
RECORDED VOICE: This meeting is now being recorded.

CHERYL LANGDON-ORR: Thank you. Tonight's call, I believe it brings us to call #18 of the SO/AC Accountability Work Stream 2 Sub-team, and this evening, be it that for me, call, I'd like to know if anyone is [INAUDIBLE] me at the moment, only on audio. I'm not hearing anyone.

I will assume that we can take our attendance records from the AC room, and ask if staff would be so kind as to do that. I'd now like to ask if there is anyone who has an update to their statement of interest. I'm assuming that seems to be situation normal for these meetings lately, very stable that we are, at least in terms of our statements of interest.

No one has an update to their statement of interest, so I would like to just draw your attention to the fact that Kavouss, in our last call, more than pleaded with us. He implored us to not take his and other attendees' valuable time up with administrivia, and that was actually less administrivia and more interventions, or matters that were being covered by the co-rapporteurs. So, we are taking every effort today to be as abbreviated as we possibly can, still speaking clearly and slowly enough for records to be made, and articulately enough we trust, for those where English is not their first language to follow the conversation.

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.

I'll now call for any updates since our last meeting. So, if Steve or Farzaneh have any updates they'd like to share with us as co-rapporteurs, if they would do so now. I'm not hearing any.

We'll now move to the third primary agenda item for today, which is something that was agreed upon in last week's call, as you were all discussing the methodology for how we're going to be managing the material that has been accumulated from supportive organizations and advisory committees in our data capture exercise.

And the suggestion was that we take, as an exploration of methodology, a single topic, in this case it was agreed upon to be the matter of transparency, as a sample. And we have a full and frank discussion about that in today's call. So, that is what is going to be happening now.

Two things. I would like to thank the At-Large Advisory Committee. So, thank you, Alan, for getting their material across to us. We appreciate that. I don't believe there's been any other material received since last week's call. That will be integrated, obviously, as the best availabilities by the drafting team, which is drafting team one.

And yet another reminder, that of course we are encouraging you, if not boring you, if you haven't already done so, to join drafting team one as they do the lion's share of this work.

Before I hand over to Steve and Farzaneh to take us through the [INAUDIBLE] sent out to the list and go through this methodology, for all of the rest of the call, probably the last 5 or 10 minutes of it, at least 5 minutes if you don't mind. I'll hand off over to you, Alan.

ALAN GREENBERG: Thank you very much. Just to reiterate what I said in my email that although a document is nominally about the At-Large Advisory Committee, it has come from the—without even anyone else on the [INAUDIBLE] having seen it before you're seeing it. So, treat it accordingly. Thank you. I do believe it's moderately accurate, but it is only my opinion at this point. Thank you.

CHERYL LANGDON-ORR: Thank you very much, Alan. And I suspect that the years of experience you have under your belt, it's going to be a highly accurate document. Of course, having sat on the At-Large Advisory Committee, I also note that your source material, your primary source material, will be easy to find and easy to ensure as accurate. So, with At-Large—

ALAN GREENBERG: On the other hand, there is no decision an ALAC chair ever makes that is not disputed by someone.

CHERYL LANGDON-ORR: Sadly true. But that's not accountability, perhaps. So, with that, Steve is the pen holder of the material that was distributed to the list earlier today, and I thank he and Farzaneh and everyone else, this drafting team, for the work done today. And I'm going to go on mute now and hand over to Steve. Steve, if you and Farzaneh want to manage the queue as best you can, I'll just make a nuisance of myself towards the end of the call. Over to you.

GREG SHATAN: This is Greg.

CHERYL LANGDON-ORR: I'm sorry, Greg. I didn't see you on the queue. Please go ahead, Greg.

GREG SHATAN: The thing is, I'm on audio only, and I'll otherwise mute as well.

CHERYL LANGDON-ORR: Thank you. That's noted. I very much appreciate you hopping in. Over to you, Steve.

STEVE DELBIANCO: Thanks, Cheryl. It's Steve DelBianco. And Brenda, would you please load the PDF that was circulated last night, which is a very rough attempt to do a deep dive on one of our topics for the purpose of doing what we were chartered to do under track one, and that was to review and develop recommendations on transparency mechanisms for deliberations, decisions and elections, as part of the Work Stream 2 charter we have in the bylaws.

On the Adobe screen, the way I started this off is a simple three-page document. It really only took a few hours to put together because everyone had provided such good material. But the input, I think, that everyone provides today, it's my hope that we have an approach that we can use for each of the aspects that we asked about in our question.

