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TERRI AGNEW:

The seventh webinar on the topic Work Stream 2 topics held on Thursday, the 21<sup>st</sup> of July, 2016 at 21:00 UTC. We will not be doing a roll call, as it is a webinar. But if I could please remind everyone on the phone bridge as well as computer to mute your speakers and microphones as well as state your name when speaking, not only for transcription purposes but to allow our interpreters to identify you on the other language channels. We have English, Spanish, and French interpretation.

Thank you for joining. I would now like to turn it back over to our moderator, Tijani Ben Jemaa, Chair of the Capacity Building Working Group. Please begin.

TIJANI BEN JEMAA:

Thank you very much, Terri. Good morning, good afternoon, good evening everyone. This is the first webinar of the second part of the 2016 Capacity Building program. Normally we don't do webinars during July and August since people are on vacation in general. But this time we decided to make this particular webinar in July because we need more involved in the Work stream 2 work of the CCWG (Cross-Community Working Group) on ICANN Accountability. That's why we did this particular webinar in July. And I apologize for any inconvenience for people who are on vacation, but we want people to be more aware and more informed about this Work Stream 2 so that people can perhaps participate more efficiently in the work of this particular Cross-Community Working Group.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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I will revert to Terri for some housekeeping items and then we come back to the presentation. So, Terri, please.

TERRI AGNEW:

Thank you, Tijani. During Today's webinar, at any time you'd like to ask a question please ask your question in the Q&A pod located on the left hand side of your screen. Also, during today's presentation we'll have five pop quiz questions which will appear on the right hand side of your screen shortly, as well as an evaluation at the very end of the conference with seven questions. If you could please remain on the conference at the end so we can get your feedback.

I will now go ahead and turn this back over to you, Tijani, to begin the presentation.

TIJANI BEN JEMAA:

Thank you very much, Terri. Thank you. So today we have three presenters. One of them is Karen Mulberry who is replacing Grace Abuhamad for the Work Stream 2. I want here to confess that Grace was a perfect team leader, a perfect staff support, and a perfect person. I really have to say I am really sad that she is leaving us, but I welcome Karen and I am sure she is as perfect as Grace.

Karen will speak about every organization and aspect of the Work Stream 2 work, and then we have two other presenters who are both members of the CWG Accountability – Cheryl Langdon-Orr and Sebastien Bachollet. They will try to address the nine topics of the Work

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Stream 2 plus the additional topic carried from the Work Stream 1 which is the IRP. It is an additional work about the IRP.

So we have in total 10 topics, and with those two presenters who will address those 10 topics. I will ask Cheryl and Sebastien please to keep their five minutes per topic so that we will have time for discussion and for the pop quiz.

Thank you very much, and I will give the floor to our presenters and we will begin with Karen. So, Karen, you have the floor.

KAREN MULBERRY:

Thank you very much. I'm not sure who's in charge of moving the slide deck, or if I am and I've just actually moved everyone past a whole bunch of introductory slides. So if I've done that, I apologize. I also want to note that Grace leaves some very big shoes for me to fill. While I'm sad to see her go, I know that she is going to be doing some just phenomenal work with the U.S. Department of Commerce, and will be a wonderful asset for them.

To start, what I'm going to do is give you an idea of how Work Stream 2 was organized and how the work is going to initially progress up to this point in time. We've been doing a lot of thought and planning for the approach and how we could manage the work and having nine different topics being addressed at the same time.

In terms of the scope of work, I thought I'd include that just to provide some grounding of what Work Stream 2 is supposed to be focusing on. And that's really addressing all the topics that there just wasn't

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sufficient time to address in Work Stream 1. They were more complex, more detailed, and weren't necessarily related specifically to the implementation of the IANA Stewardship Transition. So this is to move beyond that and to get into more depth and detail on specific areas that will help ICANN grow and be a better multi-stakeholder organization.

In terms of the topics, I'm sure everyone is very, very, familiar with the nine topics. These came from Annex 12 of the report that was submitted in March, and these are the areas that Work Stream 2 is going to delve into a little bit more in detail, and I'm sure Cheryl and Sebastien will cover these in some substance for you. But these are the topics that the work is being organized around.

To give you some sense of the organization of the work, these have been organized around design teams or subgroups. I know the CWG and some of the other IANA Transition groups use design teams to help them really delve into a topic, build something, and then the full group then assembled then discussed the topic. That hopefully will allow each of the groups an opportunity to get into the details and yet, once they've reached consensus, present it to the plenary for full group discussion. So if you're not part of a subgroup, you won't miss anything, it will be coming up to the plenary for its typical two readings before it's deemed agreed and that's if there aren't any other points that need to be discussed or modified within the document itself.

So there will be subgroups, the plenary remains and is in charge of work coming up to them. They'll discuss it, they'll review it, reach consensus, and the plenary will be responsible for liaising with the Board, [chartering] organizations, and others. And then the co-Chairs are

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responsible for monitoring the group of each of the subgroups just to see how they're doing, if there's additional assistance that can be provided, as well as staff support will be there to do what we can to facilitate the discussion.

The rapporteurs – we went through a series of volunteers from the Helsinki meeting as well as additional solicitations to get volunteers to staff the various groups. What I have in front of you on slide #7 are the rapporteurs that have been confirmed on the July 12<sup>th</sup> CCWG Plenary session. As you see, we've got some rather amazing people working on these topics, a lot of expertise to contribute. I am very excited about the work starting and what they may come up with, because I think it will be just really phenomenal for us.

