

**WS2 SO/AC Accountability Meeting | 05:00 UTC | Thursday, 10 August – Raw Caption**

testing testing.

>> Hi, Charley, just getting into the IT .

>> YVETTE GUIGNEAUX: Hi their Cheryl.

>> YVETTE GUIGNEAUX: Cheryl is captioner is ready.

>> That wasn't very clear.

>> It wasn't?

>> STEVE DELBIANCO: Now I hear you Cheryl.

>> Okay, let me know.

>> I'm going see if I can get this other call so we don't have beeps constantly. I'll see you shortly.

>> YVETTE GUIGNEAUX: Hi Steve, this is Yvette. Can you hear me.

>> STEVE DELBIANCO: I do. CCWG okay I have public comments, one is sort of by response and one is summary.

>> STEVE DELBIANCO: Sorted by response, is the one we need. Fantastic. Well done. Thank y>> YVETTE GUIGNEAUX: Okay.

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>> Yvette and Steve do you have access to the email Sunday. And the 5 longest and the red line PDF?

>> YVETTE GUIGNEAUX: Let me look. I have a red line, let me show you what it looks like. It's this one. Is that what you're looking for?

>> That's exactly right, you're really on top of it this morning. Thank you.

After the agenda we will probably move to the red line before we move to the big, wide table. Thank you very much.

>> YVETTE GUIGNEAUX: Okay you're welcome.

>> Just a minute to check the error and numbers are down a little bit. We don't really have 5 yet. So we will see how we are at the top of the hour. Now let's give it another minute [indiscernible] then get started.

>> Hello everyone, it's Sebastian speaking.

>> Hello Sebastian we will be starting in a minute. We are just putting everything together.

>> Hopefully it's easier to hear me now. Checking, Cheryl.

>> YVETTE GUIGNEAUX: We can hear you a little [indiscernible] but we can hear you.

Can can Chall I'm still muscled because I have what was --

>> YVETTE GUIGNEAUX: There you go.

>> We are looking to come up to 3 minutes past the hour. If we don't actually have 5. But let's start and hopefully we will get our 5 shortly. I wonder Yvette is you have not send a reminder to the list that the meeting has just begun.

>> YVETTE GUIGNEAUX: Sure I'll go ahead and do that. In the meantime should I get the recording started? I'll send the list first.

>> What do you think, do you want to start now asked since the first part of the call is walking through the changes that was circulated on Sunday, why don't we start.

>> YVETTE GUIGNEAUX: Let's start the recording, thanks.

>> Okay [this meeting is now being recorded]

>> YVETTE GUIGNEAUX: Good morning, good afternoon, good it's Cheryl language done or here. And one or our corepairitories has also joined us on the call so far. I don't know [indiscernible] has sent her apologies. And we have a few apologies listed in the chat by records and it's not already. Today is the I think 28th meeting of the work extreme 2 support organization and advisory committee accountability subgroup meeting. Being held on the 10th of August at 10500 UTC.

We have a relatively light agenda today but a lot of work to do in that light agenda today. The first things to do in terms of administration is see if there's anyone only on the audio line and not in the Adobe connect room.

Not hearing anybody we will take our roll call from the Adobe connect room and hope for a few more participants join us in the next few minutes.

The next thing I need to ask is if anyone has any updates to the segments of interest.

And not hearing anybody there, we will be able to move on to the work for today.

First thing we are going to do is do a very, very brief review of our last meeting, with thing action items in are particular this will be a opportunity for Steve to take us through a quick roadway view and confirmation of the changes to draft document as to I think with the Sunday circulation. So with that, I am going to hand over to Steve.

>> Asked thank you Cheryl. On Sunday I circulated an update draft report version 3-2 and I explained 3 changes we made to capture the consensus on the prior call. That was the August 3rd call. So what I'll do in document here I will quickly show you the three changes that we made in case you haven't reviewed them yet I didn't see any changes in the Google Doc that I circulated. I'll make a cake run through of this. First page 3 it was our object to clarify the fact that certain groups like AFO have definition and existence outside of the contacts. And to clarify that the abundance of doubt is that we are making no attempts to dictate how they manage their accountability and underlying members. To the team I ask you to look at

what is on the screen, page 3 of the documents we said point of clarification the scope of the accountability recommendations are limited to that occur in ICANN. At least one SO, I put in parentheses ASO has definition in existence in formal member based body, clear and legally defined accountability to the somebodies. The ICANN accountability work only to the SO activities related to matters properly in the scope of ICANN. Any objectives to that as clarification we need?

Great, seeing none we will advantages to pages 6 and 7.

This will be inconsistency controversy we created because on inconsistency to describe how transparency and good practices impact on the requirement to publish records of meetings. The way we resolve this, I hope this covered everything and this went back and forth last call and we ended up on some vocabulary that Alan suggested we had initial suggestions. It's on the bottom of page 6 we are going to say records of open meetings should be made publicly available and records for the sake of argument records include notes, minutes, are transcripts and chat applicable some of those won't exist at all meetings that's as applicable. Second records of closed meetings and the text move in the transparency box we dictate most meetings should be open and normally open but when closed they should always be he open but when they are closed we have 5 different top potential reasons. If it's a closed meeting we say that records of closed meetings should be made available to members and maybe made publicly available at the discretion of the ASO group. And records include notes, meetings records and transcripts and chat as applicable. We have the two sides of the coin, the open and the closed and publication of records maybe there for the closed. And it should be public for the open. Have we solved this riddle?

Okay fantastic thanks everyone for that. One of the results of that clarification is that we got rid of the item in participation where in under participation we had sort of created the inconsistency by saying for any meeting be open to anyone records should be publicly accessible members now it's covered under transparency not covered under participation. That was the elegant part there.

Then on page 6 there was the annual report. This was something this we had put in relatively close to the end prior to plenary. And we have created some public comments that worry that the annual report on accountability would be too much work that some of the groups to do. We said all along these are good practices they are as applicable to the extent that the SAOC group believes they are improvement over current practices but nonetheless we decided the tone down the requirement for the annual report. Sorry, the suggestion for the annual report.

We say each year SO and groups so that publish a brief report to transparent participation and are the strive where they may have fallen short and any plans for future improvements. We quit calling an

annual report and we call it a brief report and say each year we should publish it. We hope that satisfies the public comments worried about the work involved.

That's the extent of the changes we agreed upon on the 3rd of August call and I'm glad there was no comments over the intervening week and everyone on this call is good with it.

We can move on. Cheryl if you are up to it, let's get back to the public comment document and decide what we are going to tackle next.

Okay each of you has your own scroll control I believe.

So this is the spreadsheet that was prepared by staff. I think Bernie took this one on. And we have added a column on the right. It's the one with the colors in it. Trying to indicate what level of -- let me make sure we have the right tab up there.

That is -- if it's possible can you put the sorted by area tab up.

Yvette.

>> YVETTE GUIGNEAUX: Is that what you're looking for the colored column there? Right there asked Yvette there are two tabs in the Google sheet and as luck would have it, you happen to pick the wrong tab. The one that has a single. I know. If you get to Google sheet and touch the other tab. Thank you very much. Let me do that.

>> While you're doing that -- that's right you have two color columns. Cheryl over to you what you think we need to do next.

Are you with us Cheryl?

>> I am I was actually thinking before but I had my cell -- for the record. I do apologize actually call works. My brain is obviously slightly small sluggish than it needs to be.

I think we really need to decide, I know that you are getting the loaded up. But I think we just need to move on along the plan agenda Steve so we need to bring up and choose the next of the comments that we're going to deal with. And to that end, I guess it's your choice, you're going to be talking us through that one.

>> All right, when the document is loaded, you our goal will be to express which can public comments to tackle next. I believe we does tackle a significant controversy on the open and closed meetings but there's others we have not yet addressed and we will need to. I think I'll wait until the document is up Yvette.

>> CHERYL LANGDON-ORR: I guess we should probably take a moment or two to suggest that we may as well, I guess in my view, I would like to prepare that we don't overly concerned about whether we are tackling complicated or less complicated topics at this stage. What we need to recognize that we do

have to tackle all of them. And in relatively short order. So you know if we start simple and do the simple ones first and complicated okay. If we get the complicated first and move to the Simplet one that's okay. If we do them in any numerical order that's fine as well. But we need to pick a plan and stick to it. And there's your loaded document. So back to you Steve. Thanks.

