CCWG-OMBUDSMAN SUBGROUP
Monday, July 31, 2017 - 13:00 to 14:00

>> MR. BACHOLLET: Thank you very much. And welcome everybody to this 2017 meeting of the subgroup on the ombudsman, office on ombudsman, in workstream two.

We will take participation from the Adobe Connect. Is there any person just on the phone? , Let [UTS] know now please.

I received one apology from Klaus and he will not be able to participate but he will send us his comments taking into account the document you received a few hours before the meeting.

Once again, I am sorry to send this just seven hour or something like that before the meeting, but it was the best I was able to do. And we will try to go through it. There is a lot of slides I would like to concentrate on this part of, of the document to see what we need to do and how we need to do. And even if it's at the end of the presentation, I would like to start by taking the schedule   sound just cut out).

Because I think it will be   sound cut out).

We try to find the right slide, I don't know where it is. Wait a second.

I must have checked that before to be sure.

Okay. Our time slot for call and I will like to ask Bernard to help us with that, and how many meetings we have and what is your time frame to be sure to deliver reports and to be ready for next ICANN meeting.

I can ask you to give us your view on these.

>> Everyone, good day. This was produced a few months back and presented at the plenary to look at. Given, if you will remember early in the year I produced a document that outlined it actually takes to get a document prepared, approved by the plenary, prepped for public consultation, get the public consultation out and announced.

As a result of that document, we produced this graphic call representation of this. At that time it was presented that if we were looking at doing two public consultations, which is the [skd] line of the diagram, then we would be looking at closing that public consultation early September. Obviously that's not   that's thought the case this this group.

If the that's the case to complete workstream 2 by the end of June, 2018, it means that there is only one opportunity for public consultation left. It also means that public consultation has to start sometime in December, early December or late November, if we are going to meet our deadlines.

Up to actually how long it takes to get a document ready, and get it presented to the plenary because it has to be accepted at two readings in the plenary before it can be prepped for public consultation. Then it basically means we have between 8 and 10 [wection] to get a draft report out, from today. That's the reality that we are looking at right now.

I'll be glad to take any questions if there are any.

>> MR. BACHOLLET: Thank you Bernard.

And if we go to the next slide here. Okay. We see that, if we have just one call of the plenary each month, if we have question, if we want to have feedback, we will need to end of August for our first possibility and the second will be at the end of September. A draft report ready to have the first reading on the last call or before the face to face meeting in a but dab [ee].

That shows a time slot we have, also for doing so.

And I guess it's okay, but we have just to be altogether aware that it's a short time slot we have.

Let's go back. If you have any question, it's a right time to ask those questions about the timing. Okay. If questions, I guess Bernard, follow up of the message of what we are doing in this group. (indiscernible) made by (indiscernible).

I just put the two slides up, but later on the document, we will come back on each and every of those recommendations.

I will try here to start where we ended, number one of the draft report of the workstream 2. I have tried to put some of the possible chapters, executive summary, background of ICANN Ombuds office workstream 2, role of the ICANN, new responsibilities and environment evolution during the last months. Workstream one, scope of the work of our team. Dependencies between the workstream 2. Review and discuss each and every recommendation. And then chapter for our own proposal. And the conclusion. It's about did we accept. We, we accept they have done their job. We take it and now it's in our, has an input in our work.

If you want to pinpoint me on words accepting, it's because they have done their job and they finished it and now we will discuss it and we have discussed during the last meeting; we know that we will have to take some disagreements on some of those recommendations, but we accept it as a report for, as input to our group.

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Okay. Executive summary to be done. Of course.

Background of the Ombuds office in workstream 2. Sorry. As we have a lot of slides, I will try to go through quite quickly. If you have any questions, comments, raise your hands please, and I will give you the floor immediately.

Some of the slides are just trying to have a draft report. So the new bylaws, we know them I guess by heart now, almost.

The role of the ICANN Ombuds office, we have them describe it in the ICANN bylaws. And in the framework of interpretation. And I have copied and paved the   pasted the current article 5 of the bylaws, which I guess 5 subsections. As it is on the slide, we can review them if we wish so.