In terms of the timelines, in Helsinki at the meeting there the CCWG talked about two approaches. Some of the topics are simple topics, and so they're anticipated to take a shorter period of time to develop into a paper that may be a couple pages long for the plenary to consider. Other topics are going to be a lot more complex and take more time to actually delve into and get a better understanding, and I think one of the complex topics if I can use an example would probably be human rights and how does that apply and what does that mean. So in looking at [inaudible] the topics into two categories so we can do a little more planning in approach, as those were the two buckets that we came up with.

Each subgroup, once they may determine where they think the topic ought to follow in terms of the timeline – will it be simpler and in just a

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shorter timeline or do they consider it to be a more complex topic and take more time.

If you look at the next slide in terms of the proposed timeline, you can see the steps that are involved with the simple approach with the hope being that by the Copenhagen meeting next year the simple topics will have gone through all of the vetting and can be moved forward as a final output from CCWG. The more complex topics will take more time. So It's anticipated that at the meeting in Copenhagen they will probably present an update of where they are in their discussions and development, but they will present their final output probably right before the June meeting next year and therefore the entire report could be presented to the community at the June meeting and for further discussion.

That's how we're trying to divide up the work so we can get the best approach and people can determine what they think is the most appropriate path for their group to take.

In terms of how you can participate more in Work stream 2, we're open either for more people to help us either as observers or participants in any of the subgroups, because I think it's going to be a great discussion and a great opportunity to contribute. So if you're interested in signing up for any of the nine subgroups, just send [staff@icann.org](mailto:staff@icann.org) a request and indicate whether you want to be a participant or an observer and we will add you to their list.

Otherwise, we do have wiki pages set up for each of the nine topics, and that e-mail address I have there will take you to the main wiki page. You

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can click on a topic and it'll take you to the wiki page that's specific for that subgroup and topic.

To fine tune how we're going to approach scheduling nine different discussions at any given time, we do have a meeting set up with all the rapporteurs on the 27<sup>th</sup> of July, and they will go through what they think is the meeting times that might be good for their groups, the dates that they would like to secure those meetings, and once we've got that all finalized with the rapporteurs then we'll post those schedules on the Work Stream 2 wiki page calendar as well so everyone can be familiar with what is going to be happening and if you're curious about something, can participate at that given time.

To give you some sense of who's supporting the CCWG Work Stream 2 work at this point, here's staff support. I'm the Program Manager and I'm responsible for coordinating everything and hopefully making sure that we have the appropriate support at the right place at the right time. We have [Brannie Tufat] who is our contractor, who has been focusing on meeting notes, who does a lot of holding of the pen and managing materials in terms of output documents and doing a lot of the liaison work within the community as well as within ICANN. And then Brenda is our amazing Secretariat who makes sure that our Adobe Connect rooms and all the other details work as they're supposed to. And Hillary Jett is our communications support. So if we need to do anything in particular with that, Hillary is our go-to person to craft announcements or other things that the leadership might need.

That's how we're organized right now for Work Stream 2. I'm happy to take any questions or wait until the end if you prefer.

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TIJANI BEN JEMAA: Thank you very much, Karen. We will take the questions at the end.

KAREN MULBERRY: Okay, thank you.

TIJANI BEN JEMAA: Thank you very much. Now we will go to Cheryl Langdon-Orr who will begin the presentation. So Cheryl, please go ahead.

CHERYL LANGDON-ORR: Thank you very much, Tijani. If we can just move on to the next slide. Obviously that's me and Sebastien who are the dulcet tones that you'll be listening to today for most of the rest of this call.

The first topic that we want to look at today out of Work Stream 2 is the Support Organization and Advisory Committee Accountability. I'd mark this as a medium to long-term work, not because of its complexity which I believe is still to be determined, but rather more it's because it's going to involve an internal review by each of the SOs and ACs and then a compare and contrast that is going to be needed to be looked at whilst we look at parity and opportunity for harmonization, etc. Just to go back onto who's the rapporteurs – myself, [Farzi Badi] who is a member of Non-Commercial Stakeholders Group, and Steve DelBianco who you'll be very familiar with having worked very predominately with the Leadership Team out of Work Stream 1, and I always like to think he just



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couldn't not miss the opportunity to co-rapporteur with me again so he decided to come in on SO/AC Accountability.

The background on this is that it was clearly recognized that during Work Stream 1 and here the references for Recommendation 10 out of the final report – and I apologize now, it is morning in Australia and that means it's a morning chorus of birds has just started so I can't do anything about quietening down the galahs outside so that's just a piece of Australian background noise for you – it is an essential feature of a balanced and more wholly accountability model for ICANN.

I would encourage you to look at in detail the rationale that was given in Recommendation 10 of the final report for this, but suffice it to say that making a Board accountable is only one side of the balance that is required. The component parts of ICANN – the Support Organizations and Advisory Committees – have a equitable and equally important job of accountability to their own membership to each other and to ICANN as a whole as well as the larger Internet ecosystem. So it's not so much a highly complex task. I think the pathway through this work will be clear and relatively uncomplicated, but it will take significant amounts of our time and energy. And certainly one of the things from my point of view as you go through these key pieces of our work is where we stand as the At-Large and the At-Large Advisory Committee.

If I can have the next slide, Terry? I'm still trying to download Sandbox plug-ins to let my other machine play nicely with us today.

