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CHERYL LANGDON-ORR: Thank you very much. This is the Work Stream II Support Organization and Advisory Committee Accountability Subgroup Meeting number 24, on the 23rd of March, 2017, at 05h00 UTC. My name is Cheryl Langdon-Orr and I am one of the three co-rapporteurs for this group.

Let's start with the usual call administration for today's call and first of all ask if there is anyone who is only on the audio and not on the Adobe Connect Bridge. If so, let yourself be known now. Not hearing anyone, we will take the roll call from the Adobe Connect Bridge. I do believe there's a couple of apologies to note that went to the list and staff has that in hand. I think there's one or two apologies that have come in and they will be noted for the record. The next thing I would to do is ask if there's anybody who needs to make an update to their Statement of Interest?

Not hearing anybody again. We will now move on from the administrivia and looking at the chat, Kavouss is asking—sorry about the bird chorus, it's mid to late afternoon here in Australia so time for much raucous behavior in the aviarian world, my background noise, when I mute you won't hear it—Kavouss has asked, do we have one of our co-rapporteurs, Farzaneh, on the call. I do not see her having joined us yet. I am unaware whether or not she will be joining us, but hopefully that is the case. If not, no problem, because

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Steve and I are here and we can divide up the agenda items amongst the two of us. Steve is also noting that the Wiki is on snail's pace this morning so, in response to a question raised before we started to record this meeting, regarding the most current version of our draft, which the agenda is actually showing as 1.32 and in fact that's a typographical error on my part. It should be Draft 1.3 because Draft 1.2 was the one that we discussed in Plenary session on March 10th. I think we did not remove the 2 and it may be that we will be talking about renewing nomenclature for that anyway.

Alan, if you're concerned about the copy distributed and the nomenclature, I'm sure Steve will bring you through safely to make sure you have hard copy available of the most accurate material. But I suggest the best one would be how it sits at the end of this call. Steve, over to you however, let's save Alan now. Anyway, go ahead.

STEVE DELBIANCO:

Hey Cheryl. I just wanted to clarify that when I distributed the one that we all approved on the 3rd of March, it was labeled Plenary Draft 1.0. And, prior to that we had a work group draft that made its way all the way up to 1.3-something, but then we re-named the document Plenary Draft and we called we called it 1.0 for the Plenary Draft so our colleagues of Plenary could keep track as we made modifications for the multiple readings. So, it's 1.0 and I just re-emailed it to everyone, and it is labeled 1.0 but it says Plenary Draft, and that's how you know it's the right one. Back to you, Cheryl.

CHERYL LANGDON-ORR: Right. Thank you, Steve, and you can have me down on my virtual knees in most humblest of apologies for the confusion. And if we make a change to the record, not in the agenda because the agenda was sent out as is, but if the notes can show that the typographical error was not just calling it 1.32 Draft, and not where it shouldn't have been 1.32 at all, it should be as Steve has now stated, Plenary 1.0. And I assume that's taken the angst and concern away from Alan and others who felt that they were not up to date with the most recent one. However, it is the one that we looked at on the 10th of March and was distributed before the 10th of March in Plenary meetings.

A very brief update, moving us if I may, onto our next agenda item, to a very brief update from the Plenary meeting. Steve and I will be going through the outcomes of our discussion and deliberation, but on behalf of Steven and Farzi and I, we were quite delighted with the interaction with the Plenary and our first reading of our document, the Plenary Draft 1.0, apparently typographically confused because the file name says 11.0. At this point I'm throwing my virtual and real hands up to the sky in aghast and frustration, and I no longer wish to talk about the nomenclature of the document.

However, the actual document has a couple of proposed changes that Steve has also distributed in email and it is that which we would like to make the more important part of today's discussion. I'd like to note, for the record, that the slides which we used are also, I believe there's a link from our Wiki, if they're not, they certainly will be shortly, that obviously are linked from the Plenary meeting page on the 10th of

March for the Copenhagen meeting. So, with that, if we can upload our Plenary notes please now and move to our discussion which is the essential part of today's meeting. We're not too far behind time, thank heavens.

And with this, loading up Plenary notes, I'm going to ask Steve to take us through from the top of the document into the notes and adjustments he has made and we will stop section by section and open the queue, not to relitigate the issues raised here but rather as a matter of consummation and brief discussion. Steve, over to you, everyone has scrolling control and Steve will let you know where we are up to in the document as he takes us through. Steve, I might manage the queue for you if I see you focusing and not noticing a hand up. If not, let's just see how we go as a tag team effort. Over to you, Steve.

