
SEBASTIEN BACHOLLET: Okay, thank you very much. Welcome, everybody. Welcome to this first meeting of the Ombudsman topic Work Stream 2 of the CCWG on accountability. Welcome to everybody.

First, I would like to tell you about the agenda of the meeting. We will do [inaudible] issue and roll call, but the roll call will be based on the list of the participants of the AC room. Even Cheryl is on the AC room, even if she's just on the phone, but if other are just on the phone and not on the AC room, it's time to tell us.

Okay, I don't know who is unavailable and with the phone. Then we will go to welcome and opening remarks, setting the scene, a round of brief self-introduction, and setting the scene for obviously this Ombudsman Subgroup and discuss some of our work plan for the meeting.

Can I give the floor to staff? If you have some introductory remark to [this] group, please do so now.

BERNARD TURCOTTE: Just going to introduce ourselves if there is anyone that doesn't know us. Your team is myself, Bernard Turcotte, and the super Brenda Brewer who takes care of actually making all the mechanics of these calls work. If you have any particular issue, for those who have been working with us for a long time, you know you just have to reach out to us. Usually e-mail works fine. We're not up 24 hours a day, but we try to get back to you as soon as possible. Thank you.

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.

SEBASTIEN BACHOLLET: Thank you, Bernie. Let's start the third item. It's setting the scene of this Work Stream 2 Design Team on the Ombudsman questions. As you know, I will try to go quickly on that, but just to be sure that everybody are on the same page, even if I know that all the participant know them better than me [all] what it's about. Let's go quickly.

We are in Work Stream 2 of the CCWG on Accountability, and there are 10 different topics. One of them is the ICANN Ombudsman. The Work stream 2 is based on Subgroup or Design Team, and we are one of them. It's important to understand that the CCWG on Accountability Plenary remains in charge of discussing, approving the draft, and reviewing proposal, and assessing consensus level. Co-chair of the CCWG on Accountability will monitor the liaison with the chartering organization, with the Board, will monitor that subgroups are efficiently coordinating where needed. If we request extra support, they handle with efficiency responsibility.

Nevertheless, we will have to deliver something, and that's the common framework for all the Drafting Team. We will discuss later on the question, is this Drafting Team is a shorter term issue or it's a longer term? [It means] that I will ask the question later on if we will need to finish by Copenhagen in February next year or if we will be ready for the next meeting in South Africa for June.

My role here – and all other rapporteur in the other group – is to coordinate the work of the subgroup that we state in our mandate. I will have to provide regular and neutral reports on proceeding to the CCWG on Accountability and will be in contact with the co-chairs and other rapporteur as appropriate. If we have any requests for legal advice we

will need to document it and ask for the permission to send to the legal advisor.

Our method will be to meet via teleconference for one hour on a weekly schedule and we will come back on that later on. We will have to manage our own documents drafting. Staff support will participate in each subgroup and, as you have heard, it's Bernard and Brenda who will support and help us. Then the CCWG on Accountability as a [whole], as [ICANN practice], will approve any of the subgroup recommendation. It will not be done in one meeting, but two meetings will be used to have any decision by the CCWG on Accountability.

Now, let's go for the subgroup time slot. We had few choice, the choice between days, but we had to take 5:00 a.m. UTC, 1:00 p.m. UTC, or 7:00 p.m. UTC. In the proposal, we are just going from one day to another, and it will be on Monday except for the moment for two days. The next meeting will be on Tuesday the 15th of August. It's a large religious feast in Europe, maybe another part of the world. I don't know.

We have moved it to Tuesday, and in September, the first meeting of September will not be on Monday, but on Tuesday 6th of September, as Monday, it's a day off in US. If you are in other part of the world and you have any concern about one other Monday, please tell me. It's my not awareness of other feasts in other part of the world, but I didn't make any proposal to change it. If there are no problems, I hope that we can go to those time.

To be crystal clear, we have to take one of those three hour slots and not others. It was decide by the CCWG and staff. Unfortunately for

those who will want another time slot, it's not possible. The only thing that we can do is to change the day if we have trouble with one specific day.