Let's look at the potential impact of this Work Stream 2 activity for At-Large. The ALAC and to some extent the RALOs currently have – at least

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in my very biased view – a quite transparent and relatively well-established accountability framework of operations. This is via our recently reviewed or currently under review Rules of Operational Procedure. We have recently reviewed the ALAC operational procedures structure, and that has been strengthened and we've recently modified it again at Helsinki to take into account some modifiable activities regarding the selection of the At-Large and ALAC appointed person to sit in Seat 15 of the ICANN Board. But the Regional At-Large Organizations have also either recently undergone a review of their rules or operational procedures or undergoing a review. So our work is hopefully going to be part of the Best Practice Model, including the review of our rules that we will be looking at in this work, and most of the other ACs and SOs will be at a different point of their review. So we should be in a good stead which shouldn't have much in the way of impact, negative or otherwise, on us.

Next slide. Thanks, Terri.

And here I'm handing over, for diversity, to Sebastien.

SEBASTIEN BACHOLLET:

Thank you very much. I will be speaking on the French channel [vis-à-vis] just to try and respect our values regarding diversity, specifically linguistic diversity. I hope this won't be an issue, and I hope everyone on the English channel will be able to follow me as well.

Thank you, Cheryl, for giving me the floor. As you know, diversity is one of the items that we will be dealing with within the framework of this Work Stream 2 of the ICANN Accountability enhancement. As Cheryl

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was saying, we're working with rapporteurs on the different subjects and we have two people who have been working on diversity.

The purpose of working on diversity with these two people has to be implemented and so we have to find a way to enhance diversity within ICANN. Regarding each of the structures within the organization, whether it be the NomCom, the Board, the SOs, or the ACs, there is also review teams and other working groups that need to represent this diversity that we have within our organization.

So the idea would be that through all these different stakeholders we might be well represented and have everyone in the global community represented in terms of geographic diversity as well, linguistic diversity, different interests. And then there's also the matter of expertise and the matter of skills, so we need to make sure we can assure that our community will be diverse and yet have all the necessary expertise and skills in order to make progress with our work.

From the diversity viewpoint, we have undertaken a multi-dimensional approach taking into account as many elements as well. Of course, we cannot measure everything and each group will not be able to meet all the requirements that we will have to meet at some point in order to be as diverse as possible. We've started working on this. Cheryl has already been speaking about whether it was easy to do so, whether it was short term or long term. I imagine in terms of diversity, it would take us a few months and we should be ready to do this by February, so it's rather short. But I think we should wait until we have a first discussion with the rapporteurs and the people in the working group in order to be sure that we can meet that deadline.

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Regarding the potential impact for ALAC, At-Large is an organization that's taken into account this value of diversity since its very beginning given its structure. As you know, the bodies that make up our community are everywhere in the world, so there's already the regional diversity. ALAC was also the first ICANN organization to seriously take into account linguistic diversity given that we work in three different languages and have been doing so for a long time. And this is, of course, very useful in order to integrate more people, to engage more people. This is very important to us so that is why we've always been working in different languages, but then there's also the matter of having a balance between our members.

There's room for improvement certainly, such as some regional representation and there's always lots to do. We can always improve our structures and have more structures, particularly in terms of who will lead the organization in every structure. So we need to have people from all structures to lead our organization [at least for them]. Now I'm going to give the floor back to Cheryl so that she can go on with the presentation. Thank you.

CHERYL LANGDON-ORR:

Thank you very much, Sebastien. Let me assure you that our interpreters have done a brilliant job, and it was virtually seamless moving between the English and French channel – at least from my very biased point of view.

Human Rights. This I'm labeling as medium- to long-term work because, as Karen outlined, it is probably likely to be listed as a more complex

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issue. But I couldn't help myself, I had to put in brackets though perhaps it shouldn't be. The rapporteurs here are Niels ten Oever, Nigel Roberts, and Paul McGrady. A little bit of a background here from Work stream 1, there was a dedicated working party – Working Party #4 – out of the initial work in the Cross Community Working Group on Accountability that was tasked with addressing the topic of human rights – and I want to make it really clear, human rights in the context of ICANN's mission and core values. And that's important, and that's something that those of you who will be involved with and working on this particular Design Team need to constantly be reminding yourselves and each other of. It is human rights within the context of ICANN's remit.

A separate community-led group which has been active for a while is calling itself a Cross-Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights – which thank heavens they shortened to CCWP-HR – has also been active and one of the rapporteurs here is a leader in that group so there should be a good integration of information and material [and] exchange with the work as it goes on. But probably does make it a little more complicated than perhaps it could have been in other circumstances.

Many members of that standalone and non-official ICANN Cross-Community Working Group have been active within the CCWG Accountability work and were instigators and integral in making sure that human rights issues which are important and which certainly need to be addressed in a way that is strengthening our general accountability to the rest of the world here were a very active part in making sure that the human rights issues were not dropped off the

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agenda and that the appropriate attention is going to be given to it in this Work Stream 2 activity.

The Human Rights Impact Assessment – and there's a copy if you download the presentation you'll be able to follow these links, and other material out of Work Party 4 – are all publicly archived on the wiki, and I'm sure staff will include the wiki to Work Stream 2 in today's notes because it is important that you as interested observers or for participants are looking at the Work Stream 2 wiki and following the individual wiki pages for each of these topics that the drafting teams are looking at. These are dynamic documents and they will be updated and changed quite regularly.

Finally, the primary role of this Human Rights Work Stream 2 activity is to develop what's called a Framework of Interpretation for Human Rights, so it will have nomenclature FOI-HR. This is a foundation piece that needs to be in place before a Bylaw provision enters into force. Framework of Interpretations are vital tools where we are working in subject matter where the degree of complexity or the language used is open to multiple interpretations dependent on the reader or observer's perspective. And it is essential that such a establishment of shared and agreed meanings and values associated with the terminology used is in place so that misrepresentation of intent and expansion of the narrow requirement of the human rights aspects of the work that is engaged for ICANN and ICANN's remit doesn't happen in the long term.

