

CCWG Accountability Face to Face Session on Work Stream 2

ICANN 56 | Helsinki | 26 June 2016

Adobe Connect Chat transcript

Terri Agnew: (6/26/2016 08:32) Hello, my name is Terri and I will be monitoring this chat room. In this role, I am the voice for the remote participants, ensuring that they are heard equally with those who are "in-room" participants. Please note that I will only be able to read your comment/question within the time set by the Chair of this session

Terri Agnew: (08:32) The chat rooms are the virtual meetings' for everyone, in-room and remote. When submitting a question that you want me to read out loud on the mic, please start with a <QUESTION> and end with a "</QUESTION>". Text outside these quotes will be considered as part of "chat" and will not be read out loud on the mic

Terri Agnew: (08:33) Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Scott: (08:45) Is there real-time transcript?

Terri Agnew: (08:45) Hi Scott, no, we will not have scribe for today's meeting

Terri Agnew: (08:46) • Reminder that this session is being streamed in English and can be found on: <http://stream.icann.org:8000/hel56-halla-en.m3u> or English Audio (Low Bitrate)

<http://stream.icann.org:8000/hel56-halla-en-lo.m3u>

Avri Doria: (08:46) the advantage of the northern summer, a full day to play after finishing a full day's work.

Robin Gross [GNSO - NCSG]: (08:48) Greetings from San Francisco!

James Gannon [GNSO-NCUC]: (08:49) Hey Robin! Late night for you!

Grace Abuhamad: (08:49) Sign-ups for WS2 areas -->

https://docs.google.com/document/d/1lw5yn9GRk8RcnTJzclwB-JuSe3B6JugEj_0oGOCseqU/edit?usp=sharing.

Robin Gross [GNSO - NCSG]: (08:50) Yes, James, almost 11pm here.

jorge cancio (GAC Switzerland): (08:54) I cannot think of any complex topics for ws2.... ; -P

James Gannon [GNSO-NCUC]: (08:54) Me neither Jorge, all simple ones, can fix this weekend

James Gannon [GNSO-NCUC]: (08:54) =)

Sabine Meyer (GAC - Germany): (08:55) Thank goodness the days here are so long :D

Cheryl Langdon-Orr (CLO): (09:01) morning all I am up with the outreach activities group for a short while Be with you just after 0930

Cheryl Langdon-Orr (CLO): (09:01) be here in AC though ; -)

Jordan Carter (.nz, ccNSO): (09:08) hi everyone

James Gannon [GNSO-NCUC]: (09:08) HEy Jordan

Robin Gross [GNSO - NCSG]: (09:08) Hi Jordan!

Jordan Carter (.nz, ccNSO): (09:09) just joining you briefly now and back on reliably this afternoon :))

Greg Shatan: (09:09) If there is a 3 talk requirement, I am happy to talk on each topic, 3 times if necessary!

Tatiana Tropina: (09:09) There is never too much of Greg :)))

Cheryl Langdon-Orr (CLO): (09:11) Now Ger .. ; -)

Cheryl Langdon-Orr (CLO): (09:11) Greg not Ger Silly keyboard :-)

Jordan Carter (.nz, ccNSO): (09:11) it's very brief, and it proves that I can't count

Cheryl Langdon-Orr (CLO): (09:12) :-)

Robin Gross [GNSO - NCSG]: (09:13) can we have video on the remote link?

Mathieu Weill, ccNSO, co chair: (09:13) I don't think that is possible Robin

Jordan Carter (.nz, ccNSO): (09:14) i am hoping staff can put the video on the wiki

Jordan Carter (.nz, ccNSO): (09:15) sorry I clearly couldn't count when I recorded it yesterday

Greg Shatan: (09:15) Robin, Jordan's graphics are incredible. You're really missing something!

Sabine Meyer (GAC - Germany): (09:15) He matched his shirt to the hotel room art!

Cheryl Langdon-Orr (CLO): (09:15) I will be tansiting to your room soon ... but will be offline while changing venues... See you soon...

Terri Agnew: (09:15) @Jordan, confirmed, video will be on put on wiki (in progress)

Greg Shatan: (09:15) I think there's a Monty Python sketch about that....

James Gannon [GNSO-NCUC]: (09:16) Support Jordans approach

Leon Sanchez (Co-Chair ALAC): (09:17) Seems to be the calm before the storm

Jordan Carter (.nz, ccNSO): (09:17) my basic points were (or were meant to be) that we should have a clear tabling of the interests people have relating to jurisdiction; that we should develop requirements based on these so far as they are in scope; that recommendations should be done based on meeting the requirements

Jordan Carter (.nz, ccNSO): (09:17) Greg:awesome graphics?

Greg Shatan: (09:19) :-)

Terri Agnew: (09:19) dropbox for Jordan's video:

<https://www.dropbox.com/s/cc8l04gumi3npuu/Jurisdiction-lightning-%20Jordan.mp4?dl=0>

Paul McGrady: (09:19) There may be more interventions as we hear from the others who are listed as lightning speakers. The initial lightning talk seemed much more procedural, than substantive.

Jordan Carter (.nz, ccNSO): (09:20) Yep, deliberately on my part Paul

Grace Abuhamad: (09:25) Documents presented today are upload on the wiki at:

<https://community.icann.org/x/rBWOAw>

Avri Doria: (09:30) what is the difference between a lecture and a lightening talk?

Avri Doria: (09:31) i did not prepare slides, maybe i don't have a talk.

jorge cancio (GAC Switzerland): (09:32) lightning or lightEning?

enoss: (09:33) avri prefers lightening the talks

Greg Shatan: (09:33) I prefer enlightening talks.

Mathieu Weill, ccNSO, co chair: (09:33) ENlightEning

Jordan Carter (.nz, ccNSO): (09:34) double English, Mathieu?

Jordan Carter (.nz, ccNSO): (09:36) on Paul's comment, that is why I think we should / will end up having a requirement that WS1 has to be protected

Jordan Carter (.nz, ccNSO): (09:38) but I wouldn't argue that CA/US law is the only framework that can deliver the set of community powers ad processses set out in WS1. It would seem likely there are a bunch of jurisdictions that could do that.

