
UNIDENTIFIED MALE: Excuse me, the recordings have started.

LEÓN SANCHEZ: Thank you very much, and welcome everyone to this CCWG on Accountability Work Stream 2 meeting number three, on August 9, 2016. As you know, this call is being recorded, and we will be having six agenda items. Hopefully, this will be a short call as we anticipate that there is not much substance to discuss. However, I'd like to remind you of filing your Statement of Interests if you haven't done so, and if you have any problems with filing your Statement of Interest, please feel free to approach anyone in staff so they can help you.

I think Kavouss's hand is up. I would like to just state something, Kavouss, that we shouldn't take any discussions that have been happening in any other lists or in other contexts to this meeting, please. So if you have something to contribute to the agenda, please go ahead and speak up. So Kavouss, you have the floor.

KAVOUSS ARASTEH: Thank you. Do you hear me, please?

LEÓN SANCHEZ: We do hear you, Kavouss.

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.

KAVOUSS ARASTEH:

Good day or night or evening to everybody. I have two small additions to the agenda. I have put it in the chat. The first one is requesting the distinguished co-Chairs to write a letter of appreciation on behalf of an entire CCWG in regard with the very good, devoted and appreciable services that Grace have been done or have performed during the two years. It seems that we've all forgotten what she has done, and I think that we need to remind ourselves that she, among other ICANN staff, did a perfect and magnificent job and she really deserves to receive a letter of appreciation on behalf of the entire CCWG signed by the co-Chair.

This is something that we establish a good relation with the colleague, it's not only important work, it's good relation with the people. We are human beings and we have to respect each other. This is the first point.

The second point that I have, I listened to what you said, thank you very much. I don't [intend] anything of any other group with this group, but I would like to have the idea that all of the Chairs of the working group must sign a letter of neutrality and full impartiality to the process that they will do. It is very important and they have to mention that they don't have any conflict of interest with their affiliation or affiliated companies or entities, because we have seen some sign of that elsewhere. It is not CCWG, but we are now having a [bitter] experience, and we would like to have that one be done. This is very important for us.

In particular, there are two or three areas within the nine areas that are very important, such as jurisdiction, human rights and few others. It is very important that the Chairs declare their full neutrality and full

impartiality. Forget about their country, their law, and their affiliation, and serve as a custodian international servant to the community.

Thank you.

LEÓN SANCHEZ:

Thank you very much, Kavouss, and I agree with the first addition of the agenda item that you proposed. I believe that recognition and a letter of appreciation for Grace Abuhamad is in place. I think that everyone would support that letter of appreciation because we've all been very close collaborators with Grace and she has done an amazing job.

As for your suggestion on having our rapporteurs sign a neutrality letter, I would disagree with you and I wouldn't support that because we have a charter that establishes that the co-Chairs to begin with must behave in a neutral way and that is, of course, extended to the rapporteurs of each subgroup. So I would definitely not recommend to have this letter signed because as I said, the charter applies to everyone in this group, and if this is something that is applying to the co-Chairs then that is also expandable to the rapporteurs of each of the subgroups.

So thank you very much for your contributions, Kavouss, and I do agree that we have to file the Statements of Interests of everyone. That is something that we ask from every one of the attendants to disclose at the beginning of each call, so that is something that could, of course, contribute to clarify the intentions and the interests of all attending these calls.

I see that your hand is still up, Kavouss.

KAVOUSS ARASTEH: Yes. Sorry, you have prerogative to disagree with me. I don't want to argue with you, but if we see that someone refers to a specific law, a specific court, a specific practice, a specific thing that is outside the neutrality and the impartiality, what we can do? Please ensure us that this person forgets their relationship, affiliation, nationalities and everything, and act as a custodian international civil servant.

Thank you.

LEÓN SANCHEZ: Thank you very much, Kavouss, and I think that my co-Chair, Thomas Rickert has something to add to this point. So Thomas, you have the floor.