With that, let's go to the next slide. And we are back to Sebastien with the topic of Jurisdiction. Over to you, Sebastien.

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SEBASTIEN BACHOLLET: Thank you very much. As you were saying, there is the matter of jurisdiction for which we have assigned two rapporteurs. The task at hand at the beginning was to deal with the different jurisdiction related matters, including whether ICANN should have a special status in other countries or whether all agreements should be drafted according to the laws in this new country, whether all Bylaws had to be rewritten for the different countries. After a number of discussions, especially with the American Department of Commerce, within the framework of the IANA Stewardship Transition that they will be transferring, it became clear that the purpose wasn't to have a different ICANN everywhere or to have ICANN move. Having said that, it doesn't mean that there aren't still more jurisdiction related matters that we shall deal with, it merely means that we should focus on how ICANN's accountability can be enhanced and how that should be done according to the laws applicable to all its actions in jurisdictions other than California.

So that is the work that we have set up to do, dealing particularly with agreements with the resolution of differences with the different matters that could reach the judicial level.

The potential impact of this would be for At-Large, I think, it's quite limited. First, as individual users or as registrants of domain names in general terms it's clear that the local law or the national law will be applicable to us if we have purchased such domain names from a local provider. The matter would be different, however, if there weren't a local supplier – because there's regions where there aren't any local sellers and there's reseller – or if we have signed an agreement with

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someone else who will take care of this for now. So in those cases, we should seriously consider [what] the applicable law will be and that we should see what type of agreement will be followed in that case.

So in general terms, we should consider what the law applicable to the registrar will be where the registrar comes from and where the customer is based. In this sense, there might be a possible change of applicable law for registries and/or registrars which could eventually have an effect on end users. So in that regard, we think it would be important to consider this.

Thank you very much, and I will now once again give the floor to Cheryl who will be dealing with something very complex, but that's why we're here. So, Cheryl, you have the floor.

CHERYL LANGDON-ORR:

Thank you, Sebastien. We're now looking at what is in short hand known – and the galahs are on queue again. You should feel very connected to Australia in today's call I must say – it's often just called the CEP. I've written it out in full. CEP stands for Cooperative Engagement Process. Interestingly enough, I see this as a short-term piece of work and a relatively less complex topic because it is the review of an already established process which is already a very important part of the accountability framework already operational within ICANN – and that's our Reconsideration and Independent Review Process. Its details, and specified within the ICANN Bylaws under Article 4 in Accountability in Review – and whilst I don't expect everybody with the exception of course of people like Alan Greenberg who have automatic recall on



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most of the Articles of our Bylaw – I would encourage most of you to take a tour through the ICANN Bylaws from time to time and refresh yourself on what this particular framework is built upon which, of course, is the Bylaws of ICANN.

The CEP, or Cooperative Engagement Process, is sometimes seen – and I like to think of it – as a pre-Independent Review Process piece of work. It's designed to allow for the opportunity for mediation and possible agreement on a matter that would otherwise go into an Independent Review Process or IRP. And an Independent Review Process – or IRP – is, under the current framework, being modified – and I'll talk about that a little later – but suffice it to say it involves a relatively large amount of money, significant amounts of time, and a lot of lawyers.

The review of this process, the CEP – the Cooperative Engagement Process – should be seen as complementary to the review of and improvements to the other review mechanisms that we look at as we're strengthening the accountability framework for ICANN. Specifically, that IRP – the Independent Review Process that I alluded to earlier – which has already been modified out of our Work Stream 1 work and there is continuing proposed modifications happening within Work Stream 2 to our IRP known as IRP2 – and I'll look at that a little bit later but suffice it to say if we look at it [this] CEP – Cooperative Engagement Process review – as complementary and an adjunct activity, I would like to think that the very smart and legal minds involved in this should be able to do it in relatively short order.

The potential impact of this Work Stream 2 activity for At-Large is really very limited, other than those associated with the albeit very significant

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changes as we are now part of the Empowered Community that the new ICANN model is built upon. We are fully participatory of this and therefore we have something that has never happened before which is called Standing. In other words, we have the ability and right to enter into these reconsideration processes and Independent Review Processes. So that's new as a consequence of our Work Stream 1 activities, and so obviously there will be a interest – albeit not major – impact upon us as we have a review of the CEP.

I now hand it back to Sebastien.

SEBASTIEN BACHOLLET:

Thank you very much. The matter of staff accountability is what's next on the agenda. So we have two rapporteurs – one from North America and the other one from Asia Pacific.

Let's be clear here, I don't mean to say that ICANN staff doesn't proceed as they should or that they have not been following the different processes they should follow, but given that we're dealing with ICANN accountability and we're trying to enhance the accountability of all its structures, we figured we should also address the matter of staff. We've already dealt with the Board. We discussed the accountability of Supporting Organizations, the accountability of Advisory Committees, and of course, it's only natural that we should discuss the staff accountability.

To give you a bit of context, we undertook the task of developing a document describing the role of ICANN staff vis-à-vis the ICANN Board and the ICANN community as well. Such document should include a

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general description of the powers vested in ICANN staff by actions of the ICANN Board of Directors and it is within that context that an action of the Board might need to be taken or else if it is something dealing with the staff directly or if it's something that would depend entirely on the staff that the staff can decide on its own. The subgroup that will be dealing with staff accountability is also to consider code of conduct, the transparency criteria, training, and KPIs – Key Performance Indicators – which shall be followed by staff in relation to all their interactions with the different community stakeholders.