Then we have the framework and the, I took a picture of the current framework just to show when it was done and what was the main objective at that time. And as it's 2009, it's time to review it in our group.

During the last few months, the ICANN Ombuds office gets new responsibilities and there were some evolution of the environment. Sorry, I see that Bernie, you want to take the floor. Okay, please.

>> Thank you, Sebastien. If we can, well, a lot of these sections we're going through as you said are background and getting it ready. I think as you and I had discussed previously, if the group so wishes, I can start generating a draft report for those sections which we know what we want to do. Obviously not the executive summary, because that gets written at the end, but then people can have sort of a feel for what the report could look like and we could put that up as a Google doc so everyone could make comments on it if they wish. And that might help things move along; but just an offer.

>> MR. BACHOLLET: Yes. I was thinking, sorry, Sebastien speaking. I was thinking about how we will have a document for a report. One of the reasons I want to (indiscernible) is first of all, I prefer to be in (indiscernible) Google document or whatever is the name.

Then, yeah, we can put them. I don't think those part will be so much discussed. What I would like to be sure is in the part where we need to have new section, to write something now, because it's empty right now. We will need this Google doc ings. But if you're saying it's better to start with that, I have no problem at all. But then we don't need to start with from scratch because I have done the reverse, I took my well document and I put it in the PowerPoint and we can take the word document and put it in Google for some part of this report. It was already done, I don't know, in October.

One year ago, I guess, something like that. But yes, definitely. If you think it is the best way, I have no problem with that.

Okay. Thank you.

New responsibilities. As you know, as Ombuds office need to do a first extensive review of our reconsideration request and for the naming function, it has something to do with PTI, if there is any needs; when.

When we talk about evolution of the environment. First was creation of the ICANN complaints office with staff. And did he have successful rehabilitation of the anti harassment policy decided by March in this year. That's the main changes. If I missed one of them, just tell us add them and it will be added here.

Stress tests. I am not sure if we need to keep it, but it was to be sure that we don't forget it, what was done in workstream 1. We had two stress tests and I guess it will be embedded in our recommendation, but to be sure that we don't miss them.

Scope of the work of the Sub Team. Here once again, I didn't change a lot of the way it was written. I don't know how to be just on the slide here. I guess it was already written before I cut and pasted.

Here it's, I guess this point and the next one are the more important part. It's dependencies between workstream 2 design teams. And I didn't get into too much detail and I am not sure I am sure that it's not out dated with the last document of each and every design team. It was too much work for me to do that alone.

And I am not sure either that the red and the, and the black are the right color here. I need to adjust that. But I think it's important to try to take each and every of the other subgroup and see if there are any dependencies.

This one I know is not updated. It's still in discussion at the university subgroup, but it was what was done in workstream 1 and I keep it just to remind us where we were at that time.

Human rights, I don't know if there is something.

This one, is staff accountability, I know, but I didn't have check and cut and paste here. Staff accountability, I know there are also some things, but it's the same.

Yes, far as [ne].

>> Yes, far as [ne] speak, I know that I am the reporter for jurisdiction to the Ombuds group, so I have not forgot it. So we have not had any, at the moment there is not much discussion regarding ombudsman, Ombuds office at the moment that will be raised or if I see that there is a need to be raised, I will consult with this group and then I will get back to them and if they raise it, I will come back to you and talk about that.

>> MR. BACHOLLET: Thank you very much far as [na*], that means in our report, there is no different in our report, and that's okay, and that's good. But thank you very much.

Transparency. I am almost sure that it's not the latest document and sorry for that. And I just keep what I was having when I go through the version a few months ago and I guess we need to update it and try to see what else   what other points here.

Bernard, please, go ahead.

>> Just a note on transparency. The draft report as such hasn't changed. We as some of you may know, we lost a co rep [TER], so that's only one rep [TER], that's Michael Karen Nicholas. He's been away basically all of July. The next step is ICANN has, ICANN legal has answered

some of his questions, but the next step before we can go any further is that Michael and J J, head of ICANN legal have to get together.

I've spoken to ICANN legal, Samantha Eisner, she understand that the main thing that's next on the list to get this going and they're going to try to range that as soon as possible in August, . After they have that meeting, we will restart the transparents see group meetings then we'll have a better idea of where these things are.