THOMAS RICKERT: Thanks very much, León. Just very briefly, Kavouss, I think you are one clique in our group who has repeatedly reminded the whole group that we need respect for every individual working with us and that we must not discriminate any of the individuals working with us. You might remember that in Work Stream 1, we have had our rapporteurs already, and we've never asked these rapporteurs to sign any declaration, nor has this been requested from the co-Chairs. As León has rightly pointed out, the rules on how these working groups are led are laid down in the charter, so I think we should not discriminate or raise unnecessary suspicion for the current round of rapporteurs. I guess that would

probably be seen as discriminating them or alleging them of not being neutral by some.

So I would suggest that we move on, we use your comment as an opportunity to remind everyone of the charter and its applicability, and we will step in if there is any proof of the rapporteurs, or us co-Chairs, not being neutral, and then we would escalate as required by the case. So thank you very much, Kavouss, for your point. I hope that this has been sufficiently responded to.

León has just sent a note that his call dropped. León, are you back with us or should I continue?

LEÓN SANCHEZ: I'm back.

THOMAS RICKERT: Okay, awesome, back over to you.

LEÓN SANCHEZ: Thank you. Thank you very much, Thomas. Our next agenda item is the update on the staff papers, so if we could please move the slides to that slide exactly. Thank you very much.

I would like to turn to Bernie so he can update us on the status of the different staff background papers. Bernie?

BERNIE TURCOTTE:

León, thank you. Good day, everyone. First of all, apologies that these have not been completed. As Kavouss noted in his first request, we lost Grace, which was unexpected and at the wrong time when it came to drafting these papers. We've sort of backfilled, and are hoping – as you can see by the slides being shown right now – to have all the papers completed by the end of the week, early next week latest, and distributed to the groups. So that is our update for the moment.

Just some background: these papers are just not being quickly put together by one person, but are being verified with all the internal groups inside ICANN to make sure we have the depth and most detailed information to provide to the subgroups so they have a very solid platform to start from. I'll be glad to take questions if there are any.

LEÓN SANCHEZ:

Thank you very much, Bernie, and I see Niels ten Oever's hand is up. Niels, you have the floor.

NIELS TEN OEVER:

Hi, Bernie. Thank you so much for the great work that has been done. I have a small alteration though, on the Human Rights page. There are two documents: a Google Doc and a PDF. There are a few changes in the Google Doc. Not much, but the PDF, I think, is four versions behind, so it would be great if the changes in the Google Doc could be accepted and whether a new PDF could be exported and put on the Human Rights site, then the whole human rights work is completed. I think that should be a matter of being done within ten minutes. So I hope that could be

added to your already full task list. I'm very sorry about that, but that will be a small request of mine. Thank you.

BERNIE TURCOTTE:

No worry at all, Niels, that's what we're here for. Glad you noted it. As you know, yes, we're busy, but we're here to serve. So I note that as an action item on the right hand side, and we'll take care of that today, tomorrow at latest. Thank you.

Any other questions? If not, back to you, León.

LEÓN SANCHEZ:

Thank you very much, Bernie. Thank you very much, Niels. I don't see any other questions, so I guess we could move on to our next agenda item. And for that, I will turn to my co-Chair, Thomas Rickert. Thomas?

THOMAS RICKERT:

Thanks very much, León. This is just to inform the CCWG plenary that following up on our discussion in Helsinki about the interdependencies or the overlap between ATRT 3 and our Work Stream 2 work, we have prepared a draft, a draft letter to the Board that is. We had sent the draft letter to the list for comments and in the absence of any objection or other contents from this group, this letter has been dispatched last night, my time zone, and we will get back to the whole group once we receive a response from the Board.

So this is basically just to let you know where we stand on this, and that the action item has been fulfilled on our side. Are there any questions

from this group with respect to this process? There don't seem to be any questions, so that's good. In fact, there is not too much substance to be discussed here, because we've exhaustively discussed the way forward in Helsinki. We're certainly very excited to hear back from the Board as to whether the Board will follow our suggested approach.

Awesome. Let's move on to agenda item number four. It pretty much looks like we will be able to give back a little bit of time to all of you and keeping this call shorter than planned for.

