
CCWG ACCT PLENARY

Thursday, September 28, 2017 - 19:00 to 21:00

>> JORDAN CARTER: Hello everyone, my name is Jordan Carter one of the three coaches for the CCWG. Welcome to the CCWG held on the 28th of September at 1300 UTC for the purpose of this we are regarding this as a follow on from yesterday's meeting so if you had a shocking change from today to yesterday let the staff know. And we will go with what we did yesterday, repeat that. The one preliminary I will do is to say if you have a sorry I completely lost my place. If you have if you are on the to be only and you're not on the Adobe room and we just need to know who you are for the purposes of the call loss. So the attendees on this, please let me know now. If you are on the phone only.

>> Hello? This is [indiscernible] I'm trying to get into the Adobe room. But I'm for the time being I'm only on the phone. I'm entering now, the Adobe room.

>> JORGE CANCIO: Okay thanks. And the other room I'll give you is because we had a lot on get through, we didn't know how long all these calls would take we have a 2-minute timer on interventions.

So what we will be doing at this call is picking up the agenda from yesterday. We are going the start with the ombudsman subgroup the first redoing the draft recommendations are in there. Then move on to the human rights first reading. And so welcome whatever time of the day or night it is for you. Thank you for taking the time to participate in this a call. I will hand over to

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my fellow co chair Thomas Rickert to take us to subgroups is and ombudsman first reading. Thomas over to you.

>> THOMAS RICKERT: Thank you so much Jordan. And I should also note the professional duties have kept co chair Leon from this call. We hope he will be able to join later before we end this call. The first topic for today is the ombudsman report. So I would like to give a warning to Sebastien to get ready to talk us through the slides. And what I should also mention that we have with us two hours for this call. And as you know we have an additional two extraordinarily calls scheduled. So what we planned to do is take all the time to do is a diligent job running through the recommendations both ombudsman and human rights. We can't get the job done today. We are going to use the next slot and if that slot does not suffice to get us through the work then we are going to have the second extraordinary call. To come. But on the other hand, if we manage to go through the reports today, and if all questions are answered then we can actually cancel the two additional slots that we have asked you to pencil into your diaries.

Now I see Kavouss' hand is up. So I'll go to Kavouss and after that we are going to go to Sebastien for the presentation. Kavouss please.

>> KAVOUSS ARASTEH: Good afternoon, good evening good times everyone if the ombudsman would not turn against me. If last night you promised tonight only one hour. But as ombudsman I told you, you can't go further. I'm on a flight tomorrow early morning so I think you plan additional meeting please. Take every possible every time to make it for one hour not beyond that. That's what you said last night. Please read what you said.

>> Jordan Kavouss I think you can go back to the trips and acknowledged your request but we scheduled this call for two hours quite a while ago and everyone planned for two hours. Having said that, let's see how far we can get in an hour. And we will not be kept longer than we have to in order to get HR and ombudsman done. So with that let's go to Sebastien, the floor is yours Sebastien.

>> SEBASTIEN: Thank you very much. Thank you, Jordan and hello, to everyone. I will try to do my presentation as quickly as possible to allow some time for discussion.

May I suggest you give me the ends for the presentation I can go from one slide to the other. If not, please go to the next slide.

Okay I will go quickly to the extent review of the ICANN ombuds office. And I will talk about what's the overlap with some recommendation of other Work Stream 2 subgroups regarding ombuds functions. Then we will go through the report for the first reading by this plenary session. And of course I will try to answer any of your question and if I am not able to, I am sure that some of my fellow colleagues from the subgroup will help me with that. Thank you very much.