Becky Burr: (09:39) @ Paul - the outcome of WS1 is clear on this point. ICANN is incorporated in California. Any decision to re-incorporate elsewhere would require the support of the Board AND the Empowered Community

matthew shears: (09:39) completely agree == we must use what we have agreed in WS1 as the basis and parameters for the discussion

Jordan Carter (.nz, ccNSO): (09:39) agree with Becky too. It would be a full community change process.

Paul McGrady: (09:40) My question was dodged, unfortunately, rather than addressed. I remain very concerned that this jurisdiction issue will be used to undo the accountablility improvements.

Guru Acharya: (09:40) Jurisdiction was pushed to WS2 with the prior knowledge of the group that it may have implications for the outcomes of WS1. Now compromising WS2 for protecting WS1 seems unfair.

Jordan Carter (.nz, ccNSO): (09:40) Paul, we'd all (across our SOs and ACs) have to approve changes that could do that. Do you think we are likely to do so as a community?

Vidushi Marda: (09:40) How does this fit in with the draft new icann by-laws? It doesn't seem to be addressed?

Tatiana Tropina: (09:41) it's not about compromising WS2, it's about presevring the most important outcomes of the WS2

Tatiana Tropina: (09:41) sorry WS1

Mathieu Weill, ccNSO, co chair: (09:41) Eliott gets the first mention / hint at Brexit of the day...

Congrats !

matthew shears: (09:41) its not compromising - its important to scope the discussion according to what we have already agreed

Tatiana Tropina: (09:42) Matt +1.

Tatiana Tropina: (09:42) using WS2 for changing the main outcomes of WS1 is not acceptable

Greg Shatan: (09:43) Agree that we can't use WS2 to undo WS1.

Guru Acharya: (09:43) @matthew - when the bucket list for WS1 and WS2 was created, the understanding was that WS1 will help ensure implementation of WS2. the understanding then was not that WS2 would be reduced in scope to protect WS1 on areas where WS1 and WS2 overlap. of course the intention should be to protect WS1 as much as possible, but it should remove core substantive issues from WS2.

Becky Burr: (09:43) the John Perry Barlow award goes to Eliott

Guru Acharya: (09:44) *should not

Niels ten Oever: (09:44) enlightning lol

Edmon: (09:44) important note from Eliott that it doesnt have to be "a" jurisdiction... maybe should start referring to "jurisdiction(s)"

Jordan Carter (.nz, ccNSO): (09:44) i have to go - back in a few hours folks

enoss: (09:45) @becky I can't tell if that was a compliment or an shot?

Becky Burr: (09:46) You don't like being compared to the eloquent Grateful Dead lyricist?

jcurran: (09:46) Using Pedro's proposed process, it might be useful (in the Alternative Assessment stage) to do a quick review of the existing stress test scenarios to see if any of those outcomes would be impacted (as many of the stress test assessments referenced specific aspects of ICANN's legal/incorporation nexus)

Becky Burr: (09:48) @Eliot <https://www.eff.org/cyberspace-independence>

enoss: (09:48) I totally do. love jpb. just wasn't sure how you meant it!

Becky Burr: (09:49) I am of a certain age Eliot, i don't invoke jpb or the Grateful Dead without respect

Greg Shatan: (09:50) "International law" is another misused term. It would be more accurate to refer to this as a "comparative law" expert.

enoss: (09:51) +1 greg

Aarti Bhavana: (09:51) +1

jorge cancio (GAC Switzerland): (09:52) why Greg? there are elements of international law which may be interesting or is this a question of different understanding of "international law"?

Becky Burr: (09:52) not implicitly - quite explicitly

Becky Burr: (09:53) this goes back to Greg's point - jurisdiction is multi-faceted. Place of incorporation is one plane only

Brett Schaefer: (09:54) It would be helpful to this sub group, I think, to have a financial cost estimate for changing the bylaws to comply with changing ICANN's place of incorporation.

enoss: (09:55) @becky, but place of incorporation is probably the most important element

Guru Acharya: (09:55) The principle to protect WS1 would effectively foreclose any discussions on the jurisdiction layer concerning place of incorporation, which was recognised as an important topic of discussion in the WS1 report.

enoss: (09:55) @becky and a jurisdiction may evolve to become "multistakeholder unfriendly", in which case ICANN should have a positive obligation to deal with that issue

enoss: (09:56) @guru protecting WS1 can be achieved without the specific jurisdiction being frozen in amber

Becky Burr: (09:57) @ Elliott - nah. ICANN is subject to jurisdiction of courts around the world. Place of incorporation is an important construct for internal governance/ empowered community, but much less important for dispute resolution

enoss: (09:57) @becky agree with that of course

matthew shears: (09:57) A mechanism for changing the place of incorporation was agreed - it is reflected in the new bylaws/Aol. We now need to address other aspects of jurisdiction

enoss: (09:59) @matthew I was trying to differentiate between the mechanics (very important) and the principles

Farzaneh Badii: (10:01) I got disconnected . coming back to the queue

enoss: (10:04) the fact that we can't call ICANN a regulator makes such an important point about jurisdiction. this is 100% the result of a particular application of the term in a particular jurisdiction

Rudi Vansnick: (10:05) still a series of question unresolved ... refering to Sebastien ... quid national & regional jurisdiction ..

Vidushi Marda: (10:06) +1 to Farzaneh - this was an issue with .IQ in '97 too

Robin Gross [GNSO - NCSG]: (10:06) +1 to Farzi

enoss: (10:06) yep. +1 to Farzi

Julie Hammer (SSAC): (10:07) SAC069 discussed the issue of Govt Sanctions, OFAC Licences and the role of NTIA at Section 3.1.3 Page 11.

Rudi Vansnick: (10:07) i consider the location of the registry being an issue in itself depending on where they are located ... national applies !

Guru Acharya: (10:07) There were 5 layers of jurisdiction that were recognised in an early CCWG report on jurisdiction. Maybe we could use those 5 layers as a starting point for those discussions if someone presented them during an early lightning talk.

