>> CHERYL LANGDON-ORR: Okay, my name is Cheryl Langdon-Orr and it is the top of the hour, but we do not have what is the custom number that most of our groups are trying to run with, which is five members. We will wait another couple of minutes and see if we get some more people to turn up.

>> CHERYL LANGDON-ORR: Okay, Cheryl Langdon-Orr and waiting a couple of minutes past the hour has encouraged a couple of people, including one person [indiscernible] to turn up, so let's get the recording started.

[This meeting is now being recorded]

>> CHERYL LANGDON-ORR: Thank you very much. My name is Cheryl Langdon-Orr and today is the 31st meeting of the Work Stream 2, support organization and advisory committee Accountability Subgroup meeting. It is running at 05:00 UTC on the 31st of August, 2017.

I am happy to count the coreport you'res, as we have done in other meetings at this time, but I would like to note we have a few apologies today, including from Steve and myself's Co-Chair, Farzaneh, she may be able to join us later, but at this stage we will need to note her as an apology and a number of other apologies have also gone through to the list including one, I believe, just received now from Greg. So with that, welcome to all of those of you who have been able to make today's call. And if you would be so kind as to let us know if you are only on audio and if you are not in the Adobe Connect room now, please. Not hearing anybody make themselves known, we will take the roll call from the Adobe Connect room and hopefully in the next couple of minutes some more members will join.

It's time in our agenda now for another piece of administrivia and that is to ask if anybody has any updates to their statements of interest. Not hearing anybody or noting anything in the Adobe Connect room, I will now ask all of you to remember to mute your microphones, as I certainly will as soon as I stop talking [laughter], I have my very effective assistant, one 27 month old granddaughter here helping me today so we don't get background noise in if we can avoid it. And if you can state your names when you are given the floor and start an intervention, this is most helpful for captioners and for the record.

So with that, I'm going to ask if Steve would like to briefly bring us up to speed on what we've done, which is, in fact, what [indiscernible] have done and noted to the list recently between this and our last call. Over to you, Steve.

>> STEVE DELBIANCO: Thank you, Cheryl. This is Steve DelBianco. I want to let you know in the two documents we circulated were links to the Google Docs or the comment responses and the very latest draft report. They also included an attachment, which is a redline between the March Plenary report and the currently updated draft report.

In the comment response document, you probably don't need to bring it up and go through it, this is the sheet containing our response, Farzaneh and I only had to make a few updates since our last call and those were updating the Board's discussion on accountability, some wording choices that were discussed a week ago where Alan provided a good deal of -- Alan Greenberg provided some guidance that we incorporated. And don't think we need to go back through that in detail. I think our comment response document is sound enough that when we do publish our updates CCWG Plenary draft, we will be able to attach the comment responses and those should suffice.

The challenge we faced was which of the comment responses, and there were over 30 of them, needed to be incorporated into the document itself. Now many of the times we simply acknowledged there was support for something, we didn't have to do anything for those. There were a few cases where we simply disagreed and explained why, we didn't need to do any updates for those. But there were a dozen instances where we aagreed to update the report, such as the way we clarified certain things to resolve discrepancies in the way we discussed closed and opening meetings, for example. So Farzaneh and I went through the Plenary draft from March and updated it in many, many places. And perhaps it's easiest, Cheryl, to have staff bring up the redline PDF file as a way to go through that. Thank you, Yvette.

So this document, there's obviously nothing to discuss with regard to the Table of Contents. That's going to change as a result of updating that. All right, so, Cheryl, does it make sense then to go through the changes a page at a time? Is that your goal?

>> CHERYL LANGDON-ORR: I think so, Steve. Cheryl for the record. Noting, of course, as I'm about to in the chat is that the majority of these changes as you indicated are only formatting, but if we scan through and make sure we capture any deletions and additional text as we go through, that would be fantastic. Thank you.