A question, for full transparency, we have had a preparatory call with all the rapporteurs yesterday, to get reports from the rapporteurs on whether they started their group's work, what the status is and what the difficulties are that they're envisaging, and what we can say – maybe that's due to some amongst them never [inaudible] vacation. The feedback from the community or from our group at the moment is not particularly overwhelming, so please take this as an encouragement to become active. But as the groups become active, one issue has been brought up during yesterday's call that we thought we should bring in front of the plenary. And that is that some raised the issue that their work is interdependent with other subteams' work.

So let me give you an example: we have one subteam working on the role of the Ombudsman, and we have one working on human rights. So if the framework for human rights shows that some of the work on human rights shall be dealt with by the Ombudsman, then that would impact the recommendations that we're drafting or it will likely influence the recommendations on the role of the Ombudsman.

I guess the best take on it at the moment is that we, as co-Chairs, in collaboration with the rapporteurs, will keep a close eye on the developments and see how we need to phase work in order to avoid that we're closing work in one subteam and then need to reopen it based on some parallel working group's effort. So I guess the approach – unless somebody wants to speak to this – will be that we will closely monitor this, and we will also bring this to the attention of the plenary. There will be status updates with a slide deck on subsequent calls where we report about development in the subteams, so that also you, as plenary, can identify areas where you say "Well, this is conditional to some other group's work," then we can factor it in amended work plans for the subteams, as well as amended work plans for the whole group. We're cognizant of the fact that this might potentially produce delays in delivery, but I think that's a sacrifice that we have to make in order to come up with a cohesive set of recommendations from all subteams.

I see that Sébastien's hand is raised. Sébastien, the floor is yours.

SÉBASTIEN BACHOLLET:

Thank you, Thomas. Yes, and thank you for bringing this issue to the plenary tonight – tonight for me at least. I would like to go a little bit further to your proposal. I would like to ask all the groups if they can – maybe not at the start, but really quickly in the process, to think about the dependency with other groups. Because if we do that at the end of the work, we will all be waiting for the others, because they are dependent in one way or another and with one group or with multiple groups.

We had our first meeting on the drafting team on Ombudsman and we have decided that we will try to find one person – sorry, member or active participant in most groups to be the liaison with those groups, bring back to the Ombudsman subgroup the questions that can be raised in the other and the reverse too if something happened like that. But I really think that if we can do that at the beginning of the work, we will have less delay at the end, and you will have, as a co-Chair, less work to handle at that period.

Thank you.

THOMAS RICKERT:

Thanks very much, Sébastien. I'm supportive of your suggestion, so we can mark this as an action item for rapporteurs to report back to the Leadership Team before we go to the plenary about identified dependency, so that we bring that to their attention especially. So let's maybe mark that with a two-week time limit for delivery, so hopefully all groups will have met within the subsequent two weeks.

I have to apologize for not having the calendar ready in my brain to scan it now, but let's mark our calendars for two weeks, and then by that time, all rapporteurs should give an assessment. Certainly, there can only be [inaudible] for this point in time, but give us the best shot at dependencies with other subteams.

So thanks very much for that valuable suggestion, Sébastien. Let me pause for a couple of seconds to see whether there are more interventions. At the moment, there are no hands raised. So it looks like we are [chartered] lightning during this call. Not surprisingly, because

subteams are just kicking off their works. I guess we will have much more substance to discuss once we have the first preliminary work with us in front of the plenary, but this allows us to move on to move to agenda item number five.

Back over to you, León.

LEÓN SANCHEZ:

Thank you very much, Thomas, and our next agenda item is Travel Funding for ICANN 57 in Hyderabad. The deadline for applications is this Friday, August the 12th, at 23:59 UTC. So if you need travel support to attend this meeting and you are a member of the CCWG and you haven't applied, please make sure to file your application for travel support.

We have an equivalent of 20 fully funded travel slots. This is something that we projected in our budget. And while the co-chairs are automatically eligible for funding and we count, of course, versus those 20 slots. We have been assigned the responsibility for approving the travel applications.

We have so far received 15 travel applications and these applications have applied from one-night hotel support to complete travel funding support. So we have, as this slide says, 15 travel applications, but a number of these applications have come from non-members. So it is in place to remind everyone that this travel support is available for members of the CCWG as it has been from Work Stream 1.