Sabine Meyer (GAC - Germany): (10:10) You're even a month ahead of us, Niels :)

Greg Shatan: (10:11) The .ir matter involved a private plaintiff making arguments before a court. It's hard to imagine anything we do that can prevent plaintiffs from coming to court and making claims. Notably the US government filed a brief with the court supporting ICANN position that this was not an asset and not subject to seizure.

Brett Schaefer: (10:14) Can we get the link to that chart?

James Gannon [GNSO-NCUC]: (10:15)

https://community.icann.org/download/attachments/53772653/article19_ICANN_1706_reviewed.png?version=1&modificationDate=1466841961000&api=v2

Brett Schaefer: (10:16) thx

Paul McGrady: (10:19) "Boldly going" is Star Trek, not Star Wars. Just so that we have a clean record.

matthew shears: (10:19) may the force be with the design teams

Mathieu Weill, ccNSO, co chair: (10:20) Thanks Paul, let's not confuse pears and oranges

Niels ten Oever: (10:20) We haven't chosen an instrument yet ;)

Farzaneh Badii: (10:27) you should choose violin

Terri Agnew: (10:31) Coffee Break for 15 minutes

Greg Shatan: (10:41) I vote for saxophone.

Terri Agnew: (10:55) break running long, we will begin in a few minutes

Terri Agnew: (10:56) we are starting

Guru Acharya: (11:05) I'd like to add that diversity is also a derivative of the languages used at ICANN. Currently, the languages available for translation are limited to UN languages. Ironically, while we

oppose UN in most other contexts, we have blindly limited ourselves to official UN languages for translation. This needs to be reviewed. Languages like Hindi (2nd most spoken) and Bengali (7th most spoken) with large number of speakers are effectively excluded from the ICANN reinforcing the status quo.

enoss: (11:10) attracting people to ICANN is a one-to-one exercise. "who did you attract to ICANN today?"

enoss: (11:10) fellowship is an AWESOME exercise

enoss: (11:11) (point is this is an execution problem, not a strategy problem. we should all look at our own personal efforts)

Olga Cavalli - GAC Argentina: (11:11) talent is not lost with diversity

enoss: (11:11) +1 olga

Farzaneh Badii: (11:11) I agree Olga

Niels ten Oever: (11:11) +1

Olga Cavalli - GAC Argentina: (11:12) there is talent all over, challenge is to find talent and diversity

Niels ten Oever: (11:12) and to keep them

Farzaneh Badii: (11:12) those who are given opportunity can show talent!

Niels ten Oever: (11:12) we should also create an enabling environment, opening the door is not enough, neither is just getting people in.

matthew shears: (11:12) we need to ensure that we have programmes in place to encourage ongoing onboarding for newcomers - for example how do we encourage/ensure that they move from newcomers to joining WGs etc.

Olga Cavalli - GAC Argentina: (11:14) goof poiny mathieu

Farzaneh Badii: (11:14) there is agreement on region in ICANN . it;s not perfect but there is

Olga Cavalli - GAC Argentina: (11:15) yes but regions are not equally represented, in CCWG ACC very few from LATAM

Farzaneh Badii: (11:15) yes that's what we need to work on. we can have endless discussion on region

Olga Cavalli - GAC Argentina: (11:17) types of people?????

Olga Cavalli - GAC Argentina: (11:17) which type I am????

Mathieu Weill, ccNSO, co chair: (11:17) the good type Olga

Olga Cavalli - GAC Argentina: (11:17) ahhh this is good to know

Roelof Meijer (SIDN, ccNSO): (11:18) Now, which type is Malcolm?

Farzaneh Badii: (11:18) I don't know why when we talk about diversity we always mention "as long as it doesn't lower our standards". what are our standards?

Vidushi Marda: (11:19) +1 Farzaneh that baffles me too.

Olga Cavalli - GAC Argentina: (11:19) with gender and geography we have a lot to work with , just to start

Roelof Meijer (SIDN, ccNSO): (11:19) I propose one can be multiple types. And develop and/or evolve from one type into another. If that serves the diversity goals

Guru Acharya: (11:20) diversity is a function of barriers. instead of focusing on affirmative actions to create diversity such as fixing gender ratios or regional ratios which may result in loss of talent, the focus should be on reducing barriers such as language, funding, capacity building etc.

James Gannon [GNSO-NCUC]: (11:20) I think Alans example was good, where the best candates are not able to be selected becuase of quotas

Olga Cavalli - GAC Argentina: (11:20) +1 to Roelof

Farzaneh Badii: (11:20) There has been historical discrimination against women for position. Less qualified men always got ahead. isn't it time to give women a chance even if they are in YOUR eyes less qualified?

Olga Cavalli - GAC Argentina: (11:21) well said Farzaneh

Douglas Onyango: (11:21) I think the point about diversity, for diversity's sake is something we need to examine closely. I strongly believe this has come about because of thinking of diversity, regional, etc, as an end and not a means. This is particularly important for geography. Merely having females or people from a particular geographic region does not in and of itself engender representation. Indeed it is conceivable for a man to represent (or not step on women's) rights better than a woman might be able to do.

Olga Cavalli - GAC Argentina: (11:22) bravo Avri!!

Douglas Onyango: (11:22) Avri +1

Douglas Onyango: (11:22) Agreed completely

Sabine Meyer (GAC - Germany): (11:23) +1 Avri

Farzaneh Badii: (11:23) +1 Avri.

Aarti Bhavana: (11:23) +1 Avri

enoss: (11:23) wheeeeeee

Guru Acharya: (11:23) +1 Avri. That was fantastic!

Niels ten Oever: (11:23) So much +1000 avri

john berard: (11:24) A lack of diversity is as much a part of machine systems as our organic ones:

http://www.nytimes.com/2016/06/26/opinion/sunday/artificial-intelligences-white-guy-problem.html?_r=0

FIONA ASONGA (ASO): (11:24) Avri I couldn't have put it better

Vidushi Marda: (11:25) Excellent, excellent point and couldn't have said it better

Greg Shatan: (11:25) Building a more diverse community is critical to all of this.