STEVE DELBIANCO:

Thank you, Cheryl. Hello, everyone. I think that all of you were present in Copenhagen on the 10th of March. Jorge, you were there as well, weren't you? Just checking in, because I realize the rest were in the room and therefore we don't have to go through so much of the details for the limited folks who are on the call today. So, what I would prefer to do is look at the document on the screen and I realize that at the top I have added an update regarding the Mutual Accountability Round Table. We'll save that until we get to Track 2. It would be better if you please would scroll to the actual email from our Plenary.

And Cheryl and Farzi have cooperated on these notes so they would call these your rapporteurs notes from the meeting. And I have to say that it

went quite well. We had an engaging discussion with our colleagues in the Plenary and in fact there were folks who, part of this work group from time to time over the past several months, also contributed during the Plenary session and that's one of the reasons Mutual Accountability Round Table was sort of put back on the table.

But we'll get to that in a moment. What I wanted to do, if you look at Track 1 there were no objections to Track 1, which is the big body of our document. We had just a handful of changes that were suggested and as all of you remember, Thomas and the other Co-Chairs were quick to say let's see if we can get closure on things and it was only the Mutual Accountability Round Table that deserves a more lengthy discussion.

But in best practices, Track 1, in our Draft Executive Summary, we had said that we "recommend best practices", and Kavouss, I believe, was the one who said let's find better, stronger words than "recommend". And I think that we are very clear we aren't going to recommend changes to the ICANN bylaws, right? So, we debated what the right words could be. So, there were alternatives like, "we urge adoption of these best practices", being clear that we urge the SO's, AC's and groups to adopt it, not that we urge ICANN's Board to adopt these in the bylaws.

So, we have to be very clear. We also looked at the words, "we encourage implementation". So, it would be great to put this to bed with those of us on the call. I would say "encourage implementation of". Are there any objections to "encourage implementation of" instead of "recommend considered"? If you have objections—

CHERYL LANGDON-ORR: If you have concerns, put up a red X, if not we will assume that you're all agreeing with the proposed change of words. That's Cheryl, for the record.

STEVE DELBIANCO: Thank you, Cheryl, for the record. So, we're going to go with "we encourage implementation of" to make sure that we're not—the word, "adoption" makes it a little too much like it's something we want the Board to adopt in the bylaws.

Alright, the next one was the ASO. I think it was Jorge that reminded us to clarify. You know what, I think it was John Currie who mentioned this. He wanted us to clarify that we were only talking about AC and SO accountability that occurs "within the scope of ICANN activities". And this is important because the NRO and the IETF exist outside of ICANN and that accountability they have to their membership, outside of what they do at ICANN, not our business. So, I agreed. It's not obvious to me where that shows up in the document. I'd appreciate anybody who might identify where otherwise I will take that on board and put it someplace in the document. Probably in the Executive Summary and once at the beginning of Track 1.

Okay, the next topic was under "Outreach and Participation", right at the top of page two on the notes for those that are following the notes on the screen. We had some suggestions to add a diversity dimension to the best practices and perhaps we could suggest incorporating recommendations as they come up from the Diversity Group in Work

Stream 2. I don't exactly know what else we could do with that. I guess what they're asking us to do is to add something to the best practices under Outreach, we currently have five best practices in Outreach.

The publishing of newsletters of publicly accessible websites, creating a committee of appropriate size to manage outreach programs, charter procedures and a strategy for outreach. So, we're currently in the Outreach Best Practices don't have the word, "diversity". That's on purpose, because we believe that each AC, SO and Group should do outreach to whatever parts of its target community, designated community, that happens not to be participating or not to be joining. We did not believe that it was necessary to tell them about their diversity characteristics. So, what are the thoughts of this group? Do we want to add anything about diversity to the Outreach Participation Section? I'll take a queue on that. Go ahead, Alan.

ALAN GREENBERG:

My inclination is actually to not. If diversity is a requirement or a target within ICANN, as it will be dictated presumably by the Diversity Group, then it applies to everyone and I don't see a need to reiterate it in our particular goals, or our particular recommendations or best practices. Maybe that's just me though.

STEVE DELBIANCO:

Thank you, Alan. Is there anyone on the group who feels that we should add a best practice regarding diversity? Or any reference to the Diversity Work Stream 2 Group? Alright, hearing none, I'll say no to the Outreach. Oh, sorry, go ahead Kavouss.

KAVOUSS ARASTEH: I don't see any difficulty to add that even if it's an action where it's (inaudible) by ICANN. But in the completeness of our work I don't see any difficulty to add that. Does is harm to reach out to diversity, is there any consequence of that? I'm (inaudible) the consequence, something that's (inaudible)?

STEVE DELBIANCO: Kavouss, if you can hear me, then I would ask you to potentially put it in the chat or try again. That was not an audible or understandable intervention. We don't have a great connection with you.