If we do that, we'll be an awful lot close to having a final report, and I also think that it will disarm any concerns that the volunteers on this call have about diving in and doing some of the work like this. It wasn't particularly challenging, and I hope it doesn't end up being controversial in the way we make recommendations at the end, for the ACs and SOs to adhere to best practices.

In this case, best practices on transparency. We are trying right here to avoid calling out any particular group by suggesting that everyone else publishes their meeting minutes and you don't. If we put them in a grid, as some have asked for and I initially wanted to do, the grid really calls somebody out for having missed one or two aspects of transparency.

This approach is descriptive by trying to describe what the groups do on transparency, and at the very end on page three, we specifically include what we in this workgroup believe are the best practices. And when we lay out the best practices, we are encouraging the groups to consider to implement or come up with the right words, a consistent set of best practices.

So, every group will need to brush—if they were to follow our recommendations, every group would need to brush up a bit in one area or another, but we wouldn't be calling someone out to say that "Well, look at the ALAC. You're not publishing meeting minutes," and that's just an example. Please don't react to that. It's just an example. Alright.

So, with the screen in front of you, the first thing I did at the top, everyone, was to remind you where this came from. This came from the

bylaws, where we were asked in the bylaws to review and develop recommendations. And remember that the last phrase on there was “that are helpful to prevent capture.”

That whole capture aspect came over from NCIA, as well as board members and ICANN staff, who said “You’re all worried about ICANN’s capture. You should be worried about your particular AC and SO being captured, too.” Alright, so we took that on board, and that’s why the word capture is in there.

And then we translated that bylaw into the second paragraph, which was we asked each SO and AC “What are the published policies and procedures by which your AC and SO is accountable to the designated community you serve?”

And then we specifically asked about transparency mechanisms “for your deliberations, your decisions and your elections.” And we picked those three elements, that those are the elements where transparency would be, well, sunshine is the best remedy to stop capture.

Now what do I mean by capture? It came up a year and a half ago as capture would be where one company, or one industry, or one group, somehow gained an outside influence within the workings and decision-making or leadership of an AC or SO.

And if that particular group then was able to steer the election or steer the decisions that are made by that group, there’s this notion that the BC or the ISBC could be captured by a company or industry or special interest group. I hope all that’s clear, and then we can dive right in.

There's only two aspects to the work that I've recommended we try to do. First is to go group by group. With bullets, I find myself describing what it is they put in a response. And as I did so, I would discover that "Well, let me go back to that page at ccNSO. Because it turns out that they do publish meeting minutes." So, I'd go back in and update that.

That's why it took a couple of hours. If we scroll down then, you have the first set group, ALAC. Alan, with all respect, I'll get to yours. I just came in this morning, so I haven't even opened your document. Alan, I see your hand is up. Go ahead.

ALAN GREENBERG:

Thank you very much. Two comments. Number one: as I look at what's on the list, something we also have to note is that people wrote what they thought was relevant. I noticed, for instance, in the ASO/NRO, they say their offices are listed on the website. Well, in ALAC, they are listed on the website. It didn't dawn on me I should put that in as one of the transparency things. So, somehow, we have to factor that in, that this was a powerful view—

STEVE DELBIANCO:

Alan?

ALAN GREENBERG:

Sorry?

STEVE DELBIANCO: Alan, I just said that before I called on you, that as I went through each group, as I discovered—

ALAN GREENBERG: No, no, I understand that. But it's all—well let me point out that the whole group is not only as the summaries are done, but as we're going through. The second point, however, is perhaps more relevant. Someone once described a corporate policy as something that is put in place to remedy a problem which isn't mentioned in the policy.

I think we're guilty of that here. If the original motivation of doing this was prevention of capture, it should have somewhere be mentioned. Because indeed, I know as I was completing it, I didn't try to address that particular issue, but I could have been much clearer if someone had mentioned the word along the way. So, despite how much time we spent writing the questions, interesting comment. Thank you.

STEVE DELBIANCO: Okay. So, Alan, this is Steve. I fully acknowledge that the responses alone are not the only resource. What I indicated on the document in front of you is that a summary of responses and resources supplemented by independent research by the Accountability working group. In this case, that was me, because as soon as I discovered someone else indicated they'd listed their officers, I went back to the groups I looked at previously and whether or not you put in your responses, if your website listed your officers, I updated that.