>> Yvette, thank you, this is Steve. And Yvette seemed to collapse each of the rows into a single row. So I'll go ahead and make a PDF and email it to you right away. But those of you falling along with Adobe earlier in the chat I put the link in the Google sheet and it's also a link that Cheryl included in the agenda.

If you know what I'm saying.

>> YVETTE GUIGNEAUX: I got it here. And I did it when I put it sorted by area. That's kind of what came up. This is not the version you're looking for?

>> It is but somehow it's collapsed all of your rows. And we don't have the long text. You know what I mean by that?

>> YVETTE GUIGNEAUX: You know what, I'm wondering if -- I wonder if a screen share might be easier for everyone to see. This is also kind of small as well.

>> I'm happy to do that.

>> YVETTE GUIGNEAUX: Let me just -- sometimes that w better. Let me do that.

Is that what you were looking for the? Sorted by respondent and sorted by area? This one is sorted by area.

>> We would like sorted by area.

>> YVETTE GUIGNEAUX: Okay that's sorted by area.

>> And you have the excellent spanstion of each row. Thank you for taking care of that.

So Cheryl's suggestion is that we take them in term. There are a lot of rows in here. Many of them, most of them have something indicated for the response of the subteam. And thanks for Farsy color coding them, red, yellow and green I think to indicate what the response of our group is likely to be. So the first one, if you want the just take them in term Cheryl, we have a couple of respondents that have not followed our work that put in some comments that we need to deal with. But in some respects they are outliers. for instance, as you read, a summary of Mr. Poole Keys comments on row two on the screen he suggests we restructure the balance of the ICANN community it's not within our scope. As far as he put in the response of the subteam and the response no front of you not the response of the scope. Anyone believe we need the go any spurt further than that?

Next row is from ISPs. They mention the difference on how meetings would be opened and I think that

we covered that. We updated the meeting records section. Publication practice to resolve any concern about that inconsistency. That's what we just covered.

The fourth row from SSAC, suggests that participation and transparency for beneficial term best practice applicable to SSAC. And I think they just clarified that it's optional. In fact the words we use is that no group should be expected implement anything that wasn't applicable to their structure purpose and that we are an improvement on their present practices. So I believe their present practice clarifies that in the executive summary if.

Next from BC, our group endorsed it. So so we are on row 6.

This is from the I can board. This Ted up and difficult in front of us and going in order the next to deal with. It dates the board says, this team, this subteam of ours greater focus on the collection oSO/ACs as they come together as an empowered community who watches the watchers. Is put here. We put that question in our document. It's something one of our consultants had offered. So the board is simply suggesting here. And you may need the scroll more Yvette to see row 6 here. Is there a way for you to do that?

>> YVETTE GUIGNEAUX: Let me see if I can do that without going too far. Is that too far?

>> Yes, it's row 6.

Thank you.

>> YVETTE GUIGNEAUX: I'm not moving it.

>> Great. The board is noting when the SO and ACs come together as an empowered community they would like to see some kind of complicit consideration of how SO and AC accountability would work when we are together as an empowered community. I think we need to discuss that since it's certainly my firm believe that each SO and AC is accountable to each group, the bylaws created them to represent and as long as each group can adequately convate to the community the sufficient what their wishes are then that community is acting in a accountable way that enforced the empowered community what their decision would be. Within the empowered community the way we best made to ensure accountability we comply a consensus. We define them it takes a substantial majority of the empowered community but we do note require the blockage of any decision based on a a single participant the. We don't require anonymity nor a single group in the community a block it. So with that decision threshold I don't believe there's anything more we need to do. However if this group even agreed we still need to explain in our analysis of public comments how to address what the board has asked for. So why don't we take the queue on this. Why don't we do about the boards notion here. Alan, thank you.

>> Thank you, question do we anywhere in any of the documents say that each AC and SO that is part of the empowered community must publish its processes or the way it will make decisions for you know empowered community decisions? You know for instance the ALAC has its rules and they are public and they are documented. Do we explicitly say that the rules associated with exercising empowered community powers must be appropriately documented and published?

>> Alan join me please in checking the document. I'm doing that in a separate window.

>> I don't recall seeing that anywhere. If not, maybe we should recommend it.

>> Alan I don't see it in the 25 best practices page 6 and 7. I don't see anything explicitly that follows that out. That may be a great opportunity to express that.

>> That one I wouldn't put in best practices I would put that as an absolute requirement.

>> Alan we don't have requirements don't create another category.

>> In this case I think this should be a requirement but Cheryl wants to speak so let's let her.

>> CHERYL LANGDON-ORR: I want to not interrupt people because what I was about to say I think this is a good thing to put in the response as well. That we can say we have added this. I think the board is asking too much for us to go into the explicit consideration, etc. But I think what Alan just proposed is a step in the right direction. Perhaps we could make a sentence or paragraph I should say above -- much more than a sentence of course above the best practices section that puts in highly recommended practice would be for. And insert our suggestions there. It's not making it compulsory but it takes it beyond a good practice and into a highly recommended. That's one way of doing it.

And the other thing that we could probably do is a footnote at that point. Saying that some are future work may indeed be required on the practices simply because it will be a continuous improvement program I would hope. And on that to that end in our response of the subteam I would propose that we also note in response to the board comments that while we are time and term limited in the work we can do, this does not mean that future excursion into SIOC accountability would not more -- not happen and we recommend they did. Thank you.

>> Cheryl and Alan I would like to applaud the idea for noting the need for every SO and AC just decision. All participants should document the process by which that group reaches any decisions on how to instruct its decisional participants in the community. And that's a documentation of the process. And I think Alan went further to say that when an AC or SO renders a decision, that it should provide written notice of what the decision was to ensure that it is what the -- that would be I guess the chair, the officer of the underlying AC and SO would have to document what the decision was. I vote no for instance on the partition to block the ICANN budget and the ALAC would publish that decision in writing

to the EC ad administration. So it would be available on some archive to see. And those are excellent practices. Those are good practices.

I think the only apply to decisional participants. They don't apply to everyone. And I for one am very much against creating another category other than good practices.

We had best practices. We changed the word to good. This is the place where we put things that we want each group to consider to the extent it's applicable. And we honestly believe that the organizational reviews would access the extent to any of our groups these are the ones done every 5 years by an outside consultant he we hope they assess to the AC or SO implements good practices. I'm against creating another mandatory category that is beyond our scope. Over to you Alan.

>> To be clear we can't create a must category. If there's a must category it would have to be a change to by laws and clearly that is something that could happen in the future and we are not in the position right now of recommending changes to the buy laws. So just that is where it would go if it was a must. But I'm happy to say for decisional participants they should do this and I would like to hear any of them explain why they don't think it is reasonable for them to do that. And I'm pretty sure in all cases it will be public. But it addresses the boards concern that is there any auditability? Is there you know way to ensure that the decisional participants are taking their job seriously. All circumstantial evidence that certainly they are at this point. But it's a reasonable -- it's a reasonable statement. So it's a reasonable question.

I don't think we can go much further than what we are talking about now though.

>> Alan this is Steve. I'm looking at the bylaws because the GNSO that did an assessment of the bylaws said how it would require and foreign respond to the rights the the empowered community and the decisional participants the bylaws are quite extensive on to the process by which the powered community groups would notify the administration of the EC for purposes of making a decision. What I'm looking for is to make sure there's anything in bylaws that pesk specifically calls out written response. It just uses the word notify. And it does not lay out what notify would be. Are we seeking to clarify here that it's a good practice for the decisional participants to publish what their decision is?

>> I don't think we need do that. I don't think that was the issue that the board is raising. I think the issue goes back to who watches the watchers. How is the ALAC accountable to the users of the world. How how the is GNSO accountable to the various constituents parts or intellectual or businesses. Whatever. It comes back to the core thing that everything we have done so far focuses on that we have this huge laundry list of you know of do we publish things? Do we do out reach? Do we -- all of the stuff we spent the first end months doing are the bits and pieces which all together say this is how we believe



we are accountable to the constituents that the bylaws say they are masters, so to speak.