KAVOUSS ARASTEH: Yes, I repeat. Is there any difficulty to add diversity to this best practice? It's less likely to cause problems. So, I suggested you add diversity even if it is done to the entire ICANN because I don't see, at the moment, any action of that in the (inaudible) of ICANN. It's referred to but it takes some time to have the diversity in the Diversity Group which is the 2012 (inaudible). Thank you.

STEVE DELBIANCO: Alan, I don't see the difficulty other than the fact that it was not part of what we came up with in our review and recommendations. So, if we add it in as a best practice it'll be because we think it ought to be. I don't know for sure what we would base it on. And would it be our concept of diversity or the concept of diversity that is either developed at ICANN already or under development in Work Stream 2? That's, I

guess, the point of referring to some other group. I don't know if ICANN is going to publish ICANN wide diversity standards, but we do think that Work Stream 2 is going to publish on diversity. The trick is, I feel uncomfortable recommending something that hasn't even been published yet.

ALAN GREENBERG:

It's Alan. I can't imagine the Diversity Group, which is having some really good robust discussions, not coming out with something. My concern of putting it in, yes, if we add our standard weasel words of "if applicable" or "as applicable" we're okay. But what does diversity mean in terms of the CCNSO? You know, are they going to reach out to more CCTLD's in a specific region because they're short of them? Their mandate is to reach out to everyone and try to get everyone to join but that's as far as it goes.

The same is true for the GAC, for the ASO, it has no meaning whatsoever in our context. And for us to add words like that where it doesn't apply to half of the groups and we don't know how it's going to apply or what it means for the other half. I tend to think we should not put it in. But if we add enough words around it I certainly live with it, I just don't see the purpose.

STEVE DELBIANCO:

Thanks, Alan. It's certainly true of outreach, the way you've expressed it, you're exactly right on outreach. It's possible that you could say something about diversity among those who participate but that isn't something that we control, the individuals control that. Cheryl?

CHERYL LANGDON-ORR: Thanks, Steve. Cheryl Langdon-Orr for the record. And just looking at what is coming up in the chat from Jorge and Kavouss, there seems to be a rationale for at least some reference in terms of outreach and participation, where we at least note that there is an opportunity to meet desirable diversity dimensions in outreach and participation. But certainly, that that will be variable between the AC's and the SO's to meet their particular needs. So, yes, it would be a high level referential statement, yes it would probably be weasel words, but I think the nexus needs to be recognized with the other activity from the Work Stream too.

And of course, even if you're looking at geographic diversity and a desirability within, for example, your own sectorial interest, Steve, you may be able to say, yes, you wish to reach out to the business community ensuring greater global diversity. So, I think we probably do need to put in an overriding sentence as opposed to a specific best practice that can be tested. But it looks to me like we probably should put in a placeholder for our piece of text.

STEVE DELBIANCO: Thank you, Cheryl. I think what you said is a reasonable thing and yet I don't know what the words would be under participation. Adding subject to the SO/AC's diversity objectives, adding something like that?

CHERYL LANGDON-ORR: Yeah, I think what we can say is that best practice within a SO and AC with regard to outreach and participation may enable them better achieving their desirable diversity dimensions.

STEVE DELBIANCO: So, it's really a recommendation that they consider?

CHERYL LANGDON-ORR: Not so much a recommendation as a recognition that it would be in best practice with outreach and participation of each AC and SO, that they can enable reaching their desirable diversity dimensions, and of course then, we could if we wanted to, cross-reference to the other activities in Work Stream 2. But we've been very careful to be a light touch in our work because of our recognition that each SO and AC will have very specific diversity desirabilities and even possibilities.

STEVE DELBIANCO: Do we mention gender and geographic diversity or just leave the word "diversity" as a standalone?

CHERYL LANGDON-ORR: I would use "diversity" standalone, Steve, because I think it's a trap to be too specific in our work.

STEVE DELBIANCO: Okay. Thank you, Cheryl. Kavouss?

KAVOUSS ARASTEH: Yes, I agree with Cheryl, that we should mention this recognition of diversity. During the GAC meeting (inaudible) either inside the GAC or in our meetings we have with other SO and AC several times reference was made to diversity and it seems that there is some interesting points for all groups. So, I have no difficulty to generally refer to diversity as the group's mission, but not going to the detail of age or geographical or gender and so on so forth. Thank you.

STEVE DELBIANCO: Alright. I'll take it under advisement that we want to do some recognition in outreach and participation best practices to add the word "diversity" without delineating specific kinds of diversity in the outreach activities and, I guess, in the participation aspect. So, if you have a lot of members already of certain diverse groups, that they're not participating in work groups, or they're not officers, and I guess diversity could creep into those considerations as well. I'll try to come up with something for both outreach and participation. It'll be one sentence. It escapes me right now what we could say and if anyone can think of it, please circulate it.