Vidushi Marda: (11:25) It is offensive and condescending

Greg Shatan: (11:26) What is?

Vidushi Marda: (11:27) to bring about this discussion of "diversity for diversity's sake will lower standards"

Vidushi Marda: (11:28) I think Avri put across that point brilliantly, and especially ALL kinds of diversity

Vidushi Marda: (11:28) :)

Thomas Rickert, Co-Chair: (11:28) Avri - you mentioned our group does not even have the skill set to determine what diversity we need. I do not challenge that statement, but would like to learn how we then get the required expertise and who determines when we have the expertise as that individual might also not have a wholistic view as well?

Greg Shatan: (11:35) Let's not forget about people with disabilities, when we talk about diversity.

Lousewies van Der Laan: (11:35) yes Greg

Sabine Meyer (GAC - Germany): (11:36) +1 Greg

Kavouss Arasteh: (11:38) Some people just makes solgans which far from reality

jorge cancio (GAC Switzerland): (11:40) +1 to Dalila

Beran Gillen: (11:41) audio??

Beran Gillen: (11:41) ok its back

Becky Burr: (11:41) on language diversity issue, what explains underutilization of head phones at ICANN meetings? Folks prefer to rely on transcribers? Non-native English speakers electing to speak in English (why)?

RP - Tech: (11:41) apologies, a mic dropped for a few seconds

Beran Gillen: (11:41) ok thx?

Beran Gillen: (11:41) thx!

Cheryl Langdon-Orr (CLO): (11:41) Also Becky many of us prefer to use our own headsets when the interprative services are offered...

Jordan Carter (.nz, ccNSO): (11:42) rejoined all

Becky Burr: (11:43) didn't know you could do that Cheryl, interesting

Sabine Meyer (GAC - Germany): (11:44) for me it's an issue of getting a headache after a while, at which point I switch to reading the translated transcript

Carlos: (11:44) Also lawyers are dominant in CWG ACCT

jorge cancio (GAC Switzerland): (11:44) thanks for these data - it's always good to start with facts

Rudi Vansnick: (11:44) marvelous stats .. thanks Matthieu

Cheryl Langdon-Orr (CLO): (11:44) Yes this analysis is an excellent and timely contribution to our work ...

Beran Gillen: (11:45) audio gone again??

RP - Tech: (11:45) mics dropped again, we are working on it as quickly as possible

Beran Gillen: (11:46) thx

Beran Gillen: (11:46) back

Olga Cavalli - GAC Argentina: (11:47) yes quotas!!!!

Malcolm Hutty: (11:48) Are we really talking about limiting debate, reducing open mic?

Sabine Meyer (GAC - Germany): (11:51) I hope people don't mind my pointing out the talk Jan Aart Scholte recently gave at RIPE72 that also touched on some of the issues debated here.

<https://ripe72.ripe.net/archives/video/188/>

Cheryl Langdon-Orr (CLO): (11:52) Sabine thanks

Rudi Vansnick: (11:52) @Matthieu : are your slides available ?

Mathieu Weill, ccNSO, co chair: (11:53) @Malcolm : there are ways to organize debate differently

Pedro da Silva [GAC Brasil]: (11:53) Well said, Fiona

Mathieu Weill, ccNSO, co chair: (11:53) @rudi : yes

Kavouss Arasteh: (11:55) Leon

Kavouss Arasteh: (11:55) I was in the queue?

Beran Gillen: (11:56) I think Mathieu pointed out something important.... perhaps we should try different approaches to open the door to more participation and thereby improve diversity

Kavouss Arasteh: (11:57) I was after olga

James Gannon [GNSO-NCUC]: (11:57) The Q was closed after Seba

James Gannon [GNSO-NCUC]: (11:58) *tian

Leon Sanchez (Co-Chair ALAC): (11:59) Noted Kavouss

Grace Abuhamad: (12:01) All documents are available here: <https://community.icann.org/x/rBWOAw>

Mathieu Weill, ccNSO, co chair: (12:01) @Rudy : my slides are here

<https://community.icann.org/download/attachments/59643308/MWE%20Lightning%20Talk%20Helsinki.pdf?version=1&modificationDate=1466922311268&api=v2>

Mathieu Weill, ccNSO, co chair: (12:01) oops thanks Grace

Rudi Vansnick: (12:01) many thanks Matthieu

enoss: (12:02) the place for individual members is ALAC (of course subject to the RALO concept)

enoss: (12:02) we need to promote and feed that!

James Gannon [GNSO-NCUC]: (12:04) NCUC would have an opinion on that statement I think

James Gannon [GNSO-NCUC]: (12:04) =)

Cheryl Langdon-Orr (CLO): (12:07) Hmmm ZMy hand got put down :(Never mind

Mark Carvell - UK GAC: (12:08) A couple of points on governmental participation in ICANN. Firstly The GAC membership is currently 160 governmental administrations and the African Union Commission and the European Commission. Over 30 IGOs are GAC observers including all the UN and Commonwealth agencies with a role in advancing the contribution of ICTs to achieving the UN Sustainable Development Goals. Secondly, regarding the role of governments in policy development, the GNSO and the GAC recently agreed procedures for the early participation of the GAC in policy development. These procedures should serve to realise the benefits of increased transversal working.

Cheryl Langdon-Orr (CLO): (12:08) Plenty of time during our discussions to come

Cheryl Langdon-Orr (CLO): (12:10) Of course even with adjustment to parity and balance in Diversity matters such as Bylaws and or quotas, we may find that the tool is best used in some aspects rather than all or others...

Terri Agnew: (12:11) lunch break and will resume 13:10 EEST

Jordan Carter (.nz, ccNSO): (12:11) great, see you on the Internet again in an hour :-)

Beran Gillen: (12:11) thx terri

ahmed eisa sudan: (12:30) we will see you after lunch

Sivasubramanian M: (12:57) Grace, sent you slides by email, if possible, please display the slides.