>> STEVE DELBIANCO: Thank you, Cheryl. Since we're on page one, page one and two lines of page two to get through the executive summary. And many of our colleagues will read the executive summary and perhaps nothing more, so it's important we have the right words in here. And I think that the key changes on this one is to reach into that third paragraph executive summary where we begin to change the nomenclature from best practices to good practices. We changed it everywhere. We tried to clarify as much as we could that good practices are not by any means required apreliminary the SOAC group, nor are they reflected in the bylaws nor are the accountability transparency review teams [indiscernible] examine SOAC immented. So instead we said there in the third paragraph that we do recommend the operational standards which ICANN staff is developing for the periodic organizational reviews conducted by ICANN, those are the every five year reviews where ICANN contracts an outside party to do a review of the SOAC, not the groups themselves. We should it "could" include, not "should" include, but could include practicing good implementation as part of the review.

Any questions on that? Just put up your hand if you wish to intervene then.

In track 2, here we returned to our original recommendation. The CCWG consensus view is not to recommend mutual accountability roundtable for formal implementation, so we have taken that out. If you go to page two, we discussed track 3 which is the individual review process or IRP. We didn't really change this at all except to clarify that the ICANN Ohmbuds office is chartered to handle the [indiscernible] so clarifying the IRP is not recommended, we did clarify that the Ohmbuds can handle the challenges.

Great. And then we go into the discussion and mandates, no significant changes there, so we can move on to page three. And we did make a special note in here on page three to note that we look only at the SOAC accountability within the scope of activity. We added a whole paragraph on page three as part of clarification. This is really to satisfy the ASO, make sure that we have made it clear that they have definition and existence external to ICANN. So the accountability we're discussing here is only that occurring within the ICANN sphere of influence. This is to ensure we do not lose support of the ASO.

Go ahead Sebastien.

>> SEBASTIEN: Yes, sorry to be a little late to comment. I wanted to make a general comment on the first change you talked about, Steve. And I have the impression and not just in this Subgroup tonight, it's a general remark that we are much less prescriptive than we were in Work Stream 1 for the Board. And I feel a little unbalance of what we were asking in Work Stream 1 and what we are asking because we are asking for us our own part of the organization. We are a little bit less prescriptive. I can understand why, but I just wanted to raise that issue.

And the second point that you were just talking about, yeah, I have always trouble when we talk about ISO. And once again, I can understand the [indiscernible] but ISO [indiscernible] is outside of ICANN and I know that ISO, it's also part of the design to be chosen by a narrow, but I really think that it was my problem since long time when we talk about one view, often people take one name for the other, but in my point of view, it's one organization within ICANN and [indiscernible] outside of ICANN.

I really would like to see that taken into account and maybe we need to have a discussion with ISO because the rescheduling of the day that every part of ICANN, it's outside of ICANN and there is no more ICANN. Okay, thank you. That's all for the moment. But thank you very much for the hard work you have done, Steve and Farzaneh.

>> STEVE DELBIANCO: Thank you, Sebastien. Let me take your second point first, with represent to the ASO, I do think they are unique in the address supporting organization or NRO is probably the only one of the chartered organizations in ICANN that -- that existed before the ICANN bylaws existed and, therefore, the ASO does have a distinction. I realize there's some distinction between the ASO and the NRO, but this is not something that effects our recommendations. We put it in our report, Sebastien, so the ASO would not feel we are trying to encoach upon the activities of the NRO outside. And it's clarified in three there. And we were keen to note that early and make the change before we had to face an objection from them. I don't believe it diminishes our recommendations in anyway to make this clarification, so I don't see any concern with having it in there.

Your other point was definitely valid. We are not holding the communities themselves to a similar accountability that we imposed upon the Board. The Board of a nonprofit organization is supposed to be accountable to its members and in ICANN's case, for over a dozen years, they were not. They explicitly carved out any accountability to the community. As part of this transition, we put it back. We didn't put ICANN as a full-blown [indiscernible] we came up with a hybrid structure and were instrumental in doing that.

In Work Stream 2, we looked at whether we could increase the accountability of the SOAC and we have. But there was no obligation to say we needed to make each AC and SO and Subgroup accountable to others on the outside because we simply have done so with the corporation itself. It is an unequal standard of accountability and that is by design.

So Sebastien, I'll back to you a second before Kavouss. I tried to be responsive to your comments, but do you believe there are further changes needed in the document?

>> SEBASTIEN: Thank you, Steve, Sebastien speaking. No, thank you, I think your answer, it's useful and I observe that my comment was also. Thank you.

>> STEVE DELBIANCO: It was. Thank you.

Kavouss.