So I see that Kavouss has his hand up. Kavouss, could you please take the floor?

KAVOUSS ARASTEH: Yes, thank you very much, León. Is it possible that all CCWG members be placed in one hotel instead – in order to have discussion, exchange of views and so on and so forth?

Thank you.

LEÓN SANCHEZ: Thank you very much, Kavouss. I don't have an answer for that, but we'll make an action item for that so that we can check with constituency travel on this issue. I see that Bernie has his hand up, so he might have an answer to this. Bernie?

BERNIE TURCOTTE: No answer, but just agreeing that we will advise ICANN Travel, if they can do this, to please do so.

Thank you.

LEÓN SANCHEZ: Thank you very much, Bernie. I see Julie Hammer's hand is up. Julie?

JULIE HAMMER: Just a comment on that. This may not necessarily suit all participants, actually, because they may have a preference to stay at the same hotel

as their constituency groups. So I wouldn't necessarily think this would suit everybody.

LEÓN SANCHEZ: I lost Julie.

JULIE HAMMER: Can you hear me, León?

LEÓN SANCHEZ: I hear you, Julie. I hear you.

JULIE HAMMER: I'll just repeat what I said. I was just going to say that it wouldn't necessarily be suitable to all participants to stay at the hotel selected for the CCWG because they may have a preference to stay – as they normally do – with their own constituency groups. So my suggestion is just don't assume that that is what individuals would want to do.

LEÓN SANCHEZ: Thank you very much, Julie. I see that Bernie's hand is still up. I'm not sure if you want to comment on that, Bernie. Okay, so no more. And Kavouss' hand is still up. Kavouss, you have something to add?

KAVOUSS ARASTEH: If someone doesn't want to be with the other CCWG, they are free to do so, they just indicate in the form or the individual message that "I want

to be in a particular hotel.” Nothing prevents them. So I don’t want that that should be a rule, that should be a desired exception by a particular person, so Julie can do that.

Thank you.

LEÓN SANCHEZ:

Thank you very much, Kavouss. So we have this action item to check on how we will be actually allocating hotels for CCWG members and I think that we’ll be able to sort this out.

I see a question from Robin: “What is the criteria by which co-Chairs make travel support decisions?” Well, remember that when we planned our budget, we made an estimate of supporting the most participants possible in order to maximize participation, and we have some members in the CCWG that are already funded by their constituencies.

For example, my own case, I am funded by the ALAC, so I wouldn’t be, of course, using any of the travel slots that are allocated for the CCWG for this exercise and I would only be requesting one night of hotel, so that would be the cost to our budget for supporting my personal travel to Hyderabad – just one night of hotel. So the rest of the members can either be funded by their own constituencies or might be the case that they don’t have funding from their constituencies and in that case, then our budget will come in to support their travel to the respective meetings either in Hyderabad or the following meeting next year.

So I guess that is the criteria that we will be using, of course, to analyze whether, first, the request comes from a member of the CCWG. Second,

whether that member is already supported by its own constituency or not, and then, of course, try to allocate the funding for the members in order to maximize participation. I hope that answers your question, Robin.

I see Kavouss's hand is still up. Kavouss, would you like to make another comment or is that an old hand?

KAVOUSS ARASTEH: No, it was old hand, I'm sorry.

LEÓN SANCHEZ: Okay, thank you, Kavouss. So with that, I think we can close this item. I would now go to the next agenda item, which is Any Other Business. I see that Sonigitu Ekpe has a hand up, so could you please take the floor?

SONIGITU EKPE: What is the difference between members and participants of CCWG? Who are we [inaudible] to participate very effectively?

LEÓN SANCHEZ: Thank you very much, Sonigitu, for your question. As Cheryl Langdon-Orr has pointed out in the chat, the members are appointed by their ACs and SOs to the CCWG as opposed to participants, which are persons that subscribe to the mailing list and, of course, attend the calls. But the

difference between a member and a participant is that a member has been appointed by his or her respective AC or SO.

Okay, so I see Bernie's hand is up. Bernie, do you want to speak?