The initiation of a review and regular and independent surveys have also been considered because we will need to track the progress made and identify the different areas that could need improvement. And of course, naturally the subgroup should establish appropriate processes to escalate issues that enable both community and staff members to raise issues.

In those cases, we should have a clear process to be followed. For instance, within At-Large, a RALO could ask their point of contact whether there's been a reply to a given matter. And if the staff does not answer something that satisfies him or if this person were discussing with a leader of At-Large who replies something that's not satisfying to that person, there should be clear policies to be followed. So if necessary, he should be able to get to the ICANN CEO in order to deal with the matter, there need to be well defined processes.

And then finally, this work should of course be closely linked with the item dealing with the Ombudsman which we will come back to, which is the last item on the agenda. As for the potential impact of this for At-

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Large, there is no direct impact, but anything improving the operation of the organization will, of course, be an improvement for At-Large and ALAC, and therefore, these matters are useful to us all.

Thank you, and now I will give the floor back to Cheryl.

CHERYL LANGDON-ORR:

Thank you very much, Sebastien, and we were going to look at perhaps one of the most ill or misunderstood pieces of Work Stream 2 work. This is the guidelines for standard of Board conduct. The rapporteur here is Lori Schulman. I would like to think that this was a short-term and less complex method to deal with, I suspect, because of the openness for interpretation and perhaps misinterpretation of the purpose of this work, it may in fact grow a little in complexity and take an intermediate length of time to perform.

The background on this is in finalizing the recommendation on Board removal out of the Work Stream 1 activities, the issue was raised as to whether the Board members would waive or could [cut] waive any claims against community members for conduct or statements made during the process of Board removal or Board member removal. So it's very much a matter of liability or a waiver of the right to sue if our community, our Empowered Community members conduct themselves in some way that may be seen by an average person as being unconscionable statements that may be made during the process of a removal.

The ICANN Board did not support the requirement that any incoming Board member waive the right to future claims of that type. The Board

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did, however, support the development of an indemnification process through which community members participating in the individual Board member removal process and acting in good faith and with due diligence would be entitled to be indemnified by ICANN if a conduct was in fact challenged. This removes or merely the very real risk of the person, the individual acting as a community member in such a process, quite literally being bankrupted as a result of such a claim.

That would, as you can imagine, have a quite chilling effect on the opportunity [inaudible] part of our accountability process. The opportunity to [inaudible] under the exceptional circumstances where it may be both called for and supported by the Empowered Community to remove a Director or indeed to recall a full Board. And as we were interested in encouraging positive behavior from community participants and generally, the work of this [Design] Team would be to consider whether it would be beneficial to revise guidelines that apply to all discussions within ICANN, not just have a carved out set of circumstances where the community is participating in the Director removal or Board recall process, but also, quite importantly, to establish what the criteria and expectation would be for good faith conduct and working with appropriate levels of due diligence.

So the potential impact for Work Stream 2 activities in the guidelines, the standards this Board conducts, for At-Large is relatively low impact, beyond obviously those associated with our rights now under the Empowered Community. We would certainly want the leadership – the Chair of the ALAC, for example, or their delegate to be able to act in the community's best interest and under the community's instructions without fear and trepidation of them not being indemnified in some

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future challenge to something they are doing, if they are indeed involved directly in the removal of a Board member, and to that end, having a set of clear guidelines within which if they operate – and it should be demonstrable that they had operated within those guidelines – that they can rest assured that they will be indemnified from any future [inaudible].

After that rather complicated conversation, which I hope has clarified rather than clouded your understanding of this topic, I move on to Sebastien for Transparency.

SEBASTIEN BACHOLLET:

Thank you, Cheryl. So now we have the matter of Transparency. It could be said that we've already discussed transparency in detail, that ICANN is already transparent, and that we've worked so much on this. Of course, when you do a quick search on the websites, you can find lots of information of what's been done in terms of transparency, but there's more to be done. We have two rapporteurs within this subgroup, both coming from the GNSO, both from North America, both from the NomCom [inaudible] parties' [house]. And so the idea would be to focus on four main items that it would be useful to consider.

The goal here would be to improve ICANN's transparency with a focus on enhancements to ICANN's existing documentary information disclosure policy, that is documents that the ICANN community would like to access, and as the situation stands today, there are a number of limits to what the public can access, and we'd like this to improve. We would like it to be easier for people to access ICANN's documents.

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The second item here is related to the transparency of ICANN's interactions with all of its structures, and ICANN through all of its structures, whether it be the staff or government or the Board with external governments.

Thirdly, there are the improvements that could be made to the existing whistleblower policy, it being when a person detects something that's not right with the organization and wishes to make it known to the rest of the organization.

And then, fourthly, there's the transparency of Board deliberation. The potential impact for At-Large on the one hand is the policy progresses. It will allow At-Large to have access to documents produced by the organization, which will, of course, be beneficial to At-Large, to ALAC and all its RALOs. There will be better visibility of the contacts and the exchanges between ICANN, whether it be through the Board, through its staff or through its CEO, or any other person belonging to the organization and the different governments.