Alright, the next topic—

ALAN GREENBERG: Steve, it's Alan. Before we go on, isn't this one of the things that we should flag as potentially needing resolution when all the various parts of the reports come together?

STEVE DELBIANCO: Could do that. Could just reference Diversity Group of Work Stream 2.

ALAN GREENBERG: I mean, you could put the word in somewhere now with a footnote saying this is one of the items that we're going to have to make sure matches when the various subgroups come together and we know what they've actually said.

STEVE DELBIANCO: Okay, so in the best practices for participation and outreach we could add a best practice, suggesting that when the Diversity Group of Work Stream 2 completes its work we will examine for inclusion of any best practices applicable here. Would that be alright?

ALAN GREENBERG: It's fine with me.

STEVE DELBIANCO: It's similar to what Cheryl's just said. I know, Jorge, I agree completely, that argues for doing nothing, but I'd say we had at least four folks on this limited subgroup are suggesting it's our big lift and it might be harmless to put it in. So, we're really just, I think, trying to address the general suggestion. I'm going to move on now because we're going to run out of time.

Transparency Recommendation number 4, I'll read it to you, was, "Meetings and calls of subgroups should normally be open to public observation. When a meeting is determined to be members only, that should be explained publicly giving specific reasons for holding a closed meeting."

Now, in the Plenary discussion in Copenhagen, Michael Karanicolas, who's the co-rapporteur for the Transparency Group, said that we have to recommend that the best practice is to limit the reasons that you could close a meeting to members. I was extremely uncomfortable with us dictating the reasons why and AC an SO could close its meetings to members, so the compromise was to list five appropriate reasons for a meeting to be closed. And that is on the notes in front of you at the top of page two. There are five different bullets.

Now, Michael Karanicolas is a transparency expert, he whipped this up in no time and I changed the words a bit to make applicable to this section. So, is there any objection to adding these five bullets as appropriate but not the only reasons that an AC/SO group could close a meeting to its members only. This would show up under Transparency Recommendation 4 and it would make that particular best practice recommendation quite a little bit longer but we can fit it in there. Any comments or objections? Alan, go ahead.

ALAN GREENBERG:

I think the 4th one is not sufficient. If you look at the kinds of things the SSAC might be talking about, they may well be talking about things that will not harm the stability or security of the internet, but may well harm

the security and stability of many computers on the internet, which is not quite the same thing. So, I think we need to generalize it a little bit.

STEVE DELBIANCO: Could you please queue that in the chat and send me the new text please?

ALAN GREENBERG: I don't have a clue what the new text is. I would suspect we need to ask someone from SSAC because that's the kind of thing that they would routinely do and I think it needs to be a wider statement than that. I'll volunteer to ask Julie Hammer if she can ask someone to suggest something.

STEVE DELBIANCO: Because, Alan, that is a phrase I think you're well aware, is used all over the place, security, stability and resiliency of the internet. We use that expression generally to mean the infrastructure of the internet as well as computers that are connected to the internet. It's usually used pretty broadly.

ALAN GREENBERG: Okay, in that case it's not a problem.

STEVE DELBIANCO: I think so. Christopher Wilkinson, please? We cannot hear you, Christopher. Christopher, start over please.

CHRISTOPHER WILKINSON: Can you hear me now? I agree with transparency, I think the subgroup has gone too far in certain respects. I respect their objectives but the practical implementation of such details and recommendations could be problematic in the in-practice. Frankly, I think this degree of detail is not necessary.

But okay, if that's what you came up with last Friday, I won't object. That's not the main problem that I have with the Transparency Group's report, which I've posted, so that's enough for now. But if each point is detailed in five bullets, some of these documents are going to be quite difficult to implement across the whole of the ICANN community. Just a note of skepticism.

STEVE DELBIANCO: Duly noted. The character in which we would add it to just the transparency, I think is to be helpful to an AC and SO if they wished to explain why they're having a closed meeting, because we did recommend they should explain the reason. That's what we said, give specific reasons for holding a closed meeting. If we're asking them to do that as a best practice, actually probably some could say it's helpful if we give them the typical reasons that are used in transparency circle for closing a meeting.

And that would be the nature of offering these five bullets. I think that all of you will agree though we do not want to tell people these are the only five reasons that can be used. Go ahead, Kavouss.