Okay, I will go along, but if somebody have question or comments, please feel free to put your hand up in the AC room. If you are not in the AC room, just tell us. Thank you.

We have a wiki page for the Drafting Team Ombudsman, and you can go by clicking on that and you have all the information. Now we are going to ask every one of you to give a very short and brief introduction. As we had a very good experience in the SO/AC Accountability Drafting Team – thank you, Cheryl – I will not do the same, just because it was quite painful, I think. When you are ready to make your brief presentation now, just put your hand up and I will give you the floor, meaning that the other may not have the microphone or something and we will try to find a solution for them at the end.

Please, we have a question in the chat by Avri: “Are all subgroup required to meet weekly, or just they may meet weekly?” I guess it's they may. If we think that we don't need one meeting, we will be able to take it off our agenda, but I thought it was useful to have this full schedule up to the next ICANN meeting in Hyderabad to allow every one of you to schedule the meeting.

Let's go to a brief introduction. I will do mine – Sebastien Bachollet. I am ALAC member and a member of the CCWG on Accountability and the rapporteur of this Drafting Team.

Avri, please.

AVRI DORIA: Sure. This is Avri Doria. I am on the CCWG as the ATRT expert. I'm a member of NCSG and a participant in the GNSO, and other places, too. Thanks.

SEBASTIEN BACHOLLET: Thank you, Avri. Herb, please go ahead.

HERB WAYE: Yes. Good morning, everybody. Herb Waye. I am the Ombudsman for ICANN and I've been with ICANN for about 10 years now, working in the office of the Ombudsman as the Adjunct. Chris and I have been a team for the last five years. Chris [inaudible] with the office in a consulting position for the next three months, and I am looking forward to working with the group and watching the progress as we move towards developing new ideas for the [inaudible]. Thank you.

SEBASTIEN BACHOLLET: Thank you, Herb. Next one, please.

CHRIS LAHATTE: Chris LaHatte. Herb has introduced me. I'll be around for this exercise. I think most people know who I am.

UNIDENTIFIED MALE: Hello. Can people hear this?

UNIDENTIFIED MALE: Yeah, [inaudible] coming through really good. I can hear you okay.

UNIDENTIFIED MALE: All right. I was just seeing some messages [from] people about they lost [us]. If you can hear this, you have not lost your audio. However, we're uncertain if we get audio from Asha. [inaudible] are you still on? I see [inaudible]

ASHA HEMRAJANI: Can you hear me now?

SEBASTIAN BACHOLLET: Yes, Asha. We can hear you now. Go ahead, please.

ASHA HEMRAJANI: Okay, great. Thank you.

UNIDENTIFIED MALE: Yes, we can hear you.

ASHA HEMRAJANI: Great, thanks because I completely lost audio after Chris spoke, so good that we have it back. My name is Asha Hemrajani. I'm a member of the Board and co-chair of the Finance Committee, and I'm Board Liaison to this subgroup Ombudsman. Thank you.

SEBASTIEN BACHOLLET: Thank you, Asha. Okay, anybody else want to make a short introduction?

CHERYL LANGDON-ORR: Sebastien, Cheryl here.

SEBASTIEN BACHOLLET: Welcome, Cheryl.

CHERYL LANGDON-ORR: I'm in the AC room now as well. My name is Cheryl Langdon-Orr. I've been around in various parts of ICANN. I'm obviously involved in the CCWG to date, and I'm a participant in this group as a rapporteur in one of the other groups. I guess my current home in all of this is within the At-Large community. Thank you.

SEBASTIEN BACHOLLET: Thank you, Cheryl, and good to have you in the AC room, too. Anybody else? If not, we will move to the next topic and hopefully [the other] will be known [or] we will. We have people just in [listening one].

Let's go to the next. In fact, it's a list of the active participant and the observer and the Board Liaison. You have it on the wiki page. Then it will be updated there.