If ICANN were to communicate with one of our ministers and we were not aware of that for instance, how could we be made aware of that? That could be informed before, during, after the exchange and after the discussion. We haven't figured that part out yet, it's up for discussion, but it's a matter that we should consider. Then on the other hand, how could it be easier to understand Board actions and decisions knowing the deliberation, and we also worked a lot on transparency, but there should also be more transparency for ourselves internally as RALOs or as ALAC members, so how are people appointed, how do we proceed with elections, how do we go about votes? The subject is very

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important, and there is a great need for transparency, so you're welcome to participate in this subgroup if you're interested.

Cheryl, you can resume your part now.

CHERYL LANGDON-ORR:

Thank you very much, Sebastien, and now to what I alluded to earlier, which is the Independent Review Process Phase 2. Now, the IRP Phase 2 I've listed here as – most probably at least – short-term work. Not because it is not so complex, because indeed it can be very complex if one isn't a legally trained person working in this area. It's highly specialist in nature, but it is work that is already well underway. It is a continuation of Work Stream 1 activities, and in fact, not even a break was taken with the transition from the IRP Phase 1 and the IRP Phase 2 work by the highly talented and very specifically qualified Oversight Team.

The rapporteur for this work is Becky Burr, and the background – and there's a link to the page, the wiki page on IRP Phase 2 in this presentation – it's an additional topic carried out from Work Stream 1, from the implementation Oversight Team of the IRP, and the mission of this particular team was – and continues to be – that the team was to review the outcomes from our legal counsel, and by our legal counsel I mean the legal counsel that is working specifically for and with the CCWG, and to report back to the CCWG.

The documents here that are to date specifically produced for this IRP Phase 2 under Work Stream 2. I've put a link in to the documents to date, and it's an extraordinary amount of work. The body of work in



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those six documents is considerable, and any of the legally [inaudible] of you amongst those either directly listening now or listening as an archived copy of today's presentation, I would strongly encourage you to look at that link, have a look at those documents, and indeed a look at what additional documents no doubt will be listed by the time you look at it.

The potential impacts of Work Stream 2 for At-Large are, again, rather limited. Again, as I mentioned earlier, beyond those that are related to our new and significant role as part of the Empowered Community, because we have now got standing for operating with and contributing to and having a place in the ICANN's Reconsideration and Independent Review Process.

And with that, I'm going to – guess what – hand it back to Sebastien for the topic of Ombudsman.

SEBASTIEN BACHOLLET:

Thank you. If I'm not mistaken, we're now down to the next subject, which is that of the Ombudsman and his office. I am the rapporteur of this subgroup, and as you might now, the Ombudsman's role has already been expanded within the framework of the Work Stream 1, and it now includes the responsibility for the Ombudsman's office to be the one responsible of performing a first substantive review when someone submits a reconsideration request. This has already been added to the Ombudsman's role.

In addition, there is another working group, the CWG Stewardship, dealing with the role of the American government and the IANA

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transition, has already identified a new role for the Ombudsman, and it is the Ombudsman office that shall, as of now, deal with all complaints regarding the PTI's naming function service delivery. That is everything that PTI does not execute correctly.

The PTI, of course, as you know is the post-transition IANA, but it is the organization that will specifically deal with the naming function. Everything related to protocol parameters and numbers shall not be included in this new role of the Ombudsman. The Work Stream 2 will further consider whether there should be any additional roles or additional functions for the Ombudsman's office.

There has already been lots of discussion going on regarding the latest document of the working groups regarding ICANN's accountability, and we will now need to consider how the new role of the Ombudsman's office would interact with other mechanisms within the organization, with a view to avoiding any duplication of functions and in order to optimize the general effectiveness of the system and of the organization as well.

This shall all be done based on what the Ombudsman's current role is, and based on this expansion that has been proposed, both as set forth in the ICANN Bylaws, and which are also described in greater detail in the Ombudsman framework. That is a framework that deals with the Ombudsman's office's work. That is all that will be dealt with within the working group, knowing of course, and it should be highlighted, that the current Ombudsman is at the end of his term right now, and such as the structure currently works, it is he who chooses who will be his successor, so he decided that his term would be over – it was the Board

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that decided that his term would be over, I'm sorry, and they now have to choose a new Ombudsman for the next – and I think that should be done in the short term, because he's about to leave. I think he's leaving in about two weeks, so we shall have to elect a new Ombudsman, and that should be done very quickly, because it would be useful for all these requirements regarding the selection of an Ombudsman to be taken into account before the new Ombudsman is selected.

Now, regarding the potential impact of this for At-Large, as I said, the Ombudsman's office will have more responsibility. At the end of the Work Stream 1 they already received a number of new staff that were assigned to them, as they may have a new set of duties after the second Work Stream. At-Large will also take advantage of those new responsibilities that the Ombudsman's office will have, and it will also need to help the Ombudsman's office. We are the ones that are more present around the world, so it is up to us to help them get everywhere.

So I thought he was leaving on the 22<sup>nd</sup>, but Cheryl says on the 10<sup>th</sup>, that he's already gone. That might be true, but in any event, I think we should try and make as much progress as possible on this matter within the subgroup, and there might be a temporary Ombudsman appointed before a final decision is taken on the next Ombudsman.

I think this brings us to the end of our presentation. These are the nine subjects that we listed at the beginning. I hope it was clear for you all, and I'm sure Cheryl and I will be ready to answer to any non-complicated questions you might have on the different subjects. I will now give the floor back to Tijani.

TIJANI BEN JEMAA:

Thank you very much, Sebastien. Thank you, Cheryl, also for this presentation. I hope it wasn't very complicated for our attendees. We tried to explain any acronyms, so I think it is very helpful what you did, and I hope that this presentation will give the opportunity to our attendees to ask questions, so that they understand better the topics of Work Stream 2 and so that they participate more actively in the work of CCWG Work Stream 2.