>> KAVOUSS ARASTEH: Yes, after Sebastien's explanation, I have no further comment. Thank you.

>> STEVE DELBIANCO: Thank you, Kavouss.

We were on page three, we can now go to page four. Pay four is where we lay out track one and I think the most important changes in track one occur in the table itself. So we laid it all out. We did also update on page five, we updated mechanisms for challenging decisions. We talked about a link where they can be consulted, unwritten policies, and we went on to -- let's see, so I think we go all the way to the table and the table begins, the good practices table, begins on page six. This is the place where we summarize all the good practices. And you'll see we added two under accountability. The two we added under accountability were the empowered community decisional participants have to publicly disclose their decision they submit to the empowered community and that publication should include a description of processes followed to reach the decision. This is in response to public comments.

Number seven, on page six, is pursuant to the Board's recommendation, [indiscernible] to the practices and documents should be available from ICANN's website. So we made those two additions. And we modified number five which had said "annual report" and "annual report" gave pause to some groups that it was an inordinary amount of effort. We just said each year groups should publish a brief report. We didn't back off of the need to do a report every year, but we tried not to make it seen as daunting as an annual report.

Are there any questions or comments on the changes we have done to the accountability good practices?

Fantastic.

Go ahead, Sebastien.

>> SEBASTIEN: Sorry, thank you, Steve. Sebastien speaking. Just very short, we will have to the check at the end of each Work Stream 2 where we will pull all the report of the Subgroup if we are here not too much demanding on publishing things by each SOACs. I don't want to turn ICANN more than it's already [indiscernible] on publishing a report on what we are doing and not taking time on doing policy and evolution of the DNS and IP addresses. Thank you.

>> STEVE DELBIANCO: Thank you, Sebastien. That's a good point because we're looking at our own recommendations here and it is possible that the other eight Work Stream 2 teams will also have a similar number of new obligations on the AC and SOs, but taken together would cause an adverse reaction from the ACs and SOs that chartered Work Stream 2. If that happens, we will all have to go back to the drawing Board and trim our ambitions a little bit. Nothing we can do about that here, so we need to proceed with what we think public comments reflected.

Under transparency, what did we do here? We -- I clarified in response to a public comment on transparency number four the exemplary reasons to close a meeting are also exemplary reasons to cover what is confidential topics. You will see the words "confidential topics." You will see that is the exemplary reason. And they carry over to the next page.

And then we added or clarified significantly open versus closed meetings and what records are. And Kavouss, you assisted in us in trying to clarify a definition for records. Records included notes, meetings, recordings, transcripts and chats as applicable. We are not saying everybody has to do for everybody meeting, but applicable. We said records of public meetings should be made available and [indiscernible] may be publicly available and that's at the discretion of the AC and SO. I think we cleared up all of the [indiscernible] that they identified in open versus closed meetings.

The next one is participation. In participation, we added with a bracket on it what Farzaneh and at least three others on the last call -- or two others on the last call wanted to do, which is to have a good practice on term limits for Officers. So if you look at number four under participation it says, an AC/SO group that elects its Officers should consider term limits. I noted in brackets this is not a consensus item, so it should be discussed with all of CCWG. And Farzaneh and I went back and forth on how to represent this in the report. I realize we don't have a consensus on this, but I want to be as respectful as we can be to the minority of members who think that term limits are a good recommendation.

Are there any comments about how that is presented seeing none, I'll go to number six under participation, where we added one item here to say that if ICANN were to expand the list of languages that it supports, then support should be made available to SOAC and groups. The point there is whatever languages ICANN will make resources available to do translations, those resources should be made available but not forced upon the SOAC and groups. This is response to a public comment about more language support in translation.

Great, almost done, outreach. We didn't make any significant changes to outreach. And updates to annual procedures, no updates at all. So on page eight we added quite a bit of clarification. I think that Alan Greenberg called this a caveat where we caveat the fact that good practices are not mandated and that the implementation of good practices is at the discretion of the AC/SOs and groups. We also went into some detail to describe with respect to Work Stream 2 whether the reviews are done and not the ATRT, but the organizational reviews will have the opportunity to assess and whether the SC and SOs in the group have implemented good practices. Are there any questions or changes on page eight? Fantastic. Thank you, all.