So, you're exactly right, Alan, and it was easy to discover that and then go back and do the research so that someone who happened to omit something as simple as listing who their officers were isn't called out for having failed to mention it in their responses. That wouldn't be fair to anyone and really wouldn't accomplish our goal.

So, I'm agreeing with you fully on that, Alan. Alan, your second point was with respect to this notion of capture. And you're right. You're part of this group, so you fully realize we discussed that extensively when we began our work. And if you look at the top of page one here, the words "that are helpful to prevent capture" are in the bylaws, and we've all sort of assumed that that phrase applies to everything in the sentence before: accountability and transparency and participation, all of which are helpful to prevent capture as opposed to only applying to the word "participation."

So, I hope that meets with everyone's agreement, that we look at the notion of accountability and transparency with respect to the capture issue. But let me also recommend that when we put out our questionnaire, I do believe that we indicated the bylaws that caused our group to do the questionnaire.

And if we did so, then the words "to prevent capture" were part of that document. But if you believe that it would cause your responses to be different, that may be an opportunity to go back and ask a particular group. It turns out with regard to transparency, capture is something that might be evident by a highly transparent group, so it's clear who the members are, who the officers are, how decisions were reached,

what decisions were made, and therefore, transparency can be an opportunity to identify capture.

But it isn't something that, in and of itself, would prevent capture. Alan, any follow-up on that? And then we'll go to Kavouss.

ALAN GREENBERG:

Yes, I was typing it, but since you gave me the opportunity, all I was pointing out was that in the flurry of trying to answer the questions, that was not something on my mind. It was my own failure. I'm not blaming anyone. And yes, I can go back now and fix it. But I'm just pointing out that that may change the twist of some people's responses who are not in a position to go back and quickly revise them right now. Just as something to be aware of. Thank you.

STEVE DELBIANCO:

Yes Alan, that's a good point. We should leave this open. If any AC and SO, and any of you on this call represent various ACs and SOs, feel any interest at all in supplementing the responses that were put in, we should say for the record, and I think Cheryl and Farzaneh would agree that we are open to supplemental responses and corrections to the work that this group is doing based on the responses that came back and our own research. Okay? Kavouss?

KAVOUSS ARASTEH:

Yes, sorry. I was disconnected. I think that I [INAUDIBLE] the whole process. We have internal capture and external capture. Which are you dealing with? Internal capture, for instance in GAC, one member or so

on so forth, captures the entirety of the GAC because of his or her intervention or views? Which type of capture you are talking? Outside or inside? Thank you.

STEVE DELBIANCO:

Thank you, Kavouss. Given that membership in any given AC and SO is something that's described by the bylaws, it really wouldn't be possible for someone who was ineligible to be a member, to do very much in the way of capture.

So, I guess I would suggest that this is the internal kind of capture. And I don't think it's restricted to that. If a single company ended up gaining influence with multiple companies that were part of a business constituency, somehow arrangements or memberships, then that company could influence or steer decisions that the BC made in a way that that might be an element of capture.

Again, I believe it's probably internal capture if we have to make that distinction. Alright? So, if we take a look at this list, Kavouss and everyone else, I'll update it after I get a chance to look at the ALAC document. We were missing on here the Root Server Security Advisory Committee, or RSSAC.

If those comments were submitted, those responses weren't keyed in, then I apologize and I'll go find them. But I could not. This is where I need Brenda's help. A few of these that are listed I had to go find from the internal emails. They weren't yet posted to our SO and AC Accountability Wiki.

I guess I could follow up on that after the call with Bernie and Brenda. At the very bottom, I noted something on page three that was not necessary to put in every single group. This is something we discussed about 12 weeks ago. We said that “noting that transparency is also part of the structural reviews that are done at the direction of the ICANN board every five years.”

I need to correct that three to a five. My fault. We’re talking about the ICANN bylaws, section 44, where “the board causes an independent, periodic review of each SO/AC, except the GAC which does its own review.” That review can include transparency, and that is really up to the terms of reference that the ICANN board hands over to the consultants that they hire to perform those reviews.

Alan, you had discussed this a few times, that some of us want to have a little more influence on what those terms of reference are that are presented to these consultants and that we’d have an opportunity to be sure the key elements are looked at by the consultants as opposed to having it driven entirely by a set of rotating consultants who take turns reviewing the different ICANN SOs and ACs. Kavouss, your hand is still up?