Terri Agnew: (13:15) We will begin shortly.

Terri Agnew: (13:18) As a reminder, all documents are available here:

<https://community.icann.org/x/rBWOAw>

Terri Agnew: (13:18) we are starting

Kavouss Arasteh: (13:22) For how long we have to discuss ICANN Board Accountability

Kavouss Arasteh: (13:22) We have sufficiently discussed that and acted upon

Kavouss Arasteh: (13:23) What are new solutions that we should bring?

Guru Acharya: (13:24) is it for the stream that holly clarified that it is limited to the code of conduct with respect to indemnification if that person is sued by a Director for efforts in seeking the Director's removal?

Kavouss Arasteh: (13:25) What does it mean accountability framework

Jordan Carter (.nz, ccNSO): (13:28) There is still an outstanding topic related, which is the one about setting out norms and community expectations for Board members beyond what is written in the formal documents

Kavouss Arasteh: (13:28) It was said the Board accountability is not a clean /clear process, but that was resulted from long hours of debate , three public comments and a final supplement.

Jordan Carter (.nz, ccNSO): (13:28) the question is whether both of these topics are included in "Board standards" or not.

Kavouss Arasteh: (13:28) Should we go back to review that again and open a book which closed

Jordan Carter (.nz, ccNSO): (13:28) Kavouss, I am not sure what you mean?

David McAuley: (13:29) WS1 set out the scope of WS2

Kavouss Arasteh: (13:30) There is no absoluteness in any process .There are always some thing that may not be perfect. They are below the threshold

Kavouss Arasteh: (13:30) The Board0 saccountability could be monitored and corrected if really necessary

Jordan Carter (.nz, ccNSO): (13:31) I agree we shouldn't reopen the whole matter, it's mostly done. I think the challenge now lies with the Board in evolving a culture and working methods that demonstrate accountability is welcome and integral to their work, rather than an imposition

Jordan Carter (.nz, ccNSO): (13:32) makig sure we develop the standards set out in the bylaws, so as to assure community members when they are solid ground in dealing with Board removal matters, is important.

Jordan Carter (.nz, ccNSO): (13:32) Expressing some view or vision for how the Community would like directors and the Board to act / behave / approach its role seems to me constructive and a good dialogue between the Board and the community as brought together in the CCWG

Jordan Carter (.nz, ccNSO): (13:33) I am not comfortable with the points I have made above being set aside, for the record

Greg Shatan: (13:38) It makes more sense to cast that as an implementation issue, rather than making it sound like do-over of WS1.

Jordan Carter (.nz, ccNSO): (13:38) Greg - re Phil's comments now

Jordan Carter (.nz, ccNSO): (13:38) ?

Jordan Carter (.nz, ccNSO): (13:38) or as above?

Greg Shatan: (13:38) @Jordan, I was responding to you. Not to Phil.

Jordan Carter (.nz, ccNSO): (13:42) ah ok. Well, I agree with that. I worried Siva's presentation argued for that. I hope it doesn't look like I am trying to argue for that.

Thomas Rickert, Co-Chair: (13:44) The queue is closed after Brett

Thomas Rickert, Co-Chair: (13:44) Thanky ou!

Thomas Rickert, Co-Chair: (13:44) you

Jordan Carter (.nz, ccNSO): (13:45) it's just a limited, but useful piece of work that seems to have been set aside without proper discussion or debate. Maybe it's my fault for not closely enough reading that part of the final report or the bylaws.

Alan Greenberg: (13:46) If ICANN were to move to a new jurisdiction, it would have to be a NEW corporation with new Articles and Bylaws. What is in our current Bylaws really do not matter. THAT corporation *IS* a California corporation until it dissoves.

Becky Burr: (13:50) Jurisdiction is about MUCH MORE than the place of incorporation Paul

Cheryl Langdon-Orr (CLO): (13:50) indeed!

Steve DelBianco [GNSO - CSG]: (13:51) @Paul -- we just desribed how ICANN cannot change its state and form of incorporation without community approval. But its a separate matter as to whether parties are forum shopping for a particular legal question

Guru Acharya: (13:51) +1 Paul: exactly, if the scope of WS2 on jurisdiction wrt to the layer on place of incorporation is pre-decided in WS1 then lets make that clear right in the begining so that those invested in that can take their agitation to alternate forums. there needs to be clarity.

Pedro da Silva [GAC Brasil]: (13:51) Precisely, Jan

Paul McGrady: (13:51) Then why is there a WS2 topic on jurisdiction if WS1 settled it?

Pedro da Silva [GAC Brasil]: (13:52) WS1 didn't settle it

Guru Acharya: (13:52) @pedro: steve and the chairs seem to think otherwise

Pedro da Silva [GAC Brasil]: (13:52) WS1 just settled the issue whether ICANN's place of incorporation should be a standard or fundamental bylaw

jorge cancio (GAC Switzerland): (13:53) this morning I feel we found some common ground in discussing specific concerns, analyze de facts, set possible requirements and, if there is agreement, make specific recommendations. Talking in general and methaphysical terms about "jurisdiction" is not very productive

Greg Shatan: (13:54) Organized means incorporated. There's no space between the two.

Becky Burr: (13:55) I just don't think that is correct Brett - "being organized under" is the equivalent of being incorporated in

Samantha Eisner: (13:56) Agree with Greg and Becky

Greg Shatan: (13:57) That said, Brett is correct that the physical location of ICANN is not specified in the Articles.

Greg Shatan: (13:57) Only its legal jurisdiction of incorporation.

Greg Shatan: (13:58) And many US corporations are incorporated in states where they are not located (primarily Delaware). Nonetheless, I don't know of any that are not headquartered somewhere in the US.

Becky Burr: (13:58) ICANN has lots of physical offices. you can't be incorporated in a jurisdiction without at a minimum an agent for receipt of service - which means you are always subject to that law

Terri Agnew: (13:59) starting Topic: update on WS2 background papers

Samantha Eisner: (13:59) The term "organized", used in that manner, is even within the California Secretary of State recommended forms: This corporation is organized and operated exclusively for the purposes set forth in Article 2a hereof within the meaning of Internal Revenue Code section 501(c)(3).