I guess we can go straight to page nine. We have [indiscernible] changes to nine. And as you know, pages -- there's a whole series of pages where we simply document what came back in the review of each underlying group. And you'll notice at the end of, say, the accountability section, Farzaneh and I have copied the table that we just went through. We made sure that the end of the each section matches what we described in the summary table and that is why you will see changes, for instance, on page 15 on recommendations on accountability. But it's changes that are completely consistent with the ones we already discussed in the summary table. The reason for this is if someone were to read just the section of the report on accountability or the section on transparency, they would be able to see the recommendations we made on those two and they are identical to the recommendations we summarized in the table on page eight.

That means we can scroll very quickly to track 2. That's the next place we would see any changes that have not already been discussed. Track 2 is all the way down on page 34, indicating only three more pages to talk about here in tonight's call. So on 34, track 2, the mutual accountability roundtable, our change with respect to that appears on our conclusion and recommendation. We note that the SO and AC chairs already have a standing e-mail list and conference calls. They can convene calls at any point.

And that we note, I think for completion [indiscernible] a small minority of CCWG participants prefer a formal public discussion, the CCWG consensus view is not to recommend a mutual accountability roundtable for formal implementation.

Any questions on that? We covered this quite a long time ago. Fantastic.

We'll go all the way to page 35 which is track 3. Track 3 is whether the independent review process should be applied to the AC and SO activities. On this one we have not made any significant change to clarify that the Ohmbuds office has within it's charter and capabilities that it can respond to complaints by individuals if an SO or AC group fails to follow its procedures or violated ICANN's bylaws in the way in which it came to a decision or recommendation.

That covers all the way through page 35. And then on page 36, all we have there is the list of people who participated in this group.

So, Cheryl, this concludes the first, I guess, read through of our updated report to reflect the public comments. I would be glad to know if there are anything from the public comment response that calls for further edit of the document. Back to you.

>> CHERYL LANGDON-ORR: Thank you, Steve. Cheryl Langdon-Orr here. And I must say I am absolutely delighted that we have got through our initial reading here today. Our plan, of course, is that we will now accept or resolve all of these deletions, et cetera, so a non-redline document will be able to go out to the list between this meeting and our meeting still scheduled for next week. We will pick up those points where organization should be attributed to both the GNSO and the CCNSO where it's currently saying committee, I'm quite sure Steve will go through that with a fine tooth comb, otherwise [indiscernible] Patrick will be particularly unimpressed [laughter]. And we will hopefully get any sort of commentary as a basis of our first reading and cleaned up document between now and our following call next week.

Now next week's call we will officially be doing the second read through on this as a report to go along with the public comment documents, we may as well hand in both of them as the same time. We will be passing on this report for consideration by the Plenary in good time for the September Plenary meeting. And then at the September Plenary meeting, that will constitute a reading of the this final report from our work group.

I think it's important that we do make sure people have plenty of time to look over these words quite carefully and so getting the clean document out, we will be taking as an action item, that will happen as soon as practical, but we will see that Steve tidies up these things. Under normal circumstances, I'm quite sure it will be almost light speed by the time it hits the list.

We then at next week's call will also be just making sure the whole of the work team is -- work track is very clear on what the next steps are. Of course, it is up to the full CCWG to finally determine if any of the changes in our report are significant or not. Obviously, we don't believe they are. And, of course, the CCWG may make suggestions and send the report back to us for some changes to be brought. But, again, I have a relatively high degree of confidence, along with Steve and Farzaneh that will not be the case. That should keep us on perfectly good track for the timeline, that is keeping us in the single public comment process and we don't believe that we will be needing to be subjected to a second public comment at all.

So with that, I would like to now recognize Kavouss and see if he has any points that he would like to make on what was our covering of the agenda item four, next steps and standing items. Over to you, Kavouss.

>> KAVOUSS ARASTEH: Yes, I have a general question which may be mostly related to the [indiscernible], but at least on the work of this group. I am not quite clear of the general process of the situation. In Work Stream 1, the community provided recommendations. This recommendation was turned to bylaw and so on and so forth. Here we don't have that. We make a recommendation. I understood, and I still continue to understand, that these are the recommendations from Work Stream 2 to the SOs and ACs, so we should see how it would appear finally, who will take care of that? CCWG would have with respect to SO/AC accountability saying this has been worked out and the decisions of the recommendations of the SOAC are tabled below. Is that the case? Or the recommendation has other meaning? Because connotation of recommendation in Work Stream 1 and Work Stream 2 are not exactly the same. Thank you.