Now on the main issue: why we are here. First of all, you can click on this link and you will have the Ombudsman issue paper wrote by staff. It was done in June, just before our last meeting in Helsinki with some information and some interesting link.

Some background about where we are concerning the Ombudsman and where we are talking here on that on the Work Stream 2. The Ombudsman role has already been expanded through Work Stream 1 to include two things: responsibility to perform a first substantive review of a reconciliation request, and at the request of the CWG [of] Stewardship [when] we're in charge of the IANA Stewardship Transition mainly. Our group, it's in charge of the accountability. The CWG on Stewardship identify a new role for the Ombudsman as a place of escalation for complaints about post transition IANA naming functions [inaudible] delivery.

I guess you know about the post transition IANA structure, but if you don't, ask by mail and we will give you additional information. Of course, all this [two] new roles are in addition to the Ombudsman existing role as it is in the Bylaw and described in the Ombudsman framework. That's important because this Ombudsman framework will be part of our work, and it will be one of the documents we will have to work on.

[With] our task, I will read the slide and then we will come back point by point. We have to consider, are we a shorter term delivery on the Ombudsman Drafting Team, or we will do for Copenhagen or for Johannesburg? It's an important decision because we have to organize the work in accordance with. We're talking about the Ombudsman or

office of the Ombudsman in this all discussion. The word we use, it's Ombudsman but is it really the Ombudsman or it is the office? That's one of the question.

We have requested by the Work Stream 1 report to evaluate the current Ombudsman Charter and Operation against industry best practice, and we have [as] the Ombudsman framework. Now in the wiki, you have one of the documents about the International Ombudsman Association best practices, and that will be one point to discuss.

Recommend any change to ensure that ICANN Ombudsman [is a truly independent authority] to be an effective voice for ICANN stakeholders. Do we seek any additional role for the Ombudsman or Ombudsman office? How is this all those new roles of the Ombudsman will interact with other mechanism to avoid duplication and optimize effectiveness? And if we have any advice to the current and future ICANN Ombudsman and ICANN Ombudsman office.

That's the main task we will have to fulfill, and then the first question it's what is our timeline for adoption? Then we have the choice between Copenhagen in February/March 2017 or by Johannesburg in June. Any comments or reason to choose one or the other?

Okay, I will give you few seconds or minutes to do that, but one of the reason my thought was to have done that by Copenhagen is that because I don't think it's a so heavy job compared to the other topics. The other reason is that, as you heard, we are in the transition mode between the previous Ombudsman, the current one. I guess Board will open a call for application for new Ombudsman [on] new Ombudsman

office, and I think it's better if we have it done quickly to allow the Board to take on board those points to be sure that the future Ombudsman and Ombudsman office will deal well with all those inputs from the Work Stream 1 and the Work Stream 2 on the Accountability.

Okay, I have a few comments, and Cheryl say "Agree, proposed timeline makes sense to me." Any other comments? I hope that I will not be the only one talking during one hour and during all the calls. It will be boring both for you and maybe for me, too.

Mike, I can read your comment. Mike Silber say, "Is there a dependency that is required of this Work stream?" I think no, so let it take as long as it's need. Thank you, Mike.

The question is that we need for organization purposes to have a time line or to have a deadline, I will say. Chris LaHatte please.

CHRIS LAHATTE:

Thanks, Sebastien. My concern is that there has to be a continued strength in the office. If there are going to be changes, we shouldn't delay in bringing those into place. I made a comment in the box that I don't think there is anything dependent on the changes, but I think it's important for the credibility of the office that the changes be implemented reasonably quickly, rather than breaking it up. I could see this [meaning], for example, that we might not even have a new Ombudsman appointed until probably 2018.

SEBASTIEN BACHOLLET:

Thank you, Chris. Herb, please.

HERB WAYE: The brief comment I wanted to make is that if when we start hashing this out and looking at the role and the jurisdiction of the office, and we start potentially looking at Bylaw changes, we'll be required to go into that. Then I think we're getting into a fairly extended time line before any changes can actually take place. At this very early stage, I'm not sure it would be prudent to go with a very short timeline if some of the ideas that come out of the working group start forcing the organization to start looking at Bylaw changes that will require extensive public comment and possibly involvement of many parts of the organization.