Overall, I would see dependencies towards ombudsman would probably stay there. Thank you.

>> MR. BACHOLLET: Thank you Bernard.

Then just, that's good, if it's not, there no objection, just to be sure that we need to keep track that it's the latest version of the other documents, of the other subgroup work.

N C P, guideline for good face contract. And (indiscernible).

Then ATRT2, I had all the exchange we had with, with every, not the exchange, but she pointed us to part of the report. And here there is the overlap between ATRT2 and our group, where it ends up to it sends to external review. Then it's part of this document where I have added part of the recommendation of the reviewers. But I also add all the points that the Avri pointed us to, and we have to see if, where we are with that and your inputs and ideas will be welcome on that.

Okay. Here is recommendation. I just cut and paste what I [shoi] you last week I guess or two weeks ago. Now it will be important that we start to write if any, our comments. And when

easy comments we agree with or we accept it or we, it's okay, but if there are points of view for some, then it's the right place and right moment to start to write something.

It's here that I think that a Google doc would be very use [tbul] this recommendation.

I will go through quickly, because we have already revised or discussed them last time; not in full detail, but we know them [thow], an we know that we have to do this, those comments.

Recommendation 121, we need to discuss if we have   here the question of the other function, it's in link with dependency with the other sub groups. Here it's suggested way to go how we will include them or not include them and that's something we will need to take into account when we will discuss the possible dependency and possible new function of the Ombuds. And we will have of course to have [afer] overall comments of the Sub Team about the report. Something we need to do.

Okay. Before I go to the next part of the document, what I suggest, if you agree, if you have any comments, as you receive this presentation already, if you have any comments on any slide and you want to discuss, I suggest that you write comments on the mail, to the list. You tell us the page number and you tell us your comments and we will try at the same time as Bernard already suggests to start a Google doc, but the time the Google doc may be ready, it takes a little more time, and we will include your comments at the right place of the Google docs. But if you can start by sending and starting some discussion on the list, it will be very appreciated. Thank you.

Any question on this part of the document? Okay. If not, I will go to the next slide.

Next slide, it's a place we'll say to put our proposal, who could be part or all of the proposal of the review team, but also some of our own proposal and to have, in this part of the document, what we will propose as evolution of the ICANN Ombuds office. The last place order, I guess, it's conclusions. That will be done at the end.

I had an [nectionz] with all the resources already .

I already have. But if you want to put other, it's also a good time to send this. And if we don't want to keep some of them, because it's now not updated or it's so far away of our work, then we can scratch part if you think it's not any more useful.

Okay. We already talk about how we want to organize our work with the Ombuds through mail and through Google doc.

Okay. Sorry all better   A L B E R T O, that you will not be able to stay to the end of this call. Hope you can give us some feedback. And keep your health well, thank you.

Okay, next step, I try to put some of the work we have to do in taking into account external reviewer. If we accept the proposal of their, their proposal, then we will have to do that, those elements. That's new bylaws, replacement of the ombudsman framework by procedures, plan to develop for communication for soft relaunch of the ICANN Ombuds office; framework to respond to a formal request or report from the office of the Ombuds. The response should indicate the substantive response along with reasons. And I will right that. Framework to establish an Ombuds advisory panel. Framework to develop a policy for any Ombuds involvement in noncomplaints work.

Of course, it's here just what we, if we accept the external review, what we will have to do. And one of my questions may be, [tbhaerd], you can help me with that, is that for example as a replacement of Ombuds framework by procedures, do we as a subgroup and even to workstream 2 suggest that it must be done and we give that to others? Or we, or we need to do it or have a first   sorry, my other phone calling (ringing). We need to do it and it's the same for all the part, do we suggest that must be done and we have to organize how we can follow this work, but it's maybe not in the next 9 or 10 weeks that we need to do it. Thank you.

Bernard, please, I will be happy to have your thought on that. Thank you.

>> Thank you. Can you hear me? Excellent.

I will check with ICANN legal, but given this would technically impact the bylaws, I would suggest that the approach of sort of defining where we should be going and saying yes or no, well backwards here, excuse me.