KAVOUSS ARASTEH: I don't believe that we need to add anything to it. The points that you have are sufficiently broad because we thought (inaudible) normally and then we did some other statements that there is something that it's (inaudible), so I don't think that we need to add other appropriate or more appropriate, and so on there. We have also discussed this issue resulting in other (inaudible) and the interviews that provisionally are subject to further continuation in our principles that are normally open. But you have room for some exception, if necessary, you did not mention that, as appropriate or where appropriate. So, I don't suggest that we add anything except that you have sufficiently broad concepts.

STEVE DELBIANCO: Thank you, Kavouss.

CHERYL LANGDON-ORR: Steve, Cheryl here. It seems to me that what we can do is pass this buck on to the Plenary to some extent, so providing we put this set of bullet points in, clearly labeled as Alan had said either "normally", or as I said earlier, as examples, so it's clear that this is simply an assistance list not an exclusive one, and we raise this to the Plenary to see whether or not it adds anything or whether it can be deleted. I'm not sure whether we can make a comment on their document so we draw the attention of this section to the Plenary, but that is the type of way I think we should go forward on this.

STEVE DELBIANCO: Okay, thank you. Got that. Next one is that Finn Peterson had noted that Transparency Recommendation 5 and Participation Recommendation 4 addressed the minutes of member meetings but should be consistent in the way we reference them. So, under Transparency Recommendation 5 we say, “Minutes for all membership meetings should be published.”

And then under Participation Recommendation 4 says, “For any meetings, whether they’re closed to members only or open to anyone, the members have to be able to access minutes and recordings subject to exceptions for confidential matters.” So, Finn’s observation is that they should be more consistent. What do folks think here? Do you believe there’s any need for changing the wording on those two recommendations? I repeated it right there in the notes for you so you don’t have to go back to the original document. Cheryl?

CHERYL LANGDON-ORR: Thanks, Steve. Cheryl here. I do see Finn’s point here and if we were to change anything, and I think we know as well, perhaps we should, under the Recommendation 5 note that minutes for all membership meetings should be published to ensure members have access, or something like that. So, we switch the two sets of language and sort of blend them together.

STEVE DELBIANCO: We have to keep them separate, right, because one’s under Transparency.

CHERYL LANGDON-ORR: I mean the language, blend the language terminology together, but we still keep them as separate recommendations. So, not wanting to wordsmith on the call I think we could either use the term “published” or use the terminology, instead of “published” or bracketed after “published”. “to ensure access to all minutes or recordings.” Just to have some consistency. I think the consistency point is valid. I just don’t want to spend much time with today’s call to wordsmith it but we should be consistent.

STEVE DELBIANCO: The inconsistency has to do with the notion of members are able to access minutes in number four. But in five, we say, “should be published” and publish would be to all. The inconsistency has to do with who gets to see them. Would we want to suggest that minutes be available to all? I guess you could add the “subject to exception for confidential matters.”

But what about the idea of recordings? Because it’s hard for a recording to be summarized and redacted. If you’re going to make a recording of a members only meeting, should they be published to all? That’s sort of a substantive question for best practice.

CHERYL LANGDON-ORR: If I may respond, many of the in-camera discussions that do happen as part of open meetings, the recordings are simply stopped and then when they start back they note what the outcome was of the in-camera

discussions. So, Alan's got his hand up, he does this a lot and I'm sure he'll add to that.

ALAN GREENBERG:

Thank you. I was going to comment on something slightly different which I'll do and then I'll go on to Cheryl's. In the Transparency Recommendation, we use the word "minutes" and in fact, many meetings don't have minutes. You know, some meetings only have notes, some meetings we just make available the recordings and/or the transcript. So, whatever wording we use should be more generalized than just the word "minutes."

I guess in At-Large, everything tends to be open whether it's for members or anyone else and it's a very rare thing that it be closed, and if it is closed, typically, there are no records that are made available of that particular section. You know, some other parts of ICANN where they have member's meetings that are typically not open to the public for discussions may have a different view of this.

So, I'm not sure I'm the best one to advise on how this works. Steve, when the Business Constituency meets, is it always open and public or when you're plotting on what to put in a statement is that done in closed session? I don't know.

STEVE DELBIANCO:

It is, Alan, we close it to members and the only distinction between closed and open is whether it's members only or everyone. And we do

have closed meetings at each session of ICANN. And our calls, when we have them, our membership calls, are closed to members only.

ALAN GREENBERG: And do you have minutes and things like that that are published for those?

STEVE DELBIANCO: As Cheryl says in the chat, it's really a meeting summary or meeting notes, maybe the word "minutes" is imprecise, but we do publish a summary of the meeting. I don't know what to do on this one. Kavouss?