>> Alan it might be because you have a difficulty reading it on the screen but the board's comment is not about that at all. The board's comment, the one we are addressing right now acknowledges a we have done is a good job describing how GNSO is accountable to the group it serves and they go on the say that the real concern is to hold all of us that come together accountable to the greater community. We believe, here's what I'll quote you from the board. The board says we believe the draft recommendations benefit to from examples that help address specific best practices on how the respective groups in the community are accountable to community and not just to the membership of the respective SOs and ACs. So the board has done a little jets use on us saying the board that the ALA represents is nor the GSAO groups the community. The community is something else. Something broader and outside of the SOs and ACs.

They want to know how we are accountable to the community and not just the membership of the respective SOs and AC.

And I think they are looking at a different issue that we explicitly rejected many, many months ago.

>> Steve.

>> Alan back to you.

>> Steve, I did not miss read it. I believe the only way the empowered community can be accountable to anyone is through its constituent parts. Because each decision, there's 5 members. They each make their decision independently. The group is accountable simply by counting.

>> Pretty much what I --

>> If they are asking how the account -- who watches the empowered community as a group, well anyone that cares to watch it watches it. But each of them are making their decisions independently and they are not linked together.

>> Right so Alan you and I violently agree that the group wants to stand firm and say real accountability is through the ACs and SOs and the groups they are serving. We agree.

>> There's no other way.

>> That indicates we just disagree with the board and the yellow column you see on the screen in front of you and not make any changes to board. However there's a opportunity here to note a good practice with documenting how those groups make their decisions in the empowered community and providing written foe No. notice when they do. Making that a good practice is somewhat responsive although the board will not believe we took the response.

>> Well look, we can certainly note that should the board want to make this mandatory then it requires

a bylaw change. We can note that. We are not in the position to recommending a bylaw change at this point.

>> I don't even think that documenting how a decision was reached would even solve this unsolvable problem that the board has put in front of us.

>> It does, because it says that the ALAC for instance that I cannot unilaterally decide the ALAC is objective being to the budget on or not objectiving to the budget that removing our direct there's adieu process we have documented and that's the process we have to follow.

So I mean the whole AC can go rogue if it chooses, that's thought rogue it's just simply following it's own practices.

>> Right, as I said earlier we have a consensus practice, where it doesn't require anonymity of the empowered community participants.

>> We are not going the reslate the rules of the empowered community.

>> You I'm not suggesting we do that. We are completing them know the rules are were written in such a way that the community's opinion has to prevail. No one party can block it and there has to be substantial majority. Maybe we repeat all that and not change anything.

>> Okay, look they say notability there's no specific reference to any accountability mechanisms directed towards the newly created empowered community. They are collect and I'm suggesting that we add one. We already said we will do that. I think that's as far as we can go.

>> I support that. And we will have to explain in the public comment that that is as far as we need to go in our belief. I'll put into the Google sheet, that we will add good practice documenting decisions.

>> I would use the words that is as far as we can go. Not we need to go. Need to go implies we could go further shall we choose. I don't believe we have any other mechanisms.

>> It's more than that. We don't believe we need to go further. We are.

>> We are disagreeing then, need to go further implies it's possible to go further.

I don't know what that is. If you tell me what it is that we could but we choose not to, we can then decide when we want to go there or not. But I don't know what that path is. If you do, please explain.

>> Alan I don't want to try to imagine a mechanism by which some broader outside community would modify the decisions made by GLAC and ASL. I don't want go there and I don't think the board has an idea either.

>> Nor do it. I simply am saying let's word it not implying we are holding back but we are doing everything that is practical and possible.

If I read we are doing as far as we believe we need to go, that implies to me that there's another step we

could take should we choose. I don't know what that is.

And I'm suggesting we don't pretend it's there.

>> All right so you will have a chance to review that language in the next draft. I'm putting it in now. It will be another good practice under accountability.

And in that Alan's suggestion gives us something to throw towards the boards concern in the very first paragraph. But we are going to have to explain in the public comment that the next four paragraphs of the board's comment are something we are not going to address.

But we say cannot or need not address, we are not going to address it. And we will explain why.

How about that?

Alan hands still up.

>> No my hand is not still up. I'll take it down.

>> All right, thanks Alan. Just speak up at any time.

I think that's a good fix Alan. Thank you for that.

Any other comments from people before we move on?

Let's move to the next row. Yvette?

Happens to be row 7.

In the Google sheet.

Okay, so what the board has said for example I can -- the entity is responsible for making sure that specific reviews are conducted. We are responsible for selecting the review team for performing the reviews and delivering reports. You said there's a fixed time so the longer the process it takes the shorter the time period for review tagged before the next review cycle and all of you realize that Alan we worked on the group to define that we said that no less than 5 years between those reviews.

Some of them had been 3 but we switched them all to 5. So it wasn't the shorter period of the time we actually lengthened the time. Is there things the SO and ACs could do collectively to further this work on a timely basis?

I guess they are saying how do we speed up the reviews. Do you think -- how do you all read that one?

Are they asking us how do we speed up the way the community parts in the reviews.

Alan please.

>> There's a sentence right in the middle of that section saying the SOs and ACs are responsible for selecting the review teams. Am I misreading that? Or are they just wrong.

>> They are, the new bylaws, the new bylaws is that the SOs and ACs conduct the time members. Remember up to three from each they are mandatory by 7 groups time 21.

>> Sorry we are talking about specific reviews. Yes. Sorry.

>> Uh-hm. But Alan stay with it. Take a look at the last sentence I think they want us to move faster. What are your thoughts on that?

>> Well, to start with the ACs and SOs cannot do anything collectively.

The chairs as a group can do something collectively. The ACs and SOs don't act collectively other than through things like CCWGs so I don't know anything that they could do collectively.

>> Even taking out the word collectively I don't know what individually could be done. But is the board looking for us to say that it's a good practice that -- that each AC and SO move as quickly as it can to select review team members. And that is a small part of the total one the two year process for these specific reviews. I think the majority of the time taken is actually the review team doing its work, publishing a draft report for public comment and revising it. I don't know how the speed that up collectively. Any ideas here? Alan?

>> I'm not quite sure what they are asking.

>> How does we speed things up.

>> It didn't say speed things up. Where does it say they want to speed things up.

>> Last sentence is there things the SOs and ACs can do to further this work on timely basis.

>> That doesn't necessarily mean faster, I don't think.

>> On schedule, not be late.

>> To start with, we could can change the damn rules so things don't have to be done on a clock basis whether they need to be done or not. That's something we are facing with RDS 2. And.

>> Shame on us for saying no less frequently than every 5 years. We are responsible for that. That's in the bylaws. 5 years clock.

>> That's right. All other things the board has to do, they have some level of discretion. Here they do not.

So that's the only thing I can think of that we can suggest.

I mean they have the discretion of doing it earlier they don't have the discretion of doing it earlier timely is undefined term.

>> Yeah, I certainly don't want to allow the board to delay a review about how the organization's performing.

Good ahead Cheryl.

>> CHERYL LANGDON-ORR: Cheryl here, I'll remind you to try to say your names at the beginning of a inter-- it is like a schizophrenic talking on the himself most of the this transcribing today.

I think the response to the specific question are the things the -- on timely basis not that we can entertain at this stage. And that belongs in the response of the subteam. And because it's not. You know. I mean I say no. So let's say no politely as possible.

We have very good reasons for having it nor o no more than five years. I note however and we could note should we feel generous and kind, that a number of entities and here I know for certain both ALAC has done so and I believe the CC had each already in place that there's standing committees who's now on the effectively work and look at appointments processes to a number of activities in ICANN and including these review teams. And if that's the case, then that should increase sufficiency. But whether we want to tell them that --

>> I don't believe I don't any reviews present or past a have ever been significantly delayed because of the delay in selecting people. We have pretty well always met the time thread lines.

>> Alan, this is Steve I'll note beyond selecting the team there's a comma and they say for performing their reviews and delivering reports. They a seem to say that selection and performing and delivering reports.

All of that they were asking when we can do something to do it on a timely basis.

Certainly don't believe we need to change the best -- good practices and reflect to this. I'm wondering what it is we say in response.