Now, I will give the floor to Terri for a pop quiz, so Terri, please, go ahead.

TERRI AGNEW:

Thank you, Tijani, and thank you presenters. We will now conduct our pop quiz portion. We have five pop quiz questions. They now appear on the right hand side of your screen. Our first pop quiz question: is it possible for people to still join as full participants or observers on each of these Work Stream 2 topics? Please cast your vote now, yes or no. And presenters, if you could please share the correct answer.

CHERYL LANGDON-ORR:

It is indeed yes. As Karen said, you just simply send an e-mail to the staff, which is [acctstaff@icann.org](mailto:acctstaff@icann.org), and you can be added as a participant or as an observer.

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TERRI AGNEW: Thank you. Pop quiz question 2: how many topics are to be considered by Work Stream 2? Eight, nine or ten? Please cast your vote now. Presenters, please go ahead and share the proper answer.

TIJANI BEN JEMAA: May I intervene here? The right answer for Work Stream 2 is nine, but we have an additional topic that we carried over from the Work Stream 1, which is the IRP additional work. So the right answer is nine, people who answered ten are not wrong, but for Work Stream 2 it's nine and an additional topic from Work Stream 1. Thank you.

TERRI AGNEW: Thank you. Moving on to our pop quiz question three: what is the deadline for simple lighter topics? December of 2016, February of 2017 or May of 2017? Please cast your vote now. And presenters, if you could please share the proper answers.

TIJANI BEN JEMAA: If the presenters are not ready, I can say that February, 2017 is the right answer.

TERRI AGNEW: Thank you, moving on to our fourth pop quiz question. One moment please while it populates. What is the topic where Cheryl Langdon-Orr is rapporteur? [inaudible], guidelines for good state conduct, SO/AC accountability? Please cast your vote now. And presenters, if you could please share the proper answer.

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CHERYL LANGDON-ORR: Oh, I know the answer to that one, that would be Support Organization and Advisory Committee Accountability.

TERRI AGNEW: Thank you. We have one further pop quiz question. One moment please. What is the topic where Sebastien Bachollet is rapporteur? Ombudsman, Reviewing the CEP or Human Rights? Please cast your vote now. And presenters, if you could please share the proper answer.

SEBASTIEN BACHOLLET: It wasn't very hard, because it was at the very end of the presentation, so for those of you who said Ombudsman, you were right. So Sebastien Bachollet is the rapporteur of that subject. Thank you.

TERRI AGNEW: Thank you, everyone, for participating in our pop quiz portion of the webinar. We will now open it up to the question and answer portion. Please either raise your hand on the Adobe Connect if you would like to ask a verbal question, or please remember to type in your question.

TIJANI BEN JEMAA: Thank you very much, Terri, so now we open the floor for questions. I do need you to ask questions.

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CHERYL LANGDON-ORR: Tijani, we've put them into stunned silence.

TIJANI BEN JEMAA: If there are no questions, I have a remark if you want. Not a question, but a remark. Human Rights subgroup, as Cheryl said, the main duty of the subgroup is to define a framework of interpretation for human rights inside the mission of ICANN. This subgroup [inaudible] not do other things than defining this framework, because as you know, the human rights is more or less controversial topic in the CCWG, because there are two different positions. Some say since they're not dealing with the content, they're only about names and numbers, there is no issue of human rights related to names and numbers.

But there is some. For example, for the WHOIS, for protection of data, etc., there is an issue of human rights. People believe that this is not the main thing, so there was a rejection inside the CWG at the beginning about including human rights, but now that the group decided to address this issue in Work Stream 2, the Bylaws was modified to include the commitment of ICANN to human rights considerations. But this commitment will not enter into effect for the framework of interpretation of human rights inside the mission of ICANN is defined. So the main work of this group, and I would say the sole work of this group, is to define this framework.

Thank you. I see that Maureen has a question. Maureen, please, go ahead.

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MAUREEN HILYARD: Thank you, Tijani. Actually, Cheryl has answered my question in the chat, so it's fine, thank you.

TIJANI BEN JEMAA: Thank you. Maureen, you can ask it directly so that the others will benefit from the answer from Cheryl. So please, go ahead and ask your question.

MAUREEN HILYARD: Thank you, Tijani. Yes, my question was really just to – in case people were feeling a little bit apprehensive about [inaudible].

CHERYL LANGDON-ORR: You're still here, Maureen, go ahead.

MAUREEN HILYARD: Thank you. That they might not have the appropriate skills and knowledge in order to participate as actively as they would like, but as [inaudible] actually happening, so that they can actually be full participants if they want to get involved. Thank you very much.

CHERYL LANGDON-ORR: If I may, Tijani, it's really important to note that while all of us are absolutely welcome and you do not need to have served on a previous work activity in Work Stream 1. There are background papers prepared for each of our groups, each of our subgroups, and these provide – in my view – more than sufficient preparation for full engagement in each



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group, and in fact, even those who have significant experience will find delving into the additional resources and documents listed in these background papers as an excellent preparation for the Work Stream 2 work. Thank you.

TIJANI BEN JEMAA:

Thank you, Cheryl. I have two hands, I am not sure about the order, but I will give the floor to Alberto Soto before. Alberto, go ahead.