KAVOUSS ARASTEH: Yes, two words that I have some comments. First, "published" and second, "minutes". In other fora, outside ICANN, these two words are very carefully used. Usually they would not mention "published", because "publish" is a formal "publication" either with (inaudible) and so on and so forth. We use the term "to be made available". And if you want to go further, you say "it will be made available and posted on the corresponding webpage of..." and you refer to where it should be posted. So, we don't use the term "publish" anymore because it was some years ago but not these days.

And second, "minutes" is something, records of the meeting which is agreed by everybody, whereas if we don't agree on what has happened, you just provide the "notes" of who said what. So, I am in favor of "notes", I am in favor of using the term "to be made available" and if you want to continue "to be made available and posted on the

corresponding webpage of...” and then you say where it should be posted. But not the word “published” nor the “minutes”. Thank you.

STEVE DELBIANCO: Thank you, Kavouss, that was helpful. The word “posted” instead of “published” and Cheryl had suggested the word “notes” instead of “minutes”, I believe.

ALAN GREENBERG: Yeah, Kavouss said “made available” and maybe we want “posted” but “made available” is the operative thing, because “posted”, again implies we’re doing it in a specific way, and I’m not sure we want to be as prescriptive.

STEVE DELBIANCO: And then what about really the fundamental difference is, “recordings”. And the fact that our Recommendation 4 we wrote “members”. So, we’re going to take “members” out, so it really ends up saying... I guess Participation 4, because it covers both closed and open. If it’s a closed meeting then it would only be the members who would have access to notes and recordings, on a closed meeting. But in Recommendation 5 we said, “Notes for all meetings, whether they’re closed or open should be published.”

He’s right, we’re not consistent on that. So, fixing those words doesn’t really solve the inconsistency. I’m going to leave this one as something we’re going to have to come back to. And we’ve got to get through this,

please. So, we don't have an answer on this one yet, unless someone can come up with something in the chat.

The next one was Jan Schulte who was recommending something stronger than "consider". I think we've covered that one earlier. We were going to say "to encourage."

We'll go to the next one. There was quite a bit at the end where members of the Plenary were impressed with the list of best practices, and said once we've published the best practices they sort of become obsolete or out of date within a few years and there'd be no renewed attention as to whether SO's and AC's were implementing any best practices.

And I go back to what happened two years ago. Recommendation 10 of the CCWG's final proposal, and I put a link in there, said, "In Work Stream 2, include the subject of SO/AC accountability as part of the work of the ATRT, or the Accountability and Transparency Review Team."

Now, that was in Recommendation 10 of the report that all of the chartering organizations approved. I'll note that it was not part of the bylaws with respect to our work but it was in Recommendation 10. And as Alan, Cheryl, all of us discussed this extensively while we were in Copenhagen, the bylaws for the ATRT have a broad charter, a mandate, to look at the accountability of the organization and then there are a list of six issues that may be considered by the ATRT. It doesn't tell you these are the only ones you may consider, nor does it tell the team that

it must consider these six issues. But that would be an appropriate place for us to honor what was in Recommendation 10 but adding to that list.

So, what I've got there in the text is that we could add, "the future ATRT could examine SO and AC Accountability Transparency Participation and Outreach." That is a new item in the bylaws. If we were to make that, that would be the only recommendation of ours that has bylaws implication.

So, let's consider it carefully before we decide to go there. I will note that the work of this group has been extensive and if a future ATRT team had to look, not only at what they typically do, but also had to do an entire parallel look at SO and AC Accountability, that adds substantially to the work of an Accountability and Transparency Review Team, so we don't want to add this casually. Alan?

ALAN GREENBERG:

Thank you. I think it's reasonable to add to the ATRT list of optional things they could do, is to look at the kinds of outcomes where we are coming out with, that is the best practices and things like that. I do not think it is reasonable that we charge them with actually evaluating accountability of particular AC's and SO's. That's part of the AC and SO review process because we've added accountability in there.

So, if you're saying, come and review the kind of work we're doing, are there other best practices which now make now sense, or are some of our best practices obsolete, that's something ATRT could review. But I would not charge them with reviewing accountability of particular AC's and SO's. Thank you.

STEVE DELBIANCO: So, Alan, I think what you said makes immensely good sense and it would mean we would amend our report to recommend that future ATRT's examine the status of best practices or examine best practices, with respect to SO/AC Accountability Transparency Participation and Outreach. You want the words "best practices" in there so it's not an audit of the SO's and AC's, it's just to reexamine the best practices?

ALAN GREENBERG: Yeah. And again, it's optional, even if we don't put it in, an ATRT can decide to do that, because an ATRT can extend. But yes, we can certainly put it in as one of the options if we feel that we have to do something in response to the Work Stream 1 work. I'm not absolutely convinced we do. But if there's a general feeling we do, then I think that meets it, or that addresses it.