>> I don't have anything to say in response.

The only thing I've said, you have rejected. So I'm not going to say it again.

[chuckling].

>> SO far we are saying SOs and ACs go as fast as they are able given the community they serve.

>> As far as I know, the process is expensive and time consuming but I don't believe it's delayed by ACs and SOs.

>> So I wrote into the response the ACs and SOs move as quickly as they are able.

In the process of selection of a team.

Individuals who serve on a review team is another matter entirely. Do we want to address that at all?

The delivery of their reports?

>> Nope.

>> In fact Alan, why not come up with a phrase, you're good at this, noting that when it comes to the individuals in a review team performing their tasks, how do we say that we are not willing to --

>> I would go back to excuse me it's Alan green berg speaking for the record. I would going to what Cheryl said that we are not aware of any changes we can recommend at this point which will make any

significant change. Whatever it was it's in the chat.

Again we are moving as fast as we are able. Sounds like we are slowing it down but sorry, we can't run any faster. And there's no evidence I am aware of that we are slowing it down because we are not able to move faster. We the SOs and ACs.

>> That's the ACs and SOs and you say Cheryl gives us a point on -- responding to this.

>> Cheryl said the whole thing. We are not aware of anything we can do at this point.

>> Uh-hm good.

Make their work more timely.

What I put into the document. This is for the response not the draft but the responsibility, ACs and SOs move as quickly as they are able in response to team members. As it goes to review team members in performing their work and delivering a report we are not aware of any measures that will make their work more timely.

Alan.

>> Yeah, again you're implying by saying we move as quickly as we can that we are part of a reason that this is a cumbersome slow process. There's no evidence of that.

>> Alan, this is Steve DelBianco. Do you want us to push back on the comment by saying please show us evidence? I don't know that we want to get into that.

>> I'm saying Cheryl's answer is the complete answer. We do not need to say we are moving as fast as we can on selecting people.

If you want me to identify specific problems in the reviews we are looking at recently I can. But they are not on the ACs and SOs they are on ICANN staff. So that's not we are doing in this working group.

>> So I posted the response. Then I went back in the chat and I don't see Cheryl please help me out on this. If I pasted the response I want to put in here into the chat. What is it you would change on that based on what you said earlier.

>> CHERYL LANGDON-ORR: It's Cheryl for the record you can before I say this is move act as quickly as they are able which is a statement of probable fact I would be saying we are unable to identify any mechanic niche where by SOs and ACs could collectively serve or work in a timely basis. If you want to also say I see SOing and ACs work as quickly, this is more. I would simply be responding no. I am in a sunny mood.

>> I support that. It's 2:00 in morning now and I want to go to bed. But yes I support basically saying we don't know of anything.

Have we lost Steve?

>> No I'm trying to do it.

So I said we are you unable to identify any mechanism by which ACs and SOs can collectively make their work more timely.

>> Can individually or collectively make their work more timely.

Dudley or collectively make their work for timely in selection of members and performing their work and making a report.

I took out everything about.

>> CHERYL LANGDON-ORR: It's Cheryl here. Again on that, of course the ACs and SOs have no influence on how timely and otherwise how a review team operates. It does have influence on the selection of the members. So if you put in known low level performance. As opposed to known high level performance. I suppose there's an extended influx we may have. It's a review teams themselves that are responsible for the timeliness of their own performance once they are formed and those ACs and SOs are not able to in my view attempt to influence except for encourage. For more resourcing because it's resourcing for -- would make a difference there. I would not even go there to the bizarre and peculiar comment for the board and I'm happy for that to be on the Lord indicating that SO or AC can be. All they can be responsible for is selecting the damn thing. Convened that's it.

>> Thank you it's Alan speaking. This is one we go back and ask them what the hell are they talking about.

>> Please Alan this is Steve don't ask them they may tell us.

>> Then we may be able to answer.

>> So I put in the chat we are unable to identify ACs or SO can make work more timely in the team members the report. Make that their response we will do nothing more.

>> It's Alan, if we had left the rules alone saying intelligent people are going to actually look at who is being recommended for the review team and try to put together a review team that would work effectively, we might have done that. But we didn't.

We put toes together rules that basically say SOs and ACs recommend some people and we take them.

>> Okay before we move to the next item, I'll note Patrick Dodson one of our beloved X plain consultants put into the chat the distinction between state and federal which may be only meaningful to the the Americans or perhaps the same is true in Australia and Canada is well. I don't see Patrick what that gets us here. If I really don't. We are not suggesting the federal position -- there's no constitution governing the ICANN community. The community is what the community wants.

So Patrick please chime in if you think you had something to share on on the one we resolved earlier.

>> PATRICK DODSON: This is Patrick for the record. I'm not trying to open up something if you guys already closed it. I just had the thought and wanted to share it for the good of the order. As it were. That the issue that the board I think is raising regarding a broader responsibility of the consistency groups is an issue around the parts versus the whole. And I'm just using that analogy for those of us that are familiar with the states versus federal responsibilities. To illustrate the point, only for the good of the discussion. If it's not helpful or not productive, or not insightful that's fine, please dismiss it. I wanted to throw that out there for the good of the discussion. Thank you.

>> No thank you Patrick. I don't know what the mechanic niche would be that would somehow hold the federal government to a higher standard than what the delegates of the elected states have decided. In the United States there's a constitution and people can challenge the decision reached by the states. In a constitution, but ICANN doesn't have a constitution that governs what the global public interest is. It doesn't have a document indicating a standard against which decisions are made. We are going to have to trust as Alan said earlier we are going to have to trust the empowered they reach a decision in the transparent accountable way then those decisions represent the communities view and the public interest.

Any further comments on that?

>> Yes.

>> Patrick anything further from you?

>> Okay Alan go ahead.

>> Okay Alan green berg I think Patrick's comment is relevant between actually. If you look in the case of the U.S. each state selects two senators. There's no process by which we then ask are we sure the senate has a good mix of people with the right skills?

It is what it is.

Now on the other hand, when they go to select people for a committee on you know on intelligence, they may well hand pick people with particular skills. They may. They may not. But they may.

>> Alan Patrick's comments is in regard to --

>> If I -- I didn't -- I understand Patrick's comment. I'm saying, there's no discretion at the American level when the states pick the senators. Or the individuals in the state pick the senators. But we are not talking about the governance we are talking about review committees here. And review committees are much closer to a senate committee and the only way we can expedite these kind of things is change the process to try to pick the right people.

>> Alan that's --



>> That's not a process we have.

>> Okay, thank you Alan. Steve DelBianco Patrick's comment is not in respect to the review team we were moving backwards to the prior item that the decisions were to the global community or not. That's where Patrick offered that observation.

>> I understand that and I said it reminded me and made me think of and I was talking about this particular question.

>> All right. Okay. Anyone see a need to make any changes then? We only solved two but they happen to be two thorny items in our list. We at least solved two of them and I put them into the action Google Docs sheet which is not necessarily the one we see on the display now.

We knocked off two difficult ones a small change to the report and a good practice. But a lot of work left to do.

Cheryl back to you for managing the agenda with just two minutes left.

>> CHERYL LANGDON-ORR: For the record. I think what is are important as AI and ramping out of today's call is two things in particular. First action item is we need to as Alan suggested earlier on, send the as edited and agreed on the text regarding ASO to the ASO leadership. So perhaps if we could prevail on staff to make sure it gets to Pat so he makes sure it gets to right people to get back to us promptly that may be a good idea. Patrick whoever. Some staff somewhere makes to make sure that goes across. And ask if they would like to get back to us, if they see any problems, or require any edits. To that text. And then the second measure I think is for us to ask the least to look at our deliberated and edited text today. So with that I'm feeling quite confident and in a few hours will in the next following two calls perhaps we should be very close to having put all of this pretty well toggled bed. Hoping of course that we will get a few more people joining us. As we hit the top of the hour, I know Patrick your hand is still up. Please go ahead.

Nope must have been an old hand. That's okay we will end the call with Patrick as an old hand.

With that next meeting memory serves is 1900 hours. Let me scroll down just to check. Because it is in the agenda that we put it in for the record. And our next meeting is in fact not listed. Which is annoying because it is part of the agenda. Never mind. I'm sure we will invite you. Next week, this is the O 500 so it should be the 1900 I believe. I hope it's not the 1300. I detest those.