KAVOUSS ARASTEH:

Yes, I have two comments to make. First, I think whatever would be the conclusion of the capture, internal capture, it is appropriate that you mention that this type of capture, internal capture, does not address the possible capture which may arise from the applications of

[INAUDIBLE]. In that, one single country may capture the entire GAC to reach any consensus advice, and that is capturing.

I think it is better you indicate, we indicate, that we are not addressing that in this capturing. This is point one. And comment two, when you say review, is it the self-review that is, for instance, ALAC may review itself, or it is a review that involves outside that SO or AC, some other people to participate or some team? I just want to make it clear. I'm not proposing anything, but just making clear if it is a review, self-review by the concerned SO and AC or it is different type of review. Thank you.

STEVE DELBIANCO:

Kavouss, this is Steve. On page three, when I quoted the bylaws under section 4.4, this has been in the bylaws for over a decade, and it is what it says. It's an independent periodic review. Independent means it's not a self-review. ICANN's board hires consulting firms, like the School of Economics and others, who then are given a term of reference and then they do the review.

They do a series of interviews and then they prepare a written document that's given to the board. It goes out for public comment, and there are usually recommendations that are then implemented by the AC and SO itself. And I'm helping to explain this to you, because as you know, the bylaws exempt the GAC from the independent review, saying that the GAC "shall provide its own review mechanisms."

That's the review part. As to whether decision-making could be captured by someone who vetoes a decision, such as the situation that the GAC today, under the current [INAUDIBLE], GAC's current

procedures call for consensus and the absence of a formal objection is how you handle it in the GAC today.

I suppose that when we document decision-making, I didn't do that here under transparency, Kavouss. But when one documents decision-making, they could note that the absence of a single formal objection, that one member of that group could block implementation, and we could note that. But when called—we are not going to be calling out capture.

We are going to consider capture as one of the aspects that drive us to look at things like accountability, transparency and participation. But I don't believe we're going to do any deep dives into capture, although I will note your point with respect to the GAC in the way it makes decisions today. Alright, let's dive further down. So, it's simple enough that I—

GREG SHATAN: But this is a way—

STEVE DELBIANCO: Go ahead, Greg.

GREG SHATAN: Sorry. Just briefly, I'm a little concerned with the idea that we might say that requirement of what I'll call a full consensus for avoidance of doubt is somehow tantamount to capture. I think that when we've talked about capture, we've talked about causing actions to be taken through

essentially control of multiple votes or voices, but the idea that full consensus is capture, to my mind, has a lot of trouble attached to it. I don't want to veer off into that right now, that's not really the topic, but I just want to register my concern. Thank you.

STEVE DELBIANCO: Thanks, Greg. Noted. I thought I saw a hand up a second ago from Alan? Alright. You did not. Sorry. Kavouss, you have said in the chat to clarify the independent process, but Kavouss, please understand, right in the middle of page three I have quoted some of the bylaws—

KAVOUSS ARASTEH: Yes, I have—

STEVE DELBIANCO: The bylaws say independent. The word independent is already there. I don't know what more I can do to clarify that.

KAVOUSS ARASTEH: No, the independent may be not seen by many people, actually. I have not seen that. [INAUDIBLE] in that way, independent means outside the self-reviewing. So, if you can emphasize that, that would make it clear. I understand it's in bylaws, but I didn't read it as you have. It's independent means outside also, done by a consulting company.

And then for the other guys, what would be for university, and how much it costs? Are we creating jobs for some people, a consulting

company to come and make a review every six months? What is period of this, or interval between this? If it is outside, it is cost. Thank you.

STEVE DELBIANCO:

Thank you. It is every five years, Kavouss, as the bylaws indicate. Five years. Alright, so let's get into the meat of it. I'm anxious to see what you think of not only the approach but also the specifics of what I came up with for transparency, noting that this is a draft and I haven't even incorporated ALAC and the RSSAC at this point.

But right there at the bottom of page three are what I'm recommending we come up when it comes to recommendations, and I say that our review leads us to recommend that each SO/AC and subgroup consider adopting the following best practices regarding transparency mechanisms.

And then we would list whatever we as a group believe are appropriate best practices in the area of transparency. What I've put in front of you are six elements that most, but not all, meet today, and I go are similar to what you might get if you held an accountability, mutual accountability roundtable. Gosh, remember that discussion?