Samantha Eisner: (13:59) <http://bpd.cdn.sos.ca.gov/corp/pdf/articles/arts-pb.pdf>

Greg Shatan: (13:59) So a California corporation headquartered in, e.g., Singapore would be very odd and is probably legally impossible.

Becky Burr: (14:00) and even if it happened it could still be served in California

Samantha Eisner: (14:00) +1 Becky

Greg Shatan: (14:00) Becky's correct -- as long as ICANN is incorporated there, it will be subject to CA law, even if it is HQ'd on the International Space Station.

Kavouss Arasteh: (14:03) Grace,

Kavouss Arasteh: (14:03) Now that Pedro slide are available, could we ask that othwer slide be also made available?

Grace Abuhamad: (14:04) As a reminder, all documents are available here:

<https://community.icann.org/x/rBWOAw>

Kavouss Arasteh: (14:04) Muchas Gracias

Grace Abuhamad: (14:05) De Nada

Edmon: (14:06) do we have a set of baseline "criteria" or "requirements" for a jurisdictional environment "suitable" for ICANN... if not perhaps agreeing to those maybe a useful step towards further discussing the issue of jurisdiction?..

Brett Schaefer: (14:06) Greg an Becky, if you are correct, then why not insert the clarification to remove doubt?

Terri Agnew: (14:09) Starting topic Lightning Talk Session 3

Becky Burr: (14:09) Doubt about what Brett? ICANN is incorporated in California, subject to California law. That cannot change without Board and EC approval (and an enormous amount of additional work to replicate sole designator model. There is nothing to remove doubt about.

Jordan Carter (.nz, ccNSO): (14:15) Edmon, I agree, that's what the subgroup should likely work on

Jordan Carter (.nz, ccNSO): (14:16) STRONGLY support the Mutual Accountability Roundtable idea being explored further - better dialogue among and between Board and community leaders seems logical to be helpful

Cheryl Langdon-Orr (CLO): (14:17) Yes it is a method well worth exploring IMO as well

Kavouss Arasteh: (14:36) Some people confuse the GAC Carve out which has a limited occurrence with Application /use of IRP which has a very broad application

Jorge Cancio (GAC Switzerland): (14:36) Isn't the mutual accountability roundtable linked to the idea of cross-community sessions, as the ones we will be having here in Helsinki?

Jordan Carter (.nz, ccNSO): (14:36) hope so, Jorge

Jorge Cancio (GAC Switzerland): (14:38) good points from Jan

Bruce Tonkin: (14:52) Normally staff are accountable to the CEO, and the CEO is accountable to the Board, and the Board is accountable to the stakeholders.

Jordan Carter (.nz, ccNSO): (14:53) that accountability sits alongside the agreed approach to transparency

Jordan Carter (.nz, ccNSO): (14:54) nice presentation, Avri!

Bruce Tonkin: (14:57) Staff generally have particular roles and responsibilities and are accountable for performing those to a standard required by the organization. You generally don't want staff talking about areas outside of their responsibility. e.g. there are staff in compliance and they will be responsible for investigating particular cases. It is not for a person in the policy team to talk about a particular compliance complaint as they are unlikely to have all the information to provide an informed

response. It is quite reasonable to ask staff to talk about topics within their area of responsibility, but outside of that they can refer you to the appropriate person.

Athina Fragkouli (ASO): (14:57) +1 Kavous

Steve DelBianco [GNSO - CSG]: (14:59) In our report, here is what we wrote about WS2 Transparency: Improving ICANN's transparency with a focus on: 1) Enhancements to ICANN's existing DIDP, with the goal of justifying denials with a specific harm and limiting the scope of non-disclosure. 2. ICANN's interactions with governments. 3. Improvements to the existing whistleblower policy. 4.

Transparency of Board deliberations

Mathieu Weill, ccNSO, co chair: (15:00) Thanks Steve !

James Gannon [GNSO-NCUC]: (15:03) So we can have the annual summer staff strikes? =)

Cheryl Langdon-Orr (CLO): (15:05) valuable suggestion Chris/Avri

Daniel K. Nanghaka: (15:07) That is an interesting question - probably the role of ICANN in accountability

Jordan Carter (.nz, ccNSO): (15:07) they have a stake no question, but they only have it in their role as employees

Terri Agnew: (15:09) Coffee Break, back at 15:25 EEST

Jordan Carter (.nz, ccNSO): (15:31) are we late?

Terri Agnew: (15:33) we are starting

Carlos Raul: (15:41) audio is not very good

Terri Agnew: (15:42) @Carlos, we are checking on audio

Cheryl Langdon-Orr (CLO): (15:42) has it improved yet Carlos?

Carlos Raul: (15:43) it was alan's mic i guess

Carlos Raul: (15:43) now is better

Carlos Raul: (15:43) thanks

Terri Agnew: (15:44) @Carlos, thank you for letting us know

susan payne: (15:44) While we are on the topic of inconsistent messaging and where Compliance sits -
FromGoran's recent blog: "[Allen Grogan] will continue to report to Akram Atallah, President of GDD"

Xavier Calvez: (15:47) Alan has used as a reference a version of ICANN's management system that shows Akram Atallah as owner of the Contractual Compliance function. This is an obsolete version (by about 2 years). The correct version which has been in place for about 2 years can be found at the following link:

Xavier Calvez: (15:47) <https://features.icann.org/plan>

Daniel K. Nanghaka: (15:50) There is a relationship between transparency and accountability

Cheryl Langdon-Orr (CLO): (15:56) Yes Daniel a clear and essential nexus exists between the 2

susan payne: (15:58) Ed, please would you provide link to Sarah Clayton's research report

Leon Sanchez (Co-Chair ALAC): (15:58) Lucky you that you only have ONE question on public interest!