Anyway invitations will go out and we will machine did you know with the work we started today. Thank you very much everybody. And at one minute past the hour we will call this meeting to a close.

By bye for now.

>> Thank you all.

>> Bye.

testing testing. >> Hi, Charley, just getting into the IT . >> YVETTE GUIGNEAUX: Hi their Cheryl. >> YVETTE GUIGNEAUX: Cheryl is captioner is ready. >> That wasn't very clear. >> It wasn't? >> STEVE DELBIANCO: Now I hear you Cheryl. >> Okay, let me know. >> I'm going see if I can get this other call so we don't have beeps constantly. I'll see you shortly. >> YVETTE GUIGNEAUX: Hi Steve, this is Yvette. Can you hear me. >> STEVE DELBIANCO: I do. CCWG okay I have public comments, one is sort of by response and one is summary. >> STEVE DELBIANCO: Sorted by response, is the one we need. Fantastic. Well done. Thank y>> YVETTE GUIGNEAUX: Okay. . >> Yvette and Steve do you have access to the email Sunday. And the 5 longest and the red line PDF? >> YVETTE GUIGNEAUX: Let me look. I have a red line, let me show you what it looks like. It's this one. Is that what you're looking for? >> That's exactly right, you're really on top of it this morning. Thank you. After the agenda we will probably move to the red line before we move to the big, wide table. Thank you very much. >> YVETTE GUIGNEAUX: Okay you're welcome. >> Just a minute to check the error and numbers are down a little bit. We don't really have 5 yet. So we will see how we are at the top of the hour. Now let's give it another minute [indiscernible] then get started. >> Hello everyone, it's Sebastian speaking. >> Hello Sebastian we will be starting in a minute. We are just putting everything together. >> Hopefully it's easier to hear me now. Checking, Cheryl. >> YVETTE GUIGNEAUX: We can hear you a little [indiscernible] but we can hear you. Can can Chall I'm still muscled because I have what was -- >> YVETTE GUIGNEAUX: There you go. >> We are looking to come up to 3 minutes past the hour. If we don't actually have 5. But let's start and hopefully we will get our 5 shortly. I wonder Yvette is you have not send a reminder to the list that the meeting has just begun. >> YVETTE GUIGNEAUX: Sure I'll go ahead and do that. In the meantime should I get the recording started? I'll send the list first. >> What do you think, do you want to start now asked since the first part of the call is walking through the changes that was circulated on Sunday, why don't we start. >> YVETTE GUIGNEAUX: Let's start the recording, thanks. >> Okay [this meeting is now being recorded] >> YVETTE GUIGNEAUX: Good morning, good afternoon, good it's Cheryl language done or here. And one or our corepairitories has also joined us on the call so far. I don't know [indiscernible] has sent her apologies. And we have a few apologies listed in the chat by records and it's not already. Today is the I think 28th meeting of the work extreme 2 support organization and advisory committee accountability subgroup meeting. Being held on the 10th of August at 10500 UTC. We have a relatively light agenda

today but a lot of work to do in that light agenda today. The first things to do in terms of administration is see if there's anyone only on the audio line and not in the Adobe connect room. Not hearing anybody we will take our roll call from the Adobe connect room and hope for a few more participants join us in the next few minutes. The next thing I need to ask is if anyone has any updates to the segments of interest. And not hearing anybody there, we will be able to move on to the work for today. First thing we are going to do is do a very, very brief review of our last meeting, with thing action items in are particular this will be a opportunity for Steve to take us through a quick roadway view and confirmation of the changes to draft document as to I think with the Sunday circulation. So with that, I am going to hand over to Steve. >> Asked thank you Cheryl. On Sunday I circulated an update draft report version 3-2 and I explained 3 changes we made to capture the consensus on the prior call. That was the August 3rd call. So what I'll do in document here I will quickly show you the three changes that we made in case you haven't reviewed them yet I didn't see any changes in the Google Doc that I circulated. I'll make a cake run through of this. First page 3 it was our object to clarify the fact that certain groups like AFO have definition and existence outside of the contacts. And to clarify that the abundance of doubt is that we are making no attempts to dictate how they manage their accountability and underlying members. To the team I ask you to look at what is on the screen, page 3 of the documents we said point of clarification the scope of the accountability recommendations are limited to that occur in ICANN. At least one SO, I put in parentheses ASO has definition in existence in formal member based body, clear and legally defined accountability to the somebodies. The ICANN accountability work only to the SO activities related to matters properly in the scope of ICANN. Any objectives to that as clarification we need? Great, seeing none we will advantages to pages 6 and 7. This will be inconsistency controversy we created because on inconsistency to describe how transparency and good practices impact on the requirement to punish records of meetings. The way we resolve this, I hope this covered everything and this went back and forth last call and we ended up on some vocabulary that Alan suggested we had initial suggestions. It's on the bottom of page 6 we are going to say records of open meetings should be made publicly available and records for the sake of argument records include notes, minutes, are transcripts and chat applicable some of those won't exist at all meetings that's as applicable. Second records of closed meetings and the text move in the transparency box we dictate most meetings should be open and normally open but when closed they should always be he open but when they are closed we have 5 different top potential reasons. If it's a closed meeting we say that records of closed meetings should be made available to members and maybe made publicly available at the discretion of the ASO group. And records include notes, meetings records and transcripts and chat as applicable. We have the

two sides of the coin, the open and the closed and publication of records maybe there for the closed. And it should be public for the open. Have we solved this riddle? Okay fantastic thanks everyone for that. One of the results of that clarification is that we got rid of the item in participation where in under participation we had sort of created the inconsistency by saying for any meeting be open to anyone records should be publicly accessible members now it's covered under transparency not covered under participation. That was the elegant part there. Then on page 6 there was the annual report. This was something this we had put in relatively close to the end prior to plenary. And we have created some public comments that worry that the annual report on accountability would be too much work that some of the groups to do. We said all along these are good practices they are as applicable to the extent that the SAOC group believes they are improvement over current practices but nonetheless we decided the tone down the requirement for the annual report. Sorry, the suggestion for the annual report. We say each year SO and groups so that publish a brief report to transparent participation and are the strive where they may have fallen short and any plans for future improvements. We quit calling an annual report and we call it a brief report and say each year we should publish it. We hope that satisfies the public comments worried about the work involved. That's the extent of the changes we agreed upon on the 3rd of August call and I'm glad there was no comments over the intervening week and everyone on this call is good with it. We can move on. Cheryl if you are up to it, let's get back to the public comment document and decide what we are going the tackle next. Okay each of you has your own scroll control I believe. So this is the spreadsheet that was prepared by staff. I think Bernie took this one on. And we have added a column on the right. It's the one with the colors in it. Trying to indicate what level of -- let me make sure we have the right tab up there. That is -- if it's possible can you put the sorted by area tab up. Yvette. >> YVETTE GUIGNEAUX: Is that what you're looking for the colored column there? Right there asked Yvette there are two tabs in the Google sheet and as luck would have it, you happen to pick the wrong tab. The one that has a single. I know. If you get to Google sheet and touch the other tab. Thank you very much. Let me do that. >> While you're doing that -- that's right you have two color columns. Cheryl over to you what you think we need to do next. Are you with us Cheryl? >> I am I was actually thinking before but I had my cell -- for the record. I do apologize actually call works. My brain is obviously slightly small sluggish than it needs to be. I think we really need to decide, I know that you are getting the loaded up. But I think we just need to move on along the plan agenda Steve so we need to bring up and choose the next of the comments that we're going to deal with. And to that end, I guess it's your choice, you're going to be talking us through that one. >> All right, when the document is loaded, you our goal will be to express which can public comments to tackle next. I believe we does tackle a