We held something like that and it was rigorous, but people did the research necessary to bring data into the circle, and at the end of that roundtable there might well be a conclusion that here are the best practices. And effectively, we're doing that kind of work here.

So, I came up with six elements in here, and I thought I would quickly go through the six to get some sense as to whether the folks on this call

think it's appropriate. So, let's—before we do that, think about the language here. We are not ever going to write an implementation plan to tell the ALAC how to implement the listing of its officers.

As a rapporteur, I would be against telling a group exactly how to do it. All we are trying to do is identify best practices on transparency and leave it to the groups themselves to decide how/whether to implement those best practices in the procedures that they use.

Everyone okay with that approach so far? Any comments on that approach? Alright. So, turning to the actual items, I have six of them in here. I said that the charter and operating guidelines, for some of you that's the same document, some of you call it bylaws, I said they should be published on a public web page, not just an internal password-protected webpage, oh, and they should be updated whenever changes are made. I don't think that one's too controversial.

Kavouss, you asked are we making a summary of the replies? Kavouss, the first 2 ½ pages of the document in front of you are exactly that. We were asked by the bylaws to review the processes, in this case, for transparency. And using their responses and our research, we summarized them.

That is exactly what is in the bullets on pages one, two and three. Okay? Thank you, Kavouss. And then after we reviewed it, the bylaws said we were supposed to develop recommendations. There were two things the bylaws told us to do: to review and develop recommendations.

And that is why the second step of that was to develop recommendations. I have the recommendations at the bottom of page

three. So, I see no hands up. I'm going to take it as that it makes commonly good sense, the first recommendation of the best practice is the publication and updating of your charter and operating guidelines.

The second and third kind of go together. I separated them because some of the groups are good about listing their officers and maybe not so good about listing who their members are. And for some groups, perhaps it's impossible to list all of the members.

I'm looking at you, ALAC. It's too big. So, members and officers of the SO/AC or subgroup should be listed on a public web page. I think it makes sense for that, since that when we're going to ascertain that, like the position that just came out of the BC strikes me as not really acting in the best interests of business users.

I wonder who their officers are? I wonder who their members are? And one can discover that. Great. Any comments on members and officers? Thank you. The next one is during each ICANN meeting, at least one session should be open for public observation.

This is a tricky one, because—I'm going to speak from the standpoint of a BC, where I know the best. Our meetings are closed to members only, members of the BC in our meetings. But we also have at least one and often more open sessions where public can be in the room, and we do that typically at each of the three ICANN meetings.

So, I didn't go so far as to recommend the best practice to say that every single meeting and call is open to everyone and anyone, nor did I want to say that it's fine if you never allow observers. So, this is seen as sort of a compromise in terms of best practice so that all of us have to

show the way we actually run a meeting to anyone who wants to watch, at least three times a year.

I'll take it to you on that. Farzaneh? I still don't hear you, Farzaneh. Farzaneh, if you're speaking, turn off your mute. Okay, we'll come back to you. It looks like you're muted, Farzaneh.

FARZANEH BADI:

Sorry, Steve. I just want to say I have no comment at the moment.

STEVE DELBIANCO:

Thanks, Farzaneh. Anyone else on this, the idea of open meetings? This is certainly worthy of a few minutes of discussion. You each know that you organize one of your Adobe supported, staff-supported meetings in between the ICANN meetings, they're usually closed to members.

The members are the ones that you inform and notify about the meeting, and it's their discussions, decisions and votes that inform the way you come up with your public comments. Jorge Villa, for the SO, I agree with your sentiment there, that the best practices are supposed to—I guess it's aspirational, but suggested here are things that we believe everyone could do and really ought to do.

But we are in no position to tell them to do it, much less tell them how to do it. And you're right, it is about common ground, but more than just common. It's really meant to be the best practices, not just common. Because I suppose, Jorge, if you just said analyze all the groups and list what they all do in common, we wouldn't necessarily

meet the test of trying to develop recommendations to improve transparency nor to avoid capture. Okay. Thanks.

A number of folks are agreeing, and I think that will help. Farzaneh, I knew that you had cautioned us all to avoid calling out any single group, which is exactly what would happen if I developed a spreadsheet where there's a big missing check mark for one particular group under one particular item.

I think we avoid that and we heed your warning with this approach. Okay? The next item on the list was number five. It says that the minutes for all membership meetings should be published. And published, I think I need to clarify, available to the public. My own group, the business constituency, we do minutes for every meeting.