Anne Aikman-Scalese (IPC): (16:04) CCWG-ACCT was advised by ICANN staff that a report on the definition of Global Public Interest issued in May of 2014 defined GPI as follows: "Ensuring that the Internet becomes, and continues to be, stable, inclusive, and accessible across the globe so that all may enjoy the benefits of a single and open Internet. In addressing its public responsibility, ICANN must build trust in the Internet and its governance ecosystem."

Becky Burr: (16:04) @Constantine - Mathieu was not quite correct on the public interest issue. The CCWG determined that the global public interest in any situation should be determined by the bottom-up multistakeholder process

Becky Burr: (16:07) that may be a fine definition, but it exceeds ICANN's Mission by a mile

Brett Schaefer: (16:07) Becky, when will the process commence? How long will it take? Will it result in a broad statement that leaves so much latitude of interpretation to the Board as to be meaningless?

Becky Burr: (16:08) Brett - the PDP is the process by which - in any particular circumstance - the global public interest is determined. It is context based and must be determined in context consistent with ICANN's mission

Brett Schaefer: (16:08) Also, in the meantime, it is a Board determination which impacts WS2.

Becky Burr: (16:09) Brett - there is no freestanding definition, it must be defined in context

Terri Agnew: (16:09) Starting next topic: WS2 and ATRT3 Timing

Brett Schaefer: (16:09) So bottom up multistakeholder means PDP?

Becky Burr: (16:10) otherwise @ Brett you have huge Mission creep issues

Brett Schaefer: (16:11) Isn't PDP a GNSO process? How does the rest of the EC get involved?

Samantha Eisner: (16:11) There is more context to the background on the public interest item. That definition has not been put into operation as the community process is being kicked off. There was a first session to kick off the discussion in Marrakech, and a wiki page is available with other background:

Samantha Eisner: (16:11)

<https://community.icann.org/display/prjxplrpublicint/Exploring+the+Public+Interest+within+ICANN%27s+Remit+Home>

Anne Aikman-Scalese (IPC): (16:11) @Becky and Brett: I think Global Public Interest has to be applied in several ICANN functions outside the PDP though.

Becky Burr: (16:14) Then Anne, IMHO, the public interest is bounded by ICANN's Mission - stability and security of the unique identifiers as further described in Section 1.1(a) (MissionStatement). The global public interest cannot be defined in a way that infinitely expands ICANN's Mission

matthew shears: (16:15) + 1 Becky

Keith Drazek: (16:15) +1 Becky

Cheryl Langdon-Orr (CLO): (16:16) Yup that gets a +1 from me as well Becky

Brett Schaefer: (16:17) Agree that it should not be used to expand ICANN's mission, but neither should it be so ill-defined that it becomes a tool for the Board to apply at its discretion.

Becky Burr: (16:18) I think we are in violent agreement Brett.

James Gannon [GNSO-NCUC]: (16:18) Yup violent agreement

Keith Drazek: (16:19) Thanks to Steve for teeing up this issue. I would happily support the 2nd or 3rd options....Delay ATRT3 or Begin on schedule but focus only on ATRT2 implementation until WS2 concludes. I think conducting ATRT3 and WS2 in parallel is likely a waste of effort and resources.

James Gannon [GNSO-NCUC]: (16:19) +1 Keith

Becky Burr: (16:20) +1

Anne Aikman-Scalese (IPC): (16:20) @Becky and Brett- the link Samantha posted leads to a list which is apparently a "Strategy Group" on defining the Global Public Interest. you can join that group via the length Samantha posted.

Daniel K. Nanghaka: (16:20) I think WS2 should first be finished then ATRT3 starts

matthew shears: (16:20) + 1 Keith

Anne Aikman-Scalese (IPC): (16:20) *via the link - not the length

Daniel K. Nanghaka: (16:21) The recommendations of WS2 are important in ATRT3

Kavouss Arasteh: (16:21) Leon

Becky Burr: (16:22) thanks Anne - I joined. But mainly to make sure nothing crazy happens

Keith Drazek: (16:23) @Avri: my understanding on option 3 was that ATRT3 would *initially* focus on ATRT2 implementation, and then focus on recommendations after the conclusion of WS2.

Kavouss Arasteh: (16:24) As long as I remain in the list I have no problem to be shifted from 4th to 7th level

Mark Carvell UK GAC rep: (16:25) Option 3: won't WS2 consider or touch on implementation of ATRT2 recommendations so problem of at least some elements of overlap is not avoided?

James Gannon [GNSO-NCUC]: (16:27) Does the bylaw even allow for that scenario?

Chris Disspain: (16:27) this would make a VERY large ATRT 3 team rather than issue driven smaller teams

Chris Disspain: (16:27) which may make it very hard to manage

Keith Drazek: (16:28) Avri's comments about a multi-year ATRT have me thinking/agreeing an outright delay is probably the more sensible option of the three.

Chris Disspain: (16:28) this one team would struggle to work in parallel

Chris Disspain: (16:28) so may well take longer

Chris Disspain: (16:28) I think I agree Keith

Keith Drazek: (16:29) What is the urgency to initiate and conclude ATRT3? Isn't the WS2 work more urgent and impactful?

James Gannon [GNSO-NCUC]: (16:29) Agree Keith

Athina Fragkouli (ASO): (16:29) +1 Keith

Izumi Okutani(ASO): (16:29) I share Keith's question

matthew shears: (16:29) agree Keith

Malcolm Hutty: (16:31) Does ATRT3 have a defined end date, or just a defined start date? Starting on time and adjourning immediately is a common practice

Kavouss Arasteh: (16:33) I was much before Pedro and now after him .

Edward Morris: (16:33) Agree with Keith.

Kavouss Arasteh: (16:34) If you close the list after him pls put me before

Mark Carvell UK GAC rep: (16:34) As we have heard today, there are intersects between the six topics - that could complicate pausing individual items in Roelof's option 4. This might argue for keeping full foster of WS2 topics intact ahead of ATRT3.

Kavouss Arasteh: (16:34) Leon

Pedro da Silva [GAC Brasil]: (16:34) +1 Mark

Kavouss Arasteh: (16:34) The list continuously modified why?

Kavouss Arasteh: (16:34) I was after Sia.