significant controversy on the open and closed meetings but there's others we have not yet addressed and we will need to. I think I'll wait until the document is up Yvette. >> CHERYL LANGDON-ORR: I guess we should probably take a moment or two to suggest that we may as well, I guess in my view, I would like to prepare that we don't overly concerned about whether we are tackling complicated or less complicated topics at this stage. What we need to recognize that we do have to tackle all of them. And in relatively short order. So you know if we start simple and do the simple ones first and complicated okay. If we get the complicated first and move to the Simplet one that's okay. If we do them in any numerical order that's fine as well. But we need to pick a plan and stick to it. And there's your loaded document. So back to you Steve. Thanks. >> Yvette, thank you, this is Steve. And Yvette seemed to collapse each of the rows into a single row. So I'll go ahead and make a PDF and email it to you right away. But those of you falling along with Adobe earlier in the chat I put the link in the Google sheet and it's also a link that Cheryl included in the agenda. If you know what I'm saying. >> YVETTE GUIGNEAUX: I got it here. And I did it when I put it sorted by area. That's kind of what came up. This is not the version you're looking for? >> It is but somehow it's collapsed all of your rows. And we don't have the long text. You know what I mean by that? >> YVETTE GUIGNEAUX: You know what, I'm wondering if -- I wonder if a screen share might be easier for everyone to see. This is also kind of small as well. >> I'm happy to do that. >> YVETTE GUIGNEAUX: Let me just -- sometimes that w better. Let me do that. Is that what you were looking for the? Sorted by respondent and sorted by area? This one is sorted by area. >> We would like sorted by area. >> YVETTE GUIGNEAUX: Okay that's sorted by area. >> And you have the excellent spanstion of each row. Thank you for taking care of that. So Cheryl's suggestion is that we take them in term. There are a lot of rows in here. Many of them, most of them have something indicated for the response of the subteam. And thanks for Farsy color coding them, red, yellow and green I think to indicate what the response of our group is likely to be. So the first one, if you want the just take them in term Cheryl, we have a couple of respondents that have not followed our work that put in some comments that we need to deal with. But in some respects they are outliers. for instance, as you read, a summary of Mr. Poole Keys comments on row two on the screen he suggests we restructure the balance of the ICANN community it's not within our scope. As far as he put in the response of the subteam and the response no front of you not the response of the scope. Anyone believe we need the go any spurt further than that? Next row is from ISPs. They mention the difference on how meetings would be opened and I think that we covered that. We updated the meeting records section. Publication practice to resolve any concern about that inconsistency. That's what we just covered. The fourth row from SSAC, suggests that participation and transparency for beneficial term best practice applicable to SSAC.

And I think they just clarified that it's optional. In fact the words we use is that no group should be expected implement anything that wasn't applicable to their structure purpose and that we are an improvement on their present practices. So I believe their present practice clarifies that in the executive summary if. Next from BC, our group endorsed it. So so we are on row 6. This is from the I can board. This Ted up and difficult in front of us and going in order the next to deal with. It dates the board says, this team, this subteam of ours greater focus on the collection oSO/ACs as they come together as an empowered community who watches the watchers. Is put here. We put that question in our document. It's something one of our consultants had offered. So the board is simply suggesting here. And you may need the scroll more Yvette to see row 6 here. Is there a way for you to do that? >> YVETTE

GUIGNEAUX: Let me see if I can do that without going too far. Is that too far? >> Yes, it's row 6. Thank you. >> YVETTE GUIGNEAUX: I'm not moving it. >> Great. The board is noting when the SO and ACs come together as an empowered community they would like to see some kind of complicit consideration of how SO and AC accountability would work when we are together as an empowered community. I think we need to discuss that since it's certainly my firm believe that each SO and AC is accountable to each group, the bylaws created them to represent and as long as each group can adequately convate to the community the sufficient what their wishes are then that community is acting in a accountable way that enforced the empowered community what their decision would be. Within the empowered community the way we best made to ensure accountability we comply a consensus. We define them it takes a substantial majority of the empowered community but we do note require the blockage of any decision based on a a single participant the. We don't require anonymity nor a single group in the community a block it. So with that decision threshold I don't believe there's anything more we need to do. However if this group even agreed we still need to explain in our analysis of public comments how to address what the board has asked for. So why don't we take the queue on this. Why don't we do about the boards notion here. Alan, thank you. >> Thank you, question do we anywhere in any of the documents say that each AC and SO that is part of the empowered community must publish it's processes or the way it will make decisions for you know empowered community decisions? You know for instance the ALAC has it's rules and they are public and they are documented. Do we explicitly say that the rules associated with exercising empowered community powers must be appropriately documented and published? >> Alan join me please in checking the document. I'm doing that in a separate window. >> I don't recall seeing that anywhere. If not, maybe we should recommend it. >> Alan I don't see it in the 25 best practices page 6 and 7. I don't see anything explicitly that follows that out. That may be a great opportunity to express that. >> That one I wouldn't put in best practices I would put that as a absolute requirement. >>

Alan we don't have requirements don't create another category. >> In this case I think this should be a requirement but Cheryl wants to speak so let's let her. >> CHERYL LANGDON-ORR: I want to not interrupt people because what I was about to say I think this is a good thing to put in the response as well. That we can say we have added this. I think the board is asking too much for us to go into the explicit consideration, etc. But I think what Alan just proposed is a step in the right direction. Perhaps we could make a sentence or paragraph I should say above -- much more than a sentence of course above the best practices section that puts in highly recommended practice would be for. And insert our suggestions there. It's not making it compulsory but it takes it beyond a good practice and into a highly recommended. That's one way of doing it. And the other thing that we could probably do is a footnote at that point. Saying that some are future work may indeed be required on the practices simply because it will be a continuous improvement program I would hope. And on that to that end in our response of the subteam I would propose that we also note in response to the board comments that while we are time and term limited in the work we can do, this does not mean that future excursion into SIOC accountability would not more -- not happen and we recommend they did. Thank you. >> Cheryl and Alan I would like to applaud the idea for noting the need for every SO and AC just decision Sal participants should document the process by which that group reaches any decisions on how to instruct its decisional participants in the community. And that's a documentation of the process. And I think Alan went further to say that when an AC or SO renders a decision, that it should provide written notice of what the decision was to ensure that it is what the -- that would be I guess the chair, the officer of the underlying AC and SO would have to document what the decision was. I vote no for instance on the partition to block the ICANN budget and the ALAC would publish that decision in writing to the EC administration. So it would be available on some archive to see. And those are excellent practices. Those are good practices. I think they only apply to decisional participants. They don't apply to everyone. And I for one am very much against creating another category other than good practices. We had best practices. We changed the word to good. This is the place where we put things that we want each group to consider to the extent it's applicable. And we honestly believe that the organizational reviews would assess the extent to any of our groups these are the ones done every 5 years by an outside consultant and we hope they assess to the AC or SO implements good practices. I'm against creating another mandatory category that is beyond our scope. Over to you Alan. >> To be clear we can't create a must category. If there's a must category it would have to be a change to by laws and clearly that is something that could happen in the future and we are not in the position right now of recommending changes to the by laws. So just that is where it would go if it was a must. But I'm happy to say for decisional

participants they should do this and I would like to hear any of them explain why they don't think it is reasonable for them to do that. And I'm pretty sure in all cases it will be public. But it addresses the boards concern that is there any auditability? Is there you know way to ensure that the decisional participants are taking their job seriously. All circumstantial evidence that certainly they are at this point. But it's a reasonable -- it's a reasonable statement. So it's a reasonable question. I don't think we can go much further than what we are talking about now though. >> Alan this is Steve. I'm looking at the bylaws because the GNSO that did an assessment of the bylaws said how it would require and foreign respond to the rights the the empowered community and the decisional participants the bylaws are quite extensive on to the process by which the powered community groups would notify the administration of the EC for purposes of making a decision. What I'm looking for is to make sure there's anything in bylaws that pesk specifically calls out written response. It just uses the word notify. And it does not lay out what notify would be. Are we seeking to clarify here that it's a good practice for the decisional participants to publish what their decision is? >> I don't think we need do that. I don't think that was the issue that the board is raising. I think the issue goes back to who watches the watchers. How is the ALAC accountable to the users of the world. How how the is GNSO accountable to the various constituents parts or intellectual or businesses. Whatever. It comes back to the core thing that everything we have done so far focuses on that we have this huge laundry list of you know of do we publish things? Do we do out reach? Do we -- all of the stuff we spent the first end months doing are the bits and pieces which all together say this is how we believe we are accountable to the constituents that the bylaws say they are masters, so to speak. >> Alan it might be because you have a difficulty reading it on the screen but the board's comment is not about that at all. The board's comment, the one we are addressing right now acknowledges a we have done is a good job describing how GNSO is accountable to the group it serves and they go on the say that the real concern is to hold all of us that come together accountable to the greater community. We believe, here's what I'll quote you from the board. The board says we believe the draft recommendations benefit to from examples that help address specific best practices on how the respective groups in the community are accountable to community and not just to the membership of the respective SOs and ACs. So the board has done a little jets use on us saying the board that the ALA represents is nor the GSAO groups the community. The community is something else. Something broader and outside of the SOs and ACs. They want to know how we are accountable to the community and not just the membership of the respective SOs and AC. And I think they are looking at a different issue that we explicitly rejected many, many months ago. >> Steve. >> Alan back to you. >> Steve, I did not miss read it. I believe the only way the empowered community can be accountable to