But I don't believe we publish them to everyone. That might be a perfect example of something we ought to do and implement quite easily in the BC, and I do think it's helpful, that element of transparency is helpful to avoid capture since if somebody reads the minutes they'd understand a little bit more of a summary as to how the BC deliberated and came to a decision, or a particular position that it just filed. Okay?

The next one says that filed comments and correspondence, and by this, I mean the comments that each of us file on public comment periods or comments that we file when requested by a working group or review team, those are all filed comments, and then correspondence with ICANN, is when we individually or as a group, we join onto some letter that is sent to the ICANN management or board, and then often ICANN will reply.

And I realize that that correspondence is on the ICANN website, and that's great, but if I went to the BC's website, I'd want to see that correspondence there as opposed to having to run over to the ICANN website to try to figure out what communications came from them.

So, I have lumped together filed comments and correspondence with ICANN to be published for anyone to see. And that is not universally true in all the groups. The ISPCP did it until the end of 2014 and hasn't updated it since 2014. I'll bet that's a clerical element, and a quick check to the ISPCP, they'll probably make that correction. Alright.

So, I'd love to take a queue on anything else that this group believes should be added to the best practices of this first draft. Okay, Cheryl Langdon-Orr, I'll read your chat, because Greg and a few others are only on the phone. Cheryl said "All ALAC, RALO and At-Large meetings, unless specifically declared as going into [INAUDIBLE] are closed to members, only with declared reason are open, recorded, and all are published to the Wiki."

So, Cheryl, I guess I would have picked that up from Alan's summary, but I don't have ALAC in here yet, because ALAC's document just came in this morning. And I'll be sure to note that. So, that would indicate, Cheryl, that the ALAC would have no trouble meeting the best practice that during each ICANN meeting, at least one session should be open to public observation.

And maybe I've been too specific in that recommendation and it should say that some percentage of meetings should be open to the public, or it might say that the default is that meetings are open to the public.

That one would clash with most of the groups, as default is that it is closed as opposed to default is that it is open. Okay. Anyone else? Cheryl, your hand's up.

CHERYL LANGDON-ORR:

[INAUDIBLE]. Thank you. Yeah, I think this is one of those things that we can suggest that ACs and SOs need to be more transparent and get clear what their practices are, and therefore be encouraging of best practice [INAUDIBLE]. In 2005-6, but certainly from 2007, it has been enshrined within the ALAC and At-Large, and therefore, all of the five Regional At-Large Organizations as well, that by default, all our meetings are indeed open.

So, in the case of the ALAC and At-Large, that is a box that could be ticked. But I think what's important is to be clear what things are, expectations are met, transparency exists on these issues. And then you actually do what you say you're going to do, aspirationally, of course, openness, particularly in public meetings, should be encouraged as it is in ALAC and At-Large, somewhat ostensibly I hasten to add, have gone to elaborate extreme, and that's incredibly appropriate as they ensure that they're acting in the best interests of a massive number of people.

It's silly to not be open to any one of those influences at all times. But I think we can somehow get to the best practice outcomes, we're careful drafting of our recommendation. Thanks. I'll go back on mute.

STEVE DELBIANCO:

Thank you, Cheryl. The way you phrase that almost suggests that the best practice, to start with, groups should transparently describe their policies and procedures with respect to whether meetings are open or closed. And then secondarily, do we go to the point of recommending a best practice is that some portion of meetings, or at least some meetings, should be open to public observation so that one can peek in and do a checkup.

So, transparency about openness is one element, and another one is whether we would recommend that at least some meetings would be open. Any interest in that topic? I'm seeing a check mark from Cheryl. Thank you. Cheryl, I will add right before this open meeting, I will add a bullet that says a policy on open and closed be added to this group.

So, we'll end up with seven recommendations at this point. Alright, does anyone want to add any other elements? Can anyone help me to discover whether the Root Server Security Advisory Committee is going to provide a response, or perhaps they did and I already missed it? Any help on that? Okay.

I do hope that this exercise would encourage those of you who haven't contributed to pick up a pen and dive into a similar document with respect to reviewing and develop recommendations on any other elements we asked about, which is accountability and participation.

Accountability, transparency, participation were the three things that we were supposed to cover under accountability. But if you remember the bylaws, they said that our recommendations on accountability

include but are not limited to improving processes for accountability, transparency and participation.