ALBERTO SOTO:

Thank you very much, Tijani. Just a comment for Maureen. While I do not have a strong knowledge or all the necessary knowledge to be a very active participant. I usually participate in every meeting of the WS 2. I try to participate by providing feedback or comments when I have full knowledge of the topics, so perhaps it would be good if there are people who have knowledge or who do not have that deep knowledge – well, they should participate, because as I did, I have participated, I made my comments and my comments were well taken. So I believe that anyone can participate, and in the end, we get the knowledge that we desire.

When it comes to human rights, well, this is a controversial topic. The same thing happened when we discussed other topic, which in fact is not included, but perhaps is related, and this is public interest. Because since there are no local or international definitions, that means a problem, and that is why we're discussing those topics.

Thank you.

TIJANI BEN JEMAA: Thank you very much, Alberto Soto. In fact, indeed I confirm that anyone can participate without requirement for knowledge or for any skill or any other participation in Work Stream 1, and I encourage everyone to participate. It is very important that the voice of the end user is heard, and this is the way that your voice is heard. Please come and participate.

Sebastien, you have the floor.

SEBASTIEN BACHOLLET: Hi, yes, there is not much else to add to what's already been said. It's merely the fact that there are different possibilities. You can be a member, you can be an observer. There are different possibilities, but I think what's important to say here is that it is always important to get engaged and to participate if there is a subject that's of interest to you. Even if you don't have much time currently, you'll see that there's more and more knowledge to be learned from these types of activities, and so that will be fruitful to you.

Still, I'll say at ICANN, we rarely have well-defined subjects with well-defined calendar, well-defined timelines, so for those of you who could or would like to participate, this is a good chance.

Thank you.

TIJANI BEN JEMAA: Thank you very much. Cheryl, you have the floor.

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CHERYL LANGDON-ORR: Thank you very much, Tijani. Just a final word, which hopefully will take us back to very much where we began. Whilst many of us have mentioned our thanks and appreciation of the work Grace has done with us, and some of us have worked very closely with Grace during our Work Stream 1 activities, I just want to note for the record, of course, that Karen, who – as Grace pointed out – is a highly experienced leader, has worked hand in glove with the rest of the key staff and the Leadership Team throughout the Work Stream 1 activities. So she is far from a stranger, she simply has been perhaps less familiar to some of us out here within At-Large. But those of you working particularly as a member or within the Leadership Team of the CCWG on Accountability are indeed looking forward to tapping in more effectively to Karen's expertise.

And welcome, Karen, and farewell, Grace. Back to you, Tijani.

TIJANI BEN JEMAA: Thank you very much, and I wanted to give the floor to Grace, but Grace left the call. I don't see her on the Adobe Connect. I want to join what Cheryl said about this wonderful staff. We were lucky to have a wonderful staff on the CWG, and I can tell you that they did wonderful work, and they helped us a lot, really a lot. Without them, it is sure that we couldn't reach what we produced in the short time. They were extraordinary, and I want to thank them again, and I want to welcome again Karen.

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So any other questions? If there are not questions, I will give the floor to Terri for the evaluation questions.

TERRI AGNEW:

Thank you, Tijani. We'll have seven evaluation questions. Question number one: how was the timing of the webinar for you? Please cast your vote now.

Question number two: what region do you live in at the moment? Please cast your vote now.

Question number three: how many years of experience do you have in the ICANN community? Please cast your vote now.

Question number four: how is the technology used for the webinar? Example: your audio, video and phone bridge. Please cast your vote now.

Question number five: did the speakers demonstrate mastery of the topic? Please cast your vote now. Two more questions to go.

Question number six: are you satisfied with the webinar? Please cast your vote now.

And finally, our last evaluation question, and I'll leave this up: what topics would you like us to cover for future webinars? Please type your answer and it will appear for us.

Once again, thank you so much for joining, and Tijani, Cheryl, Sebastien or Karen, any final remarks?

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CHERYL LANGDON-ORR: Thank you for the wonderful attention.

TIJANI BEN JEMAA: Yes. Yes, thank you very much everyone. I want to ask our attendees to give us the topics they wish we address in the future. This question number seven is very important. If you don't have time now to fit on the Adobe Connect, or if you don't have now in your mind a topic and you remember later a topic that you wish to be addressed as a webinar, please send it on the e-mail to the staff or to myself. This is very important, because we are defining the topics inside the working group, but it is better to have it from you. The webinar is for you, so if you feel that there is a topic that you want us to address, please send it to us.

We still have some minutes. If you still have a question, please raise your hand or speak up. If not – very good, we have already [nine] topics. So if not, thank you very much, everyone. I would like to thank especially our speakers, Karen, Cheryl and Sebastien. I would like to thank Grace, who came in this meeting despite the fact that she's very busy and she's preparing – she's leaving ICANN. And I would like to thank our interpreters for their patience and for their good work. This webinar demonstrated how our interpreters are good, because everything Sebastien said was very good interpreted. From my position as an attendee on the English track, I can say that the interpretation was very good from the French to English.

So thank you very much everyone, thank you for our wonderful staff, Terri, Gisella, everyone, Heidi, everyone. This webinar is adjourned. Bye.

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CHERYL LANGDON-ORR: Thank you, everyone. Bye for now.

UNIDENTIFIED FEMALE: Thank you very much. Bye-bye.

TERRI AGNEW: Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines, and have a wonderful rest of your day.

CHERYL LANGDON-ORR: And thank you, Terri, we managed to beat my gremlins into submission.

TERRI AGNEW: I knew we would get there.

CHERYL LANGDON-ORR: Honey, what can I say, we're quite the team. Thank you.

TERRI AGNEW: You're welcome. Have a good day, Cheryl.

**[END OF TRANSCRIPTION]**