Just saying yes or no this is what we recommend and the general direction of that would seem to be the best way forward, because the actual mechanics for getting all of that done is quite involved and will surely imply things which we will not be able to foresee. That's my feeling. I'll double check and get back to the group officially. Thank you.

>> MR. BACHOLLET: Thank you Bernard.

Yes, Sebastien speaking. I agree with you. And my other point, it's not, it's obvious that even if we start to rewrite the by laws, just, article number 5, I am not sure that our change of framework to procedures that it will take more than nine weeks, and we will not be able to have that ready for, in the time frame we have. And I really hope that we will have other way

to do it later on. Maybe that means that at the end I will document report, we will say, we stand ready to help whoever will do that, to give advice, to, but if we have to do it, it will take time; more time than we have, I think.

Bernard, please?

>> If I   I completely agree, Sebastien, if we just remember workstream 1. We came up with a lot of recommendations, but when it came to actually drafting the bylaws, it was a whole other thing which involved a whole other team of people. So, I would strongly recommend not going down that path because the work would probably end up being changed any ways, so that would not be a useful, good use of our time, given we're getting tight.

>> MR. BACHOLLET: Okay. Thank you.

Any other thought on that?

Okay, anyhow, we will come back to that later in one of our next calls, but it's, you see where we have some work once again from the external reviewer, and we have some work with dependency, and I guess in the next nine weeks, it's already a lot of work.

Then the timeline and the meeting calendar, we already went through. We have suggested meeting and the time slots up to next meeting face to face in (indiscernible) I don't know why I mix the two cities, they are not at all the same place. But [AB] dab [ee]. And you see, our long time, how many times we have. And I guess one thing I would like very much that we start to discuss is that if we have any question to the plenary, to be done at our next meeting because just a week after, we will have a plenary and if we have questions, if we want to raise issues with the plenary, it's, it's best to do it before August.

Bernard, please, thank you.

>> Very good point Sebastien. Also, given we're taking a three week break essentially and given it's going to eat into our timing, so I'll spend a fair amount of time drafting. I'll try to use that time positively, but I would suggest that we be ready to close off on the external recommendations at that 21 August meeting. So if you have, if the participants have comments, they should be in. We should go through the comments and we should be ready to decide and put that as a done box of the things that we want to keep or not from the external report and then move on to our other work, otherwise we won't make the timeline. Thank you.

>> MR. BACHOLLET: Thank you. And thank you for your offer and [yowfer] help with this subgroup. It will be a very appreciated.

Okay. Any other comments, questions, suggestion? Okay. Because I guess we are now going to any other business.

Just before, oh, taking that as in any other business. On the document, just to show you and to be sure that the end of what I was, wanted to show you today, but I had the full report of the external reviewer. Yeah, I guess it's the last version. I am almost sure it's the last version. Then if you want to refer to the report, you have it in one single document, if it is easier for you. And there you have the full report.

It's very useful to go back to some explanation, because we have take   we take only the recommendation, but not the arguments around that, and it's important that we take that into account.

Okay. I guess I already speak too much. I would like to know if you have any, not just any other business, but globally, if you have some comments, feedback to us, and also feedback to me on how you want me to proceed. If you have ideas on how to advance this report. I know that burn knee will help us to write part and put anytime a Google doc, but if you have some feedback, just let me know now or later by mail or by any other means, if you wish.

And, if you agree, we will stop the meeting here, and I will give you back 19 minutes of your time.

Do you want, sorry, other suggestion, is that we go through as a recommendation and we try to discuss again. It's really up to you what you think. We have done it last meeting, but if you want to stop or to use this time for that, it will be, foe me it's also okay. [fa*ers] [ne] said she will make comments on the Google doc. I am waiting for herb, he is typing something.

I guess for part of the participant who are in two calls, it's very difficult to comment on the call here. I suggest that we, we will, we stop the call here. I really hope that you will help us to keep on time, on track with this work. I really do hope that we will finish our work on time, that we will be ready to have a first reading in October and the second reading at the face to face meeting.

Bernard and myself will not be able to do it just, just two of us. We need your inputs and thank you for your participation. And [taek] to you in   talk to you in three weeks now, and thank you very much for your time today. The meeting is now adjourned. Bye bye.

(End of call).