anyone is through its constituent parts. Because each decision, there's 5 members. They each make their decision independently. The group is accountable simply by counting. >> Pretty much what I -- >> If they are asking how the account -- who watches the empowered community as a group, well anyone that cares to watch it watches it. But each of them are making their decisions independently and they are not linked together. >> Right so Alan you and I violently agree that the group wants to stand firm and say real accountability is through the ACs and SOs and the groups they are serving. We agree. >> There's no other way. >> That indicates we just disagree with the board and the yellow column you see on the screen in front of you and not make any changes to board. However there's a opportunity here to note a good practice with documenting how those groups make their decisions in the empowered community and providing written notice when they do. Making that a good practice is somewhat responsive although the board will not believe we took the response. >> Well look, we can certainly note that should the board want to make this mandatory then it requires a bylaw change. We can note that. We are not in the position to recommending a bylaw change at this point. >> I don't even think that documenting how a decision was reached would even solve this unsolvable problem that the board has put in front of us. >> It does, because it says that the ALAC for instance that I cannot unilaterally decide the ALAC is objective being to the budget on or not objecting to the budget that removing our direct there's adieu process we have documented and that's the process we have to follow. So I mean the whole AC can go rogue if it chooses, that's thought rogue it's just simply following it's own practices. >> Right, as I said earlier we have a consensus practice, where it doesn't require anonymity of the empowered community participants. >> We are not going to reslate the rules of the empowered community. >> You I'm not suggesting we do that. We are completing them know the rules are were written in such a way that the community's opinion has to prevail. No one party can block it and there has to be substantial majority. Maybe we repeat all that and not change anything. >> Okay, look they say notability there's no specific reference to any accountability mechanisms directed towards the newly created empowered community. They are collect and I'm suggesting that we add one. We already said we will do that. I think that's as far as we can go. >> I support that. And we will have to explain in the public comment that that is as far as we need to go in our belief. I'll put into the Google sheet, that we will add good practice documenting decisions. >> I would use the words that is as far as we can go. Not we need to go. Need to go implies we could go further shall we choose. I don't believe we have any other mechanisms. >> It's more than that. We don't believe we need to go further. We are. >> We are disagreeing then, need to go further implies it's possible to go further. I don't know what that is. If you tell me what it is that we could but we choose not to, we can then decide when we want to go

there or not. But I don't know what that path is. If you do, please explain. >> Alan I don't want to try to imagine a mechanism by which some broader outside community would modify the decisions made by GLAC and ASL. I don't want go there and I don't think the board has an idea either. >> Nor do it. I simply am saying let's word it not implying we are holding back but we are doing everything that is practical and possible. If I read we are doing as far as we believe we need to go, that implies to me that there's another step we could take should we choose. I don't know what that is. And I'm suggesting we don't pretend it's there. >> All right so you will have a chance to review that language in the next draft. I'm putting it in now. It will be another good practice under accountability. And in that Alan's suggestion gives us something to throw towards the board's concern in the very first paragraph. But we are going to have to explain in the public comment that the next four paragraphs of the board's comment are something we are not going to address. But we say cannot or need not address, we are not going to address it. And we will explain why. How about that? Alan hands still up. >> No my hand is not still up. I'll take it down. >> All right, thanks Alan. Just speak up at any time. I think that's a good fix Alan. Thank you for that. Any other comments from people before we move on? Let's move to the next row. Yvette? Happens to be row 7. In the Google sheet. Okay, so what the board has said for example I can -- the entity is responsible for making sure that specific reviews are conducted. We are responsible for selecting the review team for performing the reviews and delivering reports. You said there's a fixed time so the longer the process a takes the shorter the time period for review tagged before the next review cycle and all of you realize that Alan we worked on the group to define that we said that no less than 5 years between those reviews. Some of them had been 3 but we switched them all to 5. So it wasn't the shorter period of the time we actually lengthened the time. Is there things the SO and ACs could do collectively to further this work on a timely basis? I guess they are saying how do we speed up the reviews. Do you think -- how do you all read that one? Are they asking us how do we speed up the way the community parts in the reviews. Alan please. >> There's a sentence right in the middle of that section saying the SOs and ACs are responsible for selecting the review teams. Am I misreading that? Or are they just wrong. >> They are, the new bylaws, the new bylaws is a that the SOs and ACs conduct the time members. Remember up to three from each they are mandatory by 7 groups time 21. >> Sorry we are talking about specific reviews. Yes. Sorry. >> Uh-hm. But Alan stay with it. Take a look at the last sentence I think they want us to move faster. What are your thoughts on that? >> Well, to start with the ACs and SOs cannot do anything collectively. The chairs as a group can do something collectively. The ACs and SOs don't act collectively other than through things like CCWGs so I don't know anything that they could do collectively. >> Even taking out the word collectively I don't know what individually could

be done. But is the board looking for us to say that it's a good practice that -- that each AC and SO move as quickly as it can to select review team members. And that is a small part of the total one the two year process for these specific reviews. I think the majority of the time taken is actually the review team doing its work, publishing a draft report for public comment and revising it. I don't know how the speed that up collectively. Any ideas here? Alan? >> I'm not quite sure what they are asking. >> How does we speed things up. >> It didn't say speed things up. Where does it say they want to speed things up. >> Last sentence is there things the SOs and ACs can do to further this work on timely basis. >> That doesn't necessarily mean faster, I don't think. >> On schedule, not be late. >> To start with, we could change the damn rules so things don't have to be done on a clock basis whether they need to be done or not. That's something we are facing with RDS 2. And. >> Shame on us for saying no less frequently than every 5 years. We are responsible for that. That's in the bylaws. 5 years clock. >> That's right. All other things the board has to do, they have some level of discretion. Here they do not. So that's the only thing I can think of that we can suggest. I mean they have the discretion of doing it earlier they don't have the discretion of doing it earlier timely is undefined term. >> Yeah, I certainly don't want to allow the board to delay a review about how the organization's performing. Good ahead Cheryl. >> CHERYL LANGDON-ORR: Cheryl here, I'll remind you to try to say your names at the beginning of a inter-- it is like a schizophrenic talking on the himself most of the this transcribing today. I think the response to the specific question are the things the -- on timely basis not that we can entertain at this stage. And that belongs in the response of the subteam. And because it's not. You know. I mean I say no. So let's say no politely as possible. We have very good reasons for having it nor o no more than five years. I note however and we could note should we feel generous and kind, that a number of entities and here I know for certain both ALAC has done so and I believe the CC had each already in place that there's standing committees who's now on the effectively work and look at appointments processes to a number of activities in ICANN and including these review teams. And if that's the case, then that should increase sufficiency. But whether we want to tell them that -- >> I don't believe I don't any reviews present or past a have ever been significantly delayed because of the delay in selecting people. We have pretty well always met the time thread lines. >> Alan, this is Steve I'll note beyond selecting the team there's a comma and they say for performing their reviews and delivering reports. They a seem to say that selection and performing and delivering reports. All of that they were asking when we can do something to do it on a timely basis. Certainly don't believe we need to change the best -- good practices and reflect to this. I'm wondering what it is we say in response. >> I don't have anything to say in response. The only thing I've said, you have rejected. So I'm not going to say it again. [chuckling]. >>