STEVE DELBIANCO: Okay, we could put, "best practices for..." And Alan, I think that you've made the words more manageable and I appreciate that. And we all understand it's under a list of things that may be, not must be, considered. It does require though that we are recommending a small bylaws change. The motivation for it would be to stay true to Recommendation 10 and the report that all of the chartering organizations approved, but that we had not yet addressed.

ALAN GREENBERG: Yeah, and we could suggest that if the Plenary feels that this is important, they do it.

STEVE DELBIANCO: Okay. So, we can put words in to that effect and change the text we had about, “we did not recommend any bylaws changes.” We would be changing it to say, “We are recommending only one bylaws change.” And have to explain that. So, this will be a little more of an extensive discussion and I guess it would go right at the end of the best practices section. Right there. On our main report it’s on page seven. I’ll put it in there and flag it as under consideration. Okay, fantastic, thank you.

The next item is Track 2 on the Mutual Accountability Round Table. That is on page 31 of our main report and the first reading reveals, I’ve said, “significant objection or concern on our recommendations for Mutual Accountability Round Table.” And if you guys recall, our recommendation for Mutual Accountability Round Table was that there was no need. So, we did not recommend implementing it, at least not in the way that Willie Currie and others had suggested it be done. Several speakers came up with ideas for it.

I think Kavouss and a few others said that we would make it optional by teeing it up this way. That once a year, prior to the Annual General Meeting, ICANN staff would solicit the opinion of the Chairs of all AC and SO’s, asking them if they’d like to hold the Mutual Accountability Round Table. To discuss accountability over the last year and if a majority agreed they could hold that on the schedule. And if so, staff would set it up on the schedule for 90 minutes, it would be open to all

AC and SO and Group Chairs and they would be joined by the CEO and Board Chair and that that Board Chair would designate a moderator.

So, that was seen as a way to keep the idea alive in the face of, again the word was “significant interest” on the part of the people on the Plenary, as well as a few from this group who came back alive in the Plenary discussion. Alan?

ALAN GREENBERG: Yeah, I’ll note that the majority of the words here say AC/SO Chairs but then it says the group that would be convened would be a much, much larger group.

STEVE DELBIANCO: That’s right. I don’t know how James Bladel, the Chair of GNSO, could speak to what’s going on inside of the Business Constituency. So, I don’t know how you do it without the groups.

ALAN GREENBERG: I don’t know either. I’m just noting that it is two different subgroups and it would be really important not to have the larger subgroup make the decision at the top, because of the number of Group Chairs within the GNSO, for instance, they outnumber the rest of the AC/SO Chairs. We’ve already had a number of cases where when the group is AC/SO Chairs plus GNSO Sub-Chairs, the GNSO rules. And I think we ought to make sure that’s not the case here. So, I’m happy with the wording here but I just note that there is two different groups referred to in the decision making and in the actual process.

STEVE DELBIANCO: Yeah, Alan, that's a great point. Are you leaning towards saying that the AC/SO's and Groups be in on the decision?

ALAN GREENBERG: No, I'm supporting the words that are there. I'm just noting that there is a transition and I'm supporting—

STEVE DELBIANCO: It was fully intentional. The transition was fully intentional.

ALAN GREENBERG: Then I support what's there.

STEVE DELBIANCO: Thank you. Are there any objections to this? And before you conclude let me refer you to the very top of this document, if you please, because we're done at the end of this. So, if you scroll to the top of the notes please. While we were in Copenhagen, I took the opportunity to meet with the Chairs of the constituencies and stakeholder groups within the GNSO. And I asked them what they thought about this suggestion and the reaction was strongly negative. They said this would not be a good use of their time and the time with meeting attendees and they particularly listed the reasons they would not want to do it. And all this is at the top of page one.

Interestingly, the Registrar's Chair said, "Maybe we just do annual reports." And I laughed to say, "Well, that's actually part of our best practice." We had that in there. So, they would probably vote no but the truth is, the way we've structured it, they don't get a vote. It's only the GNSO Chair who votes on whether to hold it. And I suppose if the Registrars really objected to the use of their time they would potentially not show up. But I got a very negative reaction from the GNSO and I wanted to be sure you all knew about that before we proceed with this recommendation.

Cheryl, let me leave the last four minutes to cover your suggestion in the chat. Thank you for doing that, by the way.

CHERYL LANGDON-ORR:

That's alright, Steve. Cheryl, for the record. And I think that it's been in chat for a while so unless anyone objects we might just take that across for consideration in our next draft of the document. I do want to just make sure, first of all, that we are comfortable with this potential amendment. I don't have a problem with it, in as much as we also now know that, at least in the current state from the GNSO, the GNSO Chair would be highly unlikely to be in the majority agreeing to hold such an event because the Chairs of the leadership within his constituencies would be unlikely to be supportive. So, I think we're fairly safe either way here.