So, we're allowed to go broader than those three things. But at this point, we need more volunteers to do what I did in this draft so that we can then fold this into our report for track one. And Farzaneh, I want to not that in track one today, we have five elements that you've already drafted for us on convergence and divergence.

Can you leave all that there? That's all very helpful. We'll keep that there. And then we would do deep dives in at least three areas: accountability, transparency and participation. Each of those has a set of recommendations. Farzaneh—sorry, Alan, your hand is up?

ALAN GREENBERG:

Yeah, thank you. It does mean that as we're describing the concept of best practices we have to note that the specifics of the group may alter what a best practice is for them. The most obvious one is SSAC, does not hold open meetings. Their mailing lists are not public.

And doing so would in fact violate some of their main reasons for existing, if indeed those were all public without any conditions. So, as we're talking best practices, there's an asterix, a footnote, which says sometimes best practices cannot apply for various reasons.

STEVE DELBIANCO:

Okay, that's a great point, Alan. And I suppose that the way we worded the recommendations, when we say "each group should consider..." Alan, can you come up with a phrase—this is right at the end of page

three—that would indicate our recommendations for best practices that each group would consider, subject to each particular circumstance, adopting the following best practices, or subject to its own limitations for acceptance?

ALAN GREENBERG: Yeah, it's really early in the morning for me and it was a late night, so I'm not going to try to craft words on the fly. I think we need to explicitly say that we understand that in some cases, it would be a worst practice to do, and I'm not recommending that as the phrasing, due to the specific circumstances. So, not just call it everyone should consider it, but acknowledge the fact that there are cases where a given best practice may not be appropriate. And yes, we need to craft some words.

STEVE DELBIANCO: That's excellent, Alan. I'll put subject to specific limitations until people come up with better words.

ALAN GREENBERG: Good, that's fine.

STEVE DELBIANCO: And again, Farzaneh's right. We're not going to deal with limitations, and that's fine. But Farzaneh, Alan is making a good point that we should acknowledge that what we declare as best practices, there may be specific limitations on one group for whom that best practice cannot

be done; it violates the very nature of who they are. And we may as well note that. Farzaneh?

FARZANEH BADI:

Hi, Steve. It's Farzaneh Badi speaking. I understand the point. But then any group could argue, oh the nature of our work did not meet this or did not require that. I will find that we need to specify that based on the function and the nature of each stakeholder group that they might take these best practices, but I think it has to be worded really carefully so that people don't just brush off these recommendations by the example above.

STEVE DELBIANCO:

Yeah, that's why I suggested the phrase "subject to specific limitations." We might have to make it stronger. And your point, "subject to specific and documented limitations," so that it wouldn't be as easy to say we just don't feel like listing who our officers are. Alan?

ALAN GREENBERG:

Yeah, thank you. The reason I brought the issue up is although a group should have to justify why they are not following best practices, we should not be implying, when we're setting these best practices, that they can apply to all. And they shouldn't be put in a defensive position of looking bad because they didn't do something if indeed they have valid reasons within their [INAUDIBLE] for doing that.

We're not trying to reflect people in a bad light because they cannot follow a best practice for good reasons. But yes, of course, they

shouldn't be able to simply say "Nah, we don't want to. Therefore, we're not going to follow this practice." That's not what we're saying.

STEVE DELBIANCO:

Great. Thank you. I'll note for this discussion, however, that our work will be done when we have got the plenary to approve our recommendations. We don't survive in order to follow up and monitor whether they were implemented, at least I sure hope not.

We are not in the implementation and oversight, and follow-up business with respect to these recommendations, nor would the recommendations that flew out of a mutual accountability roundtable, if such an animal existed. So, I don't think we will be in a position to do the awkward thing of singling someone out for failing to follow a recommendation.

That won't be our role. Somebody may do that, within the transparent ICANN world, our recommendations would be available for all to see. That's not going to be our job. And you're right, Alan, somebody else could take that on one day. Avri, thank you. And yes, CSG just been sent in.

So, I have got some work to do. I've got to add ALAC and CSG. So, I'll do that before our next call. With that, Cheryl, I can turn it back over to you. I hope that this deep dive produces an approach that we can supplement to the approach that Farzaneh already has in our document. Thank you.