BERNIE TURCOTTE: Yes, on the member issue, let's just remember that's covered in the charter. And in the wiki page, we have a list of all the members if you care to reference that.

LEÓN SANCHEZ: Thank you very much, Bernie. I see Kavouss's hand is up again. Kavouss, would you like to speak?

KAVOUSS ARASTEH: Yes, I put in the chat for us, one of the most important, very important element in this Work Stream 2 is the jurisdiction. This is very critical during the entire life of the ICANN. We would not like that any text be prepared by anybody based on the particular law, particular rules of law, particular practice, particular opinion or decision of any court in any country. We should start to have a fresh look to the situation, and we don't want to be brought some ready-made material by the people putting before us, biasing our mind and do not let us to think freely on the matter.

This is very crucial for all of us, and I request the distinguished rapporteur to kindly take that into account. If you have to prepare something, please delete those and let us think freely and openly

without any bias of any rule, any ideals of any particular country or any particular code. In particular, I am totally against somebody referring to the practice of law in particular countries. We don't know what law, what code, what conditions, what circumstances.

Thank you.

LEÓN SANCHEZ:

Thank you very much, Kavouss, your concern has been noted. I would invite everyone to wait and see how the work in the different groups evolves as each of the subgroups are at a very early stage on their corresponding works. I think that the Jurisdiction subgroup hasn't even had a call yet, so I guess it would be premature to actually judge any of the work of the subgroup, as they haven't actually had any work done so far.

So yes, as I said on the chat, we will be, as co-Chairs, keep a close eye on each of the subgroups' work and, of course, we would invite everyone to be as neutral as possible. But also remind that we make our work from the experience we have and if that experience is based, of course, in a certain context, then we should respect each of the participants' collaboration in regard to the context that they live in, and the knowledge that they have acquired as a matter of context.

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

GREG SHATAN:

Thanks. Greg Shatan, and I am the co-rapporteur of the Jurisdiction subgroup along with Vinay Kesari. I agree we should not be going in with preconditions, we should also not be making up preconditions in the abstract, such as have been suggested. Obviously, Jurisdiction, which deals with jurisdictions, could not responsibly be discussed without a reference to particular jurisdictions, so while the objection of the esteemed gentleman is duly noted, I think would essentially stop all relevant discussion, so that's not something that obviously can happen.

So I'm sorry that a particular viewpoint that has been taken in the CWG has somehow leaked in and polluted the discussions in this group, but it seems that that's what has happened. In any case, as I've always been impartial and have not had any conflict of interest in spite of allusions to the contrary, I don't think we'll have any problem having a full and fair discussion within the scope that's decided of the Jurisdiction subgroup. So I look forward to working with all of the productive and cooperative members of the subgroup in pursuing our work.

Thank you.

LEÓN SANCHEZ:

Thank you very much, Greg. I see many comments in the chat agreeing with the line that this is discussion that should take place in the Jurisdiction subgroup, and as such, I would of course encourage us to move on. I see Bernie's hand is up. Bernie?

BERNIE TURCOTTE:

Old hand, sorry.

LEÓN SANCHEZ:

Okay, so if there are not more any other business at this point, I would like to thank you all for attending this call – it has been a short call – and of course, encourage all of the subgroups to continue your work. We have had one case in which – I’m not sure which was the reason, but I believe that one of the groups had actually no attendance at all, which we would definitely encourage everyone in this group to make a space for those subgroups that you are interested in collaborating with, so we don’t have another case of having a desert call as we had during these last weeks.

I believe it was the group of Lori. Okay, so Lori is clarifying that her group did not respond to an e-mail and a Doodle, so they actually did not organize a call. So what we want to avoid is to actually have these kind of situations. This might have been an error of communication or I don’t know what happened there. But the invitation is open for everyone to continue to collaborate with all the groups that you are interested in collaborating with.

So if there are no more comments or no more questions, I would like to thank everyone for attending this call and I’ll talk to you soon. This call is now adjourned. Thank you very much.

UNIDENTIFIED FEMALE:

Bye, everybody. Thank you.

UNIDENTIFIED MALE:

Thanks, everyone. Bye.

[END OF TRANSCRIPTION]