other obligations within the IGF so this might also be a challenge.

And as I said, this was not planned as a competing session with other main sessions of the IGF, it was just the intent to actually see if we can seize the opportunity and continue our work in those aspects which we felt we needed to actually talk face to face.

And I see Tijani's hand is up. Tijani.

Tijani Ben Jemaa: Tijani speaking. I don't see any harm in having a consultation - a gathering in Brazil. I saw mails that are a little bit, how to say, refusing this kind of meeting. But it is not, as you said, it is not an official meeting. There is no decision making, only to consult. And I think it always good to consult.

But I also proposed in Dublin that we make another report of communication in the IGF so that we show to the non-ICANN-ers, if you want, to people who are not ICANN, to people who always say the multi-stakeholder model would not really succeed. We have to make a communication effort to show them that it is working and we are approaching a good (unintelligible) the condition will happen. So I think that it is a good thing and a good opportunity to take to do this kind of communication. Thank you.

Leon Sanchez: Thank you very much, Tijani. Next in the queue I have Roelof. Roelof.

Roelof Meijer: Thanks, Leon. This is Roelof Meijer. Yeah, just would like to add to Tijani. I think we shouldn't call it a meeting. I don't know what an informal meeting is. But there will be people from this group participating in the IGF. And I think during those days you will be also working on CCWG stuff individually

through our working parties. It might just help if we find a room and we do some work together (unintelligible) so I agree, there is no harm in that and I can see the (unintelligible).

Leon Sanchez: Thank you very much, Roelof. So I am also worried that a couple of members and participants have offered either support to be able to actually have some kind of remote participation. This is an offering that of course I would be very happy to take on board if it's possible, it's possible. But of course I wouldn't put any kind of obligation on those who kindly have offered this kind of support. So by this I mean James Gannon who kindly offered to see if it was possible to actually configure some kind of remote participation channel.

James, I really appreciate this. And if it's possible then it would be great. But as I said, feel no obligation at all to actually set it - as something for the group. And of course should we be able to actually set up a channel for remote participation we would notify to the list the details to join remotely but if there's no remote participation we'll of course - we'll only whoever is available and willing to actually gather at this space.

So having heard Tijani and having heard Roelof, is there anyone that opposes to actually seizing the opportunity that many of us will be at the IGF that we have already arranged through Pedro a room to gather and of course continue the discussions as Greg stated, as if we were in a bar and this is of course a gathering that has actual - no standing of decision making or anything else but to actually, as I said, iron out details. And I see Eberhard's hand is up. And I saw him put a cross objecting. But I don't know if you want to speak to it, Eberhard or if you were only opposing.

Eberhard Lisse: Can you hear me?

Leon Sanchez: Yeah, Eberhard, we do hear you.

Eberhard Lisse: I think this is (unintelligible) idea. I have raised this shortly earlier this morning and I have refrained from commenting to the list. I have no objection to this - it's wherever to meet and talk but I would suggest that we not make this in any way a related meeting. This is not according to the charter even if you have - if you say you have remote participation that some of us has to work for a living, we have to - we will be unable to participate.

I would really suggest that you use this opportunity like Tijani said, to sort of brief the IGF and maybe have a beer and talk a little bit about things that - but I would in no way advance the topic. I really would suggest that was not a very bright idea especially the way it was put. So I don't want to criticize an individual here I just think this is something that we shouldn't do.

Leon Sanchez: Thank you very much, Eberhard. And, yes, as I said, this in no way will have any kind of decision making power or any kind of - well, yeah, decision making. This will be very informal regardless of having remote participation or whatever. So any other comments on this?

Okay so having no more comments and having no more business to take care of in this call I would just like to, once again, thank Pedro for his efforts and allowing us to actually have a room available should we need it. Thank you very much, Pedro, for this.

And I do have one more question to address that I was forgetting and you might have seen many disrupting emails that have distracted us from our work. And this level of emails I believe were catalogued by some of the participants and members as spam. And there were different back and forths

in the email list with perhaps some judgments or qualifications on the participants and those discussions.

And I would strongly suggest that we continue our work in a way that is constructive, in a way that we abide to the expected standards of behavior. I know that of course we are allowed to say anything we want, as Eberhard would point out, at any time. But I do encourage everyone to continue contributing to the mailing list in a constructive way.

As requested by many of the participants and members of this group, it was escalated so now we have restricted the person who was disrupting the list from actually posting to the list. But we wouldn't want to of course have another case in which we would need to escalate things this way. And I see Eberhard's hand is up. Eberhard.

Eberhard Lisse: Can you hear me?

Leon Sanchez: Yes, Eberhard.

Eberhard Lisse: Okay, for how long have you restricted? And usually at the first restriction there is a time limit and one should award this individual the opportunity to join the list. One can always toss them off again if necessary.

Leon Sanchez: Thank you very much, Eberhard. We haven't really thought of having this as temporary measure but we can of course consider it. We could be - we could be lifting this measure on this person maybe within the two or three weeks if you agree. And if this happens again then we could - we could of course enforce the measure once again and this time it would be definitive - a definitive measure.

But if we all agree I would rather see if there's any opposition for us lifting the restriction in two weeks' time so in two weeks this person would be able to actually rejoin the list and be able to post once again to the list. And if the disruptive conduct still appears then we would be escalating things back and suspending in a definitive manner - in a defensive manner this person.

I see Roelof's hand is up. Roelof.

Roelof Meijer: Yes, Leon. This is Roelof Meijer. Thank you. I think it's obvious that I support the decision made by the co-chairs. I would just want to signal that although I understand why you had your, let me say, small speech on how we should all behave on the mailing list, I think you would agree with me that it is a pity that obviously this kind of speech falls on the wrong ears. And I don't think that anybody on this list was behaving in any way close to the person that we now stopped access.

So I understand why you said it. But I just want to note that this is not the group that should be addressed.

Leon Sanchez: Indeed you are right, Roelof. It was something that was - I mean, I needed to say it. But you are right. You are right. And now I see Eberhard's hand is up. Eberhard.

Eberhard Lisse: Can you hear me again?

Leon Sanchez: Yes we can hear you.

Eberhard Lisse: I've got poor connectivity. I didn't feel that the group was addressed but I feel very strongly that we should avoid being too restrictive and give people the opportunity to behave like idiots and if he does it again then he has shown that

he is not willing to listen. But we should be careful that we not restrict anyone unless we really have to. Yeah, we had this on other list, we have (unintelligible) doing this on other lists, he has been kicked off of IETF lists repeatedly and then he posted on a different name.

What we want to avoid is that people like that start registering under different names and then you have an endless thing going on. Often if you tell him - if such a warning should happen (unintelligible) either lose interest or they will start abiding by the charter of the list. I think your approach is quite measured and very under - actually under what could have done and I think we should - this is the way we should approach this.

Leon Sanchez: Thank you very much, Eberhard. We will definitely take this into account for this situation. Okay so are there any other comments? We will be enabling this person to repost to the list in two weeks' time. And then if the behavior persists then we will be, again, taking measures to restrict his participation.

Are there any other comments at this point? Okay well thank you, everyone. We have addressed all the points in our agenda. And we can call this meeting adjourned at this point. Thanks everyone and talk to you soon.

END