CHERYL LANGDON-ORR: Thank you, Steve. Cheryl Langdon-Orr, for the record. It took me a moment to come off mute. And thanks, everybody for your interactions today on the matter of transparency, which I said was going to be a sample. I think it would behoove us to assume that we've done that within deep water on today's call, to explore this particular topic, but I think it's been a very fruitful first run through using this particular methodology.

So, this will need to be continued. And again, I'm going to do the advertisement to suggest that more of you joining the drafting team and contributing to the collaborative documentation would make the job here much easier. So please, do do so if you haven't already thrown your hat in the ring.

It's still dark. I'm under. In the chat, Farzaneh suggested that what we ought to, if you all agree, on the usefulness of how we conducted today's call with a sample topic discussion, and noting that we will have undoubtedly included ALAC's input, or the input that Alan has provided on behalf of the At-Large Advisory committee, as well as the agreement that I will ask for confirmation now on what it is to treat these things as given documents as well.

But we now move to—I've just had a mental blank. Please forgive me, I'm actually listening to two entirely different Adobe Connect meetings at the same time here. The topic Farzaneh suggested for next week, for what we should do next—I've had a mental blank, Farzaneh. Help me. What was it that you suggested that I agreed with?

STEVE DELBIANCO: It was outreach, Cheryl.

CHERYL LANGDON-ORR: Thank you. Excellent. Thank you for saving me. Outreach as an aspect of participation. Interestingly enough, we're talking about good faith guidelines in the other ear. Bizarrely enough, a meeting that is about Work Stream 2 work for the whole of ALAC, of At-Large, is a topic on my left ear and therefore right brain.

So, forgive me. So, what I'd like to do as we wrap up and hopefully get a few action items out of today's call is see if everyone's in agreement with the outreach as an aspect of participation, for the purposes of outlining as a topic for next week's call, which will be on the 2nd of February at 19:00 UTC I believe.

Is there any objection to us running with that topic? If so, make yourselves known now. I'm not seeing anybody objecting. Let's make that so. And if at all possible, we will try and get the draft fixed. The testing has been done this time around with transparency.

We have a mechanism now that has at least done initial testing with certainly robust results. So, what we will attempt to do is—this is a request for drafting team one, is if we can have distribution of the draft here for discussion, as early as possible in the week.

I know that's a big ask, but if possible, it will give the rest of our group time to read and digest. I know I've suggested, of course, another way of making sure you're up to date with all of this is to watch the collaborative documentation as they [INAUDIBLE].

With that, we can settle on outreach as an aspect of participation for the topic for next week's call. And remind you all that that call is, as I think I've stated momentarily ago, at 19:00 UTC on the 2nd of February.

I also wanted to just make sure that you are all in agreement that we do allow, even the input from the ACs and the SOs while the drafting team is going through this exercise and while there's a small committee going through this group activity on our calls, to treat things as a living document.

We have particular expertise throughout each of the ACs and SOs that are part of the drafting team. Christopher Wilkinson, for example, is one of the named individuals, along with Seun, who are both unfortunately not on today's call, who can be making, for example, specific contributions regarding ALAC input, just as an example.

So, I think if anyone objects to us ensuring that that's the case, please make yourself known now. Alan, I see you waiting. I'll give you your microphone right in a moment. This isn't an objection to that? If not, let me now move to Alan, who I think did want to make an intervention, and then Steve, I see you. Alan first?

ALAN GREENBERG:

Sorry guys, not a hand. That is a microphone beside my phone, which is a result of how I dial into the conference.

CHERYL LANGDON-ORR:

Oh, thank you, Alan. Steve, you momentarily flashed something as well. Would you like to [INAUDIBLE]?

STEVE DELBIANCO: No thank you, Cheryl. My hand was not up. I'm good.

CHERYL LANGDON-ORR: Okay. Well, I must be 0 for bat on this, and that's perfectly possible with the day I've had. Okay, well in that case, I'm not showing any objection, so let's do that as I make it so. We're five minutes from the top of the hour now, and I know we're all keen to get to our other calls we are both listening to. Multitasking is a requirement for activity in ICANN from time to time.

I guess, call for any other business? Not hearing anybody saying they have any other business. Then I might give us all five minutes of our lives back and adjourn at actually four minutes ahead of time. Thanks for staff. Thank each and every one of you.

I look forward to continuing contributions on list and to the collaborative document. I particularly thank Steve for doing the lion's share of the preparatory and presentation work on today's call. And say, goodbye for now. We can cease the recording of this call. Thank you.

[END OF TRANSCRIPTION]