>> CHERYL LANGDON-ORR: Thank you, Kavouss. It's Cheryl Langdon-Orr for the record here. And I'll have a go at this, but from my clear understanding of what we have always been terming our recommendations in our final report, in other words, the work product of our particular work track, all of our recommendations and our final reporting go to the Plenary and it is the CCWG full group, the complete Plenary, that decides if our work is accepted as written or requires modification. If it is accepted as written, then it becomes an integral part of their, the CCWG Plenary's, final report, a compendium, if you would like to consider it that way, of each of the eight work tracks work products. That compendium itself will go out to public comment and then be subject to a final agreement or otherwise from each of the chartering organizations of the CCWG.

Steve, have I missed anything?

>> STEVE DELBIANCO: I don't think so, Cheryl. We took our charter for Work Stream 2 from the transitional bylaws and if you remember the mandate section of our report quotes in detail the Work Stream 1 final recommendations and the ICANN transitional bylaws so that the scope of what we were supposed to look at is explicitly reflected. That's why we have three tracks is because there were three aspects of accountability that we were supposed to look at according to the bylaws. So, Kavouss, it's possible that Cheryl and I are both failing to answer the core of your question and if that's the case, please clarify one more time and we'll try again.

>> CHERYL LANGDON-ORR: Go ahead, Kavouss.

>> KAVOUSS ARASTEH: Yes. I have no difficulties with what you said. Perhaps I was not properly understood or I did not explain myself clearly. Sorry. I understand that the compednium of Work Stream 2 that contained the recommendation to those of SO and AC and after that become recommendations. So these are the recommendations to the SO/AC [indiscernible] approved SOAC, but when we go to the detail, the recommendation for AC/SO 1, I see, do you have any [indiscernible] to maintain this and that? I don't understand. It is not a recommendation. Do you have a [indiscernible]? It is a question. So I think it's a mixup in the nature of the question and the recommendation. The recommendation should be that your SO/AC expected to have a mechanism in order to maintain the ways and means how to challenge election and [indiscernible] work, but not asking the question, do you have any mechanism? If they say, no, we don't have that. I don't think that it is not properly mentioned. I don't want to go back

to anything, but I want to discuss it somewhere, either in the end of the group or the Plenary of how we understand that at the end. Thank you.

>> CHERYL LANGDON-ORR: Kavouss, it's Cheryl Langdon-Orr for the record again. I believe that your concern is with the aspects of our report, our work track report, which covers off the input we got when we did our data capture, our assessment, of what self-reporting mechanisms exist from each of the ACs and SOs. That is simply a statement of fact. It is not a set of recommendations. It is a set of observations. You are absolutely correct. It was a specific part of our initial reporting to the Plenary and the community. And in what form it may take, it may be in the formatting of the final compendium, that part of our report, may, in fact, end up with an impending reference. The CCWG Plenary, I would think, will be creating specific text which will link the otherwise very disparit pieces of work from the eight groups together in some coherent way. And I would think that the type of text you're proposing is exactly the sort of thing that the Plenary would be considering in its drafting of any text to go in with its compendium file report. Does that help? Kavouss, if you are speaking, we are not hearing. I hope that does help. It's Cheryl Langdon-Orr for the record again. But basically I suspect what you are asking is, in fact, much more of the business of the final editorial team of the CCWG and certainly not of any one of our component part work tracks.

Okay.

Are there any other comments from anyone?

And Steve, if you would like to just check that -- sorry, I'm talking about Steven Deerhake, if you will check when our document comes out that we have not overlooked one of the areas in the committee [indiscernible] organization, that would be a very handy piece of Cross-Checking for us.

Kavouss, back to you.

>> KAVOUSS ARASTEH: Yes, Cheryl, what you said I fully agree provided that the report and the current letter raises that question or we mention that or we reflect what you said, that it is not the authority of the [indiscernible] to finalize this situation, but how it will appear at the Plenary stage. I have no problem with what you said. Just as a reminder that we need to do something. Thank you.