SEBASTIEN BACHOLLET: Thank you, Herb. Avri, please.

AVRI DORIA: Just a quick comment on the idea that so many of the other issues that are being talked about in other subgroups may have an Ombudsman component to them. Now, we don't know exactly where all those dependencies are yet, but if we notice what we did, we had the Ombudsman having some functional role or at least the possibility of a functional role in many places. So I don't see how this one can finish before any of the ones that have co-dependencies could finish. Thanks.

SEBASTIEN BACHOLLET: Okay. Thank you, Avri. Chris LaHatte, it's a new hand, I guess. Go ahead.

CHRIS LAHATTE:

I think that was actually an old hand, but I think what Avri and Herb say are quite right. In the end, if we're just going to take as long as it takes because it's one of those more fundamental functions that we have to get right. One of the things I was concerned about when I started five years ago was that the framework and Bylaw needed revision. After five years, its need is even more obvious, particularly if we're going to be enhancing the functions . So there we are.

SEBASTIEN BACHOLLET:

Okay, thank you. Any other comments, inputs? Okay, the comments made by Asha in the chat, it's a good segue to the next item. Asha wrote, "Our focus here should be on the function of the office of the Ombudsman, rather than any particular person filling the role." The question was for the second point was, "Are we talking about the Ombudsman or office of the Ombudsman?" Herb, please.

HERB WAYE:

I just want to agree completely with Asha that whenever we do discuss this, it should be the office of the Ombudsman because that takes into consideration that effectively the Ombudsman will [be] performing in any of these roles. By focusing on the office of the Ombudsman, we're talking more about the [institution] of the Ombudsman inside of ICANN. It takes the individual so that the flow from one Ombudsman to the next and to the next can be smooth without any actual allusion to the individual who's holding the office, but more of the individual who is representing the office.

SEBASTIEN BACHOLLET: Okay. Thank you. Any other comments? Okay.

I would like to go to the next slide to come back to the discussion about the dependency because I really think that that's an important issue.

The next slide, I have tried here to put the following information, all the Drafting Team. It's interesting our PowerPoint changed to pdf and changed the layout, but in green you have our group, and in red the member or active participant or observer from our group who are active participant or observer in other group, and for diversity there are 21, [inaudible] 36, Human Rights 19, [Jurisdiction] 18, and so on. What I would like to see is do we think that there are higher dependency on some Drafting Design Team, or are they all equal and we need to have some link and coordination with all of them?

Any comments? Any idea? I heard first Avri saying that we may have dependency on a lot of the other Design Team. Chris LaHatte, please.

CHRIS LAHATTE: I think inevitably when we talk about human rights issues and diversity issues, and transparency as well, the Ombudsman office will be there to [inaudible] when those standards are not being met. That could be taken into account in drafting the framework and the Bylaw just to ensure that we do capture those issues. Looking at the other side of it, within those groups, they will need to ensure that. It's one thing saying that there is a commitment to Diversity or a commitment to Human Rights, but then they also need to be able to say, "By the way, if that commitment is not being met, then is it the Ombudsman who looks at those issues?" Because I've certainly heard a suggestion that should

there be a Human Rights Officer appointed? I don't know whether that's necessary, but it's certainly at least one point of view made to me. Thanks.

SEBASTIEN BACHOLLET: Thank you, Chris. Any other comments?

If we take all the comments on the chat and speaking, we have likely dependency with Diversity, Human Rights, SO/AC Accountability, Transparency, [inaudible], and IRP. That means that it's almost all [except] a few of them.