SO far we are saying SOs and ACs go as fast as they are able given the community they serve. >> As far as I know, the process is expensive and time consuming but I don't believe it's delayed by ACs and SOs. >> So I wrote into the response the ACs and SOs move as quickly as they are able. In the process of selection of a team. Individuals who serve on a review team is another matter entirely. Do we want to address that at all? The delivery of their reports? >> Nope. >> In fact Alan, why not come up with a phrase, you're good at this, noting that when it comes to the individuals in a review team performing their tasks, how do we say that we are not willing to -- >> I would go back to excuse me it's Alan green berg speaking for the record. I would going to what Cheryl said that we are not aware of any changes we can recommend at this point which will make any significant change. Whatever it was it's in the chat. Again we are moving as fast as we are able. Sounds like we are slowing it down but sorry, we can't run any faster. And there's no evidence I am aware of that we are slowing it down because we are not able to move faster. We the SOs and ACs. >> That's the ACs and SOs and you say Cheryl gives us a point on -- responding to this. >> Cheryl said the whole thing. We are not aware of anything we can do at this point. >> Uh-hm good. Make their work more timely. What I put into the document. This is for the response not the draft but the responsibility, ACs and SOs move as quickly as they are able in response to team members. As it goes to review team he members in performing their work and delivering a report we are not aware of any measures that will make their work more timely. Alan. >> Yeah, again you're implying by saying we move as quickly as we can that we are part of a a reason that this is a cumbersome slow process. There's no evidence of that. >> Alan, this is Steve DelBianco. Do you want us to push back on the comment by saying please show us evidence? I don't know that we want to get into that. >> I'm saying Cheryl's answer is the complete answer. We do not need to say we are moving as fast as we can on selecting people. If you want me to identify specific problems in the reviews we are looking at recently I can. But they are not on the ACs and SOs they are on ICANN staff. So that's not we are doing in this working group. >> So I posted the response. Then I went back in the chat and I I don't see Cheryl please help me out on this. If I pasted the response I want to put in here into the chat. What is it you would change on that based on what you said earlier. >> CHERYL LANGDON-ORR: It's Cheryl for the record you can before I say this is move act as quickly as they are able which is a statement of probable fact I would be saying we are unable to identify any mechanic niche where by SOs and ACs could collectively serve or work in a timely basis. If you want to also say I see SOing and ACs work as quickly, this is more. I would simply be responding no. I am in a sunny mood. >> I support that. It's 2:00 in morning now and I want to go to bed. But yes I support basically saying we don't know of anything. Have we lost Steve? >> No I'm trying to do it. So I said we are you unable to identify any mechanism by which

ACs and SOs can collectively make their work more timely. >> Can individually or collectively make their work more timely. Dudley or collectively make their work for timely in selection of members and performing their work and making a report. I took out everything about. >> CHERYL LANGDON-ORR: It's Cheryl here. Again on that, of course the ACs and SOs have no influence on how timely and otherwise how a review team operates. It does have influence on the selection of the members. So if you put in known low level performance. As opposed to known high level performance. I suppose there's an extended influx we may have. It's a review teams themselves that are responsible for the timeliness of their own performance once they are formed and those ACs and SOs are not able to in my view attempt to influence except for encourage. For more resourcing because it's resourcing for -- would make a difference there. I would not even go there to the bizarre and peculiar comment for the board and I'm happy for that to be on the Lord indicating that SO or AC can be. All they can be responsible for is selecting the damn thing. Convened that's it. >> Thank you it's Alan speaking. This is one we go back and ask them what the hell are they talking about. >> Please Alan this is Steve don't ask them they may tell us. >> Then we may be able to answer. >> So I put in the chat we are unable to identify ACs or SO can make work more timely in the team members the report. Make that their response we will do nothing more. >> It's Alan, if we had left the rules alone saying intelligent people are going to actually look at who is being recommended for the review team and try to put together a review team that would work effectively, we might have done that. But we didn't. We put toes together rules that basically say SOs and ACs recommend some people and we take them. >> Okay before we move to the next item, I'll note Patrick Dodson one of our beloved X plain consultants put into the chat the distinction between state and federal which may be only meaningful to the the Americans or perhaps the same is true in Australia and Canada is well. I don't see Patrick what that gets us here. If I really don't. We are not suggesting the federal position -- there's no constitution governing the ICANN community. The community is what the community wants. So Patrick please chime in if you think you had something to share on on the one we resolved earlier. >> PATRICK DODSON: This is Patrick for the record. I'm not trying to open up something if you guys already closed it. I just had the thought and wanted the on share it for the good of the order. As it were. That the issue that the board I think is raising regarding a broader responsibility of the consistency groups is an issue around the parts versus the whole. And I'm just using that analogy for those of us that are familiar with the states versus federal responsibilities. To illustrate the point, only for the good of the discussion. If it's not helpful or not productive, or not insightful that's fine, please dismiss it. I wanted to throw that out there for the good of the discussion. Thank you. >> No thank you Patrick. I don't know what the mechanic niche would be that would somehow hold the federal

government to a higher standard than what the delegates of the elected states have decided. In the United States there's a constitution and people can challenge the decision reached by the states. In a constitution, but ICANN doesn't have a constitution that governs what the global public interest is. It doesn't have a document indicating a standard against which decisions are made. We are going to have to trust as Alan said earlier we are going to have to trust the empowered they reach a decision in the transparent accountable way then those decisions represent the communities view and the public interest. Any further comments on that? >> Yes. >> Patrick anything further from you? >> Okay Alan go ahead. >> Okay Alan green berg I think Patrick's comment is relevant between actually. If you look in the case of the U.S. each state selects two senators. There's no process by which we then ask are we sure the senate has a good mix of people with the right skills? It is what it is. Now on the other hand, when they go to select people for a committee on you know on intelligence, they may well hand pick people with particular skills. They may. They may not. But they may. >> Alan Patrick's comments is in regard to - >> If I -- I didn't -- I understand Patrick's comment. I'm saying, there's no discretion at the American level when the states pick the senators. Or the individuals in the state pick the senators. But we are not talking about the governance we are talking about review committees here. And review committees are much closer to a senate committee and the only way we can expedite these kind of things is change the process to try to pick the right people. >> Alan that's -- >> That's not a process we have. >> Okay, thank you Alan. Steve DelBianco Patrick's comment is not in respect to the review team we were moving backwards to the prior item that the decisions were to the global community or not. That's where Patrick offered that observation. >> I understand that and I said it reminded me and made me think of and I was talking about this particular question. >> All right. Okay. Anyone see a need to make any changes then? We only solved two but they happen to be two thorny items in our list. We at least solved two of them and I put them into the action Google Docs sheet which is not necessarily the one we see on the display now. We knocked off two difficult ones a small change to the report and a good practice. But a lot of work left to do. Cheryl back to you for managing the agenda with just two minutes left. >> CHERYL LANGDON-ORR: For the record. I think what is are important as AI and ramping out of today's call is two things in particular. First action item is we need to as Alan suggested earlier on, send the as edited and agreed on the text regarding ASO to the ASO leadership. So perhaps if we could prevail on staff to make sure it gets to Pat so he makes sure it gets to right people to get back to us promptly that may be a good idea. Patrick whoever. Some staff somewhere makes to make sure that goes across. And ask if they would like to get back to us, if they see any problems, or require any edits. To that text. And then the second measure I think is for us to ask the least to look at our deliberated and edited text

today. So with that I'm feeling quite confident and in a few hours will in the next following two calls perhaps we should be very close to having put all of this pretty well toggled bed. Hoping of course that we will get a few more people joining us. As we hit the top of the hour, I know Patrick your hand is still up. Please go ahead. Nope must have been an old hand. That's okay we will end the call with Patrick as an old hand. With that next meeting memory serves is 1900 hours. Let me scroll down just to check. Because it is in the agenda that we put it in for the record. And our next meeting is in fact not listed. Which is annoying because it is part of the agenda. Never mind. I'm sure we will invite you. Next week, this is the O 500 so it should be the 1900 I believe. I hope it's not the 1300. I detest those. Anyway invitations will go out and we will machine did you know with the work we started today. Thank you very much everybody. And at one minute past the hour we will call this meeting to a close. By bye for now. >> Thank you all. >> Bye.