>> CHERYL LANGDON-ORR: I'm sure -- it's Cheryl for the record, I'm sure you will be bringing that up to the Plenary yourself, of course, Kavouss, and I don't believe that we were planning on making any formal covering letter to go with this document. This is the reworking of our already accepted published and public commented upon report. The changes have been brought upon it based primarily on the discussions from the public comments received and other than that, I certainly, I haven't spoken to Farzaneh and Steve about this, but I had not planned on any particular drafting effort to do any sort of cover explanatory note. But we will discussion that further next week. We will make sure we have that on our agenda for discussion.

Your hand is still raised, Kavouss, go ahead.

>> KAVOUSS ARASTEH: You asked me to comment, yes? I agree with you. I am not seeking to have a covering letter, but I wish to suggest that somewhere in the document might be appropriate to add something at the end, general [indiscernible] or general note or note and mentioning what I said and what you replied, which is quite acceptable. So we don't expect a new document, just at the end of the

document, somewhere we have a note or general note or general [indiscernible] or something drawing the attention of the Plenary to any possible and potential further action that they may need to take. Because [indiscernible] the Plenary, if you don't give them any hint, they don't take it up. That is the situation. I have worked with that with many teams. You can't expect more from the Plenary on this. We are [indiscernible]. Thank you.

>> CHERYL LANGDON-ORR: Thank you, Kavouss. Cheryl Langdon-Orr for the record. And I think the final comment on this particular matter, I and Steve and Farzaneh will be presenting this to the Plenary and I will be sure based on today's note from today's meetings that we raise that on this behalf of the group. I don't think it needs to be a text inserted in this report. I think to start putting that sort of text in this report would, in fact, starting to a substantive change to the report. So we will have to trust ourselves that as all active, efficient, and effective members of the Plenary, we'll raise it and make sure it is fully and frankly discussed at the time. So we will make sure that the Plenary doesn't miss this particular issue.

With that, I'd like to note the time as the last 15 minutes of our scheduled call. And Steve and I will ask if Steve DelBianco will be so kind to just send you a link to which ever is the cleanest doc he has put together at this stage, so we'll take that as an action item. Steve, if you don't mind owning that, that would be greatly appreciated.

And with that, I just want to remind you all about the timing of next week's call, which will be on Thursday the 14th at 19:00 UTC. And thank each and every one of you who have been available to join us at this unfriendly for most people who are not in the Asia Pacific region time zone. [Laughter]. This is one of the time it's a perfect time for those of us at APAC or part of APAC, but not the rest of the world. We do appreciate the extra effort so many of you make to join us today. We will get the cleaned up version of this out to the list as soon as practical. We look forward to more final polishing, if indeed, any of it needs to be more polished on the list between now and next week's call. And at next week's call, we will be doing our final read and then transmitting the document via staff to the Plenary Co-Chairs for their inclusion in the agenda for the end of September's meeting, which I believe, if memory serves is September 27th. Time escapes me at this point, but we will have plenty of time and invitation sent out to that.

With that, I want to thank the captioning team again. It makes a huge difference to have your realtime record, not only for those who find it easy-to-read on-screen sometimes, but also to have it so promptly out, so both action items to be taken from and for the edification of those who are not able to join our calls at all times of day and night.

Thank our fabulous staff and thank each and every one of you for the contributions you have made today. We are tracking well and we are, I think, going to hit all of our major milestones. And that's absolutely a credit to each and every one of you, but particularly to my co-Rappateurs, Steve and Farzaneh have done an enormous amount of editing on these documents and our thanks need to go out to them in particular. We will do that again next week at the Plenary.

But, Kavouss, in the chat, you want to make sure the following and I'm reading it to the record so you may be able to rest assured that I am noting it. That we are concerning that we will raise the point you made and I, I believe you mean Steve and I, agree to the Plenary. I have read it to the record. It's in the

record. It's in the transcript. It's in the notes. And it's in our intentions to do so. Other than that, I'm not sure what else I can possibly do to assure you.

So with that, thank each and every one of you. And about ten minutes toward the top of the hour, goodbye and I hope you all have a good rest of day or evening. We can stop the recording now. Thank you, staff. And bye for now.

[