Grace Abuhamad: (16:36) You will get to speak Kavouss

Kavouss Arasteh: (16:37) Pls kindly do not move me any more back and forth

Jonathan Zuck: (16:39) I don't think we should start it right after WS2 either if it had the same issue mandate. that would be ridiculous, even more so than going simultaneous

Jonathan Zuck: (16:40) of course you need data to do that!

Avri Doria: (16:40) What Bruce is suggesting is not an ATRT but some other sort of review.

Avri Doria: (16:41) ATRT is defined in AOC. if you are doing an ATRT you are doing what is in the AOC

Jonathan Zuck: (16:41) @Avri, of course, every ATRT could define its own methodology

Avri Doria: (16:41) methodology yes, what it reviews, not so much.

Steve DelBianco [GNSO - CSG]: (16:41) @Avri -- the new Bylaws describe ATRT, too. That's why we recommended Sunset of AoC once the new Bylaws were in effect

Jonathan Zuck: (16:42) agree Steve on the sunset

Avri Doria: (16:42) well theoretically with the new bylaws being passed, except for the fact that we are sitting on them until who knows what or why. we should just say AOC is over long live the new bylaws.

Jonathan Zuck: (16:42) sure Avri but the RT can define its own scope and say that it wants to focus on previous recommendations because there are already so many new ones

Bruce Tonkin: (16:43) My suggestion is to time-box the ATRT3 work for a 60 day period - identify the changes that were made, assess whether the changes were effective - see 3rd report to WS2. IN the meantime WS2 could be looking at best practices in other organizations, bringing in new ideas, and then assessing which of those ideas along with the results of the changes made so far.

Avri Doria: (16:43) and that is up to the ATRT, how do you know what the ATRT will decide to focus on.

Avri Doria: (16:44) all they need to guide them is the AOC

Jonathan Zuck: (16:44) this group could certainly "recommend" ;)

Bruce Tonkin: (16:44) WE ned to become as an orgnqaizaiton far more effecitve in doing regular reviews in reasonable timeframes, and making continous incremental improvements

Jonathan Zuck: (16:44) agree Bruce!

Jonathan Zuck: (16:45) it

Avri Doria: (16:45) But that would be meaningless. and an ATRT has its own logic and processes. plus remebers you are pulling NTIA and the Board into the review.

Jonathan Zuck: (16:45) it's becoming a farce

Avri Doria: (16:45) it bevcame a farce last year when we skipped it.

Jonathan Zuck: (16:46) you and I disagree on that Avri. We didn't "skip" it, we superceded it with a GIGANTIC duplicative effort

Zakir: (16:47) cant hear.

Avri Doria: (16:48) WS2 and an A

Avri Doria: (16:48) TRT are very different things.

RP - Tech: (16:48) @zakir, please try to mute and unmut your speakers in your AC room

Jonathan Zuck: (16:49) ideally, ATRT3 would have been the start of what we are foolishly calling WS2 as if it were descrete.

Zakir: (16:49) @tech no luck. let me try again.

Jonathan Zuck: (16:50) agree Kathy

RP - Tech: (16:51) @ zakir, you may also want to try closing out of the AC room completely, because there are no other complaints of audio issues, which usually narrows it down to your particular machine

Zakir: (16:52) thnks. working now. probably connectivity issue.

RP - Tech: (16:53) excellent, glad your back up and running!

Avri Doria: (16:56) totally and vehemently against the abbreviated 3.

Avri Doria: (16:57) it would not be an ART

Avri Doria: (16:57) and one cannot review aall of this in 60 days. that is a fantasy

Jonathan Zuck: (16:59) agree on the 60 days Avri, especially since the recommendations were not structured in a way to be measured. Happy not to redefine the ART but instead skip one altogtgher and come up with a substitute under a different name in the near term.

Avri Doria: (16:59) i am more against this as i have been against anything we have done in CCWG.;

Jordan Carter (.nz, ccNSO): (17:00) no audio

RP - Tech: (17:00) back Jordan?

Jordan Carter (.nz, ccNSO): (17:00) it came back after ~10sec

RP - Tech: (17:01) thank you for the information

Bruce Tonkin: (17:05) The requiremnet to do an ART review is contained here:

<https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en>

Bruce Tonkin: (17:05) ICANN commits to ICANN commits to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders

Bruce Tonkin: (17:06) There is a requirement to review execution of this every 3 years. My poit is that to be efficient we shoudl have standard ongoing meausres for each of these qareas that are available to the review team and we shoudl focus on teh effecitvness fo the changes made since the last review.

Avri Doria: (17:07) Yes Bruce, you made that clear. But it is not the Board's role to constrain wht an ART does and that would be a terrible precednet to set.

Avri Doria: (17:07) ART is about accountabilit and transparence, not efficiency.

Avri Doria: (17:08) and it can't be done in 60 days.

Bruce Tonkin: (17:08) No I am not suggesting that it is the Board's role Avri - it is the communities role. I am simply pointing out how the community can be efficient. The Board's role would only be if the community decided not to an ARTR review and we would need to get approval from the US Government.

Avri Doria: (17:08) ICANN can't even write a charter in 60 days. or do an DIDP request and answer.

Bruce Tonkin: (17:09) Well hopefully the CCWG can assist with writing a draft beforehand.

Jordan Carter (.nz, ccNSO): (17:09) If you want to be a rapporteur do be prepared for the work load, as Cheryl is saying.

Bruce Tonkin: (17:09) I would imagine that an ARTR review team would be made up of people mostly already in this room and already on the CCWG.

Kavouss Arasteh: (17:09) Call for volunteers and see what will happen

Jordan Carter (.nz, ccNSO): (17:09) it takes roughly 5x the time taken to be an active and engaged member of the plenary

Avri Doria: (17:09) well as long as you don't need consensus, you might be able to pull it off. As long as the criteria is not everyone's view is relevant, it can work just fine.

Jordan Carter (.nz, ccNSO): (17:11) seems like a good meeting everyone, thanks!

Jordan Carter (.nz, ccNSO): (17:11) enjoy your week