But, Steve, can we also establish, and I'll only take another five minutes anyway for the end, not even five minutes to the end, that we are comfortable with the agreement on the IRP, so we can wrap this

document up as a whole? I don't think there was anything substantive to change there, other than to recognize the new IRP Complain Officer. Is it my bandwidth? Is Alan and Kavouss's hands both up on the phones?

ALAN GREENBERG: My hand is certainly up.

CHERYL LANGDON-ORR: Okay, Alan, so go ahead.

ALAN GREENBERG: Yeah, I was back on the previous point on the Mutual Accountability. I was just going to point out that my comment in Copenhagen was I personally have been a supporter of the Accountability Round Table, or something like that, but I don't really think ICANN is ready for it. I can live with what's there. I'm not sure a lot of AC/SO's will say, yes let's devote the time to that. But I can live with it.

CHERYL LANGDON-ORR: Thanks, Alan. I believe that's kind of what I was trying to say that what's there leaves enough wriggle room that in the very unlikely event that there was a majority who agreed then it can happen. But it's such an unlikely event on the current state of play that I don't need to stay up at night worrying about it. Kavouss, over to you.

KAVOUSS ARASTEH:

Yes, I think the majority in the CCWG is in favor of such possibility to have this (inaudible) accountability if the Chairs of the AC and SO so decides. It's quite evident that GNSO subgroups didn't want that but other groups they want such sorts of accountability, if the Chairs of the SO/AC so decide.

So, I think we will need to open or maintain that possibility and if it's possible the GNSO subgroup, if it wants or not wants, I don't think it's any problem to have 90 minutes a discussion. And the only problem with the text I have, it says that it's only open to these people. I feel it should be opened like this unconditionally to everybody (inaudible) intervention. So, if (inaudible) people should be aware what did they discuss if they don't decide to have (inaudible).

So, I have some comments on the last part, open to SO/AC Chairs (inaudible) that people be aware of what they're discussing. There are some concerns of some of the people that we don't really know what's going on in the GNSO. So, perhaps they don't want to be more clear, but we want them to be more clear. So, I'm in favor of maintaining this and just leave it to the Chair of the GNSO to (inaudible) of the group, but must having more than Chair of the GNSO, anybody else from the subgroup (inaudible) the other ones they should lead the whole group. Thank you.

CHERYL LANGDON-ORR:

Thank you, Kavouss. So, it appears to me, Steve, that this language as it is, is okay to go, leave enough wriggle room. The fact that we say a "90-minute open session", the only thing that we may wish to do is say

“public session” at the AGM which would make it very clear from the expectations that Kavouss just outlined that it would be open to all. And we do recognize that there is a floor for the AC/SO Chairs to interact in a less public way.

And as Alan points out this type of Round Table fare would not be the most ideal way to do it. So, it looks to me, Steve, that assuming there is no issue with us just adding the ICANN Complaints Officer, reference, as Avri raised, into a Track 3, that we now have an opportunity for a slightly refreshed document.

We will undertake, or to the point, Steve will undertake, because he uses Word and I don't, to make the changes on this document so that we have a next version available for consideration at the Plenary meeting on the 29th of March for what we will call a second reading, but obviously, it'll be a second reading ensuring that we bring the Plenary up to date on the changes that they suggested on the 10th of March and that we have adopted.

With that said, we are a minute past the top of the hour and I wish your indulgence for a minute or two more. There is a link in the agenda to the master meeting schedule. You will note that we do not have regularly scheduled meetings in that master schedule after today. Obviously there will need to be other meetings managed, either in a prepared or ad hoc manner. I would like to take that now to the list so we have more interaction from our wider work team membership. But it is a matter that I think we do need to resolve as soon as possible.

So, the single action item out of today is for your co-rapporteurs to update the Plenary document for resubmission to the Plenary at its meeting on the 29th of March. And a request to go out to the list regarding organization, orchestration and timing of any future meetings. So, if I mis-spoke in the notes. Steve has clarified that Avri is suggesting we not mention the Complaints Officer as an alternative in the IRP. We don't mention in the report so no change is needed. So, that makes it even simpler.

With that, ladies and gentlemen, thank you very much for your indulgence and extra two minutes of your time. The notes from today's call will, as usual, be distributed. We'll have a fresh document available and going out to the full CCWG list in advance of the Plenary on the 29th of March for its next reading. And we will take to our list the conversation about our next meeting schedule.

With that, thank you to staff and thank you to all of you who joined today's call. And bye for now. The recording can stop.

[END OF TRANSCRIPTION]