Okay, how you want to deal with this coordination? I wanted to ask that one of you member of both be the Liaison for those other Design Team and if you see that there are topics that could be useful or to be discussed in this group, you bring them back to us, to this Design Team. Like that we have a good coordination and input. Maybe this person can also, as Cheryl put it, write a short summary of why we may have some dependency between one another Design Team, and it will be useful to start writing of this. We will not do it here now, but I would like very much to have your input on who will be doing this back and forth role. Avri, she's willing to do it for the group. She is co-rapporteur. As I don't know by heart in which one she's co-rapporteur, I need to have a look, and she's co-rapporteur on Staff Accountability.

Any other? Good, Cheryl, she's co-Rapporteur on the AC/SO Accountability and agreed to do this liaison. For the other, we will ask for people to do it by e-mail, and we will see how [it's fit] during our next call. Thank you.

Let's go back to the previous slide. Before to go to the next point, there is another issue I wanted to ask, and I am sure that Cheryl will be able to help us with that. In the last stress test, do we have any stress tests who are dealing specifically or who are partly dealing with the Ombudsman office? May I ask you, Cheryl, to have a look to that and then to come back at our next meeting to tell us if there are specific link with all the stress tests? That's difficult to say. Thank you, Cheryl, for agreeing.

Now let's go to the [inaudible] evaluate the current Ombudsman Charter and Operation against industry best practice. We have two documents for the moment. One, it's the Ombudsman framework [has] a link here. The last update was in April, 2009. The second document was published earlier into our wiki page, and you can have a look to that wiki page where you have this International Ombudsman best practice version. On the wiki page you have also the presentation of today in both in PowerPoint and pdf, and you have the link to the document made by staff.

Our work will be to compared the Best Practice, and I would like to know if before being read, if there are other documents talking about best practices in other organization, maybe in other part of the world. Thank you, Herb, for giving the link. [It's] International Ombudsman Association. If there are other documents, please let us know and we will take it to have a comparison with those documents and the current Ombudsman Charter.

Interestingly, Chris LaHatte writes in the chat that if we want a link to an academic article on the [agenda] [inaudible], and I was wondering if I need to use the office of the Ombudsperson to the discussion. Yes,

Chris, please give us the link and we will have a better knowledge on that.

And Herb, I guess it's about the best practice. Please take the floor.

HERB WAYE:

I just wanted to mention that the Ombudsman framework that I supplied to you, Sebastien, earlier today is pretty much the industry standard. It's the one that we use for our office, and it's pretty much standardized through the offices across North America. If you go online and start searching, most of the top links that discuss Ombuds frameworks link back to the document that we've posted here. Ironically, there's not a whole lot of documentation available from the European market for Ombuds, so I will try to do a little bit more research from the European region to see if I can come up with something from that area because it's quite popular in Europe, but there's not a whole lot on the web about it. So a little bit more digging, we'll probably be able to come up with some variations.

SEBASTIEN BACHOLLET:

Okay. Thank you, Herb. Any other comments, questions? Who is willing to take some work in that comparison between the current framework of the Ombuds in ICANN and the Best Practices? Okay, maybe it will be one of the action item also to be add to ask who will willing to do part of this job to make the comparison. Then we have at least three action item yet.

Any other documents [who could] be see as industry best practices?
Any work to be done between comparison between those documents
and the sub-action item is who is willing to be the Liaison between one
team and the other team? Okay.

I guess if no more discussion on those issue, we will have to do this
work first. Then the next item, we will have to deal them sequentially, I
guess, any change, but the Ombuds office and any additional roles will I
guess come from the liaison with the other Design Team. That will be
done in the next discussion.

If there is no other, I will go to next slide, and I guess that's the last one.
I don't want to speak just because we have not spent one hour. I hope
that now that framework [is the seen] is the same for everybody, you
will have more input at the next meeting because sure I will not spend
all this time just speaking to you. Any other business anyone want to
raise? Okay.

If not, I would like to tell [when] the next meeting will be on Tuesday,
August the 16th at 13:00 UTC time, and I hope to see you all and others
to participate to this meeting. Thank you very much for coming for this
first meeting, and have a good day, good night, whatever. Talk to you
soon.

I declare this meeting adjourned. Thank you very much.

[END OF TRANSCRIPTION]