Okay, as you remember on the 6th of June we present to you the recommendation my advisee external view of the ICANN ombuds office. And we take this recommendation as an input in our work we got 11 a or 11 recommendations but I would like to go first to quite quickly to the conclusion of the ombuds external review. The ombuds function is valued and provides an essential safety valve for fairness. It doesn't however meet all expectations with a number feeling that it doesn't have enough power or independence. There's no single model that can be readily applied to the ICANN ombuds function and that to deliver the confidence in fairness

and to meet the range of expectations it will need to adopt the multifaceted approach. The current ombuds function is close to what is needed but could use some reconfiguring and strengthening. We also considered some of the suggestions that are being noted for non complaints work and that could be given to the office of the ombuds.

I will go to the next slide up.

In the executive summary, the certainly reviewer, I've identified 5 areas for improvement. And these clarifying role and processes manage expectations. If standing is and authority. Strengthen independence, strengthen transparency and policy for strengthening role. And the report included with 11 specific recommendation.

I will not go through, now as you have added this 6 of June. But as you will see, there will be very we are very close in our recommendation to what was proposed and suggest supervisor certainly review.

But first let's go to some discussion about the other lap with recommendation of other Work Stream 2 subgroup. And then I will go first to this one AC accountability. I will not read all what it's here. But it's suffice to say that the ombuds office can play the role that this subgroup wanted to be done and not IRPs, as IRP was too heavy and difficult. And during the discussion of the SO/AC accountability both myself and the ICANN's ombuds. We are trying we say that given promptly without change after our work as Work Stream 2, the SO and ACs can ask the ombuds office to help them with any complaint.

The other was a transparency subgroup. And there were recommendation 13. And what the role of the ombudsman can be regarding the provocation I non provocation of any document within ICANN.

And the recommendation 19, the omsbud but man's regarding DIDP should also be boosted to grant the office a stronger promotional roles. Including integrating understanding of transparency and the DIDP. The DIDP stands for document publication. I'm sorry to use those acronyms without knowing by heart what it's mean. But it's a question about publication by ICANN staff when we ask them to do so.

And the question of how it will be published and what could be the role of the ombuds in this area.

And now I guess we have done all it was two main topics. If you think there are other subgroup with any overlap, we try to follow what's happening in the other subgroup. But if we miss something, please come to us and tell me and tell Stef and [indiscernible] and we will try to include that in the next version of the document.

Now if you agree let's go to what is in our proposal as a first report for as a report for the first reading of the CCWG accountability plenary.

And we first on of all, we approve, we wand to approve the objectives. The ICANN ombuds subgroup approval of all of the ICANN external evaluator. But did modify some of the implementation requirements to allow have for more flexibility and speed in implementation, especially when considering the bylaws changes.

To be clear here we try to write our recommendation without changing too much the idea that to in helping not to have bylaw changes.

Maybe we will need one day to have bylaw changes to astern some of our recommendation. But we think that in the first and for the first step it's not needed and we can ICANN can work with our recommendation without changing the bylaw right now.

And proposed recommendation, I guess we have 9 pages. But 11 recommendation.

And in this first page, we have ombuds office should include strategy call and focus. The second it's the ombuds office should include procedures that distinguish between different categories of complaints. And explains how each will be handled. Set out the kinds of matters where the ombuds will usually not intervene and where these matters likely to be referred to another channeling with the complainants' permission. Provides illustrative examples to deepen understanding of the ombuds approach.

I don't know but I go through the full presentation then we open the Q and A at the end.

But if the co chair wants me to do something differently, just tell me and I will do it.

Let's go to the next slide.

The recommendation number 3, it's once ICANN has agreed to a revised configuration for the office of the ombuds a plan should be developed for a soft relaunch of the function, which should incorporate action to emphasize the importance of the ombuds function by all relevant parts of the ICANN including board, CEO and complaints officer.

Let's go to next page.

All relevant part of ICANN should be required should include the corporation and board and committees and anybody or group democratic or delegated authority. Within 90 days or 120 days within reason to a formal request or report from the office of ombuds.

>> Before you start talking to the next slide I guess couple of slides we should pause briefly to ask when there are questions. Let me let us just give folks the opportunity to ask questions or comments. If you have questions, or comments on what is Sebastien has presented so far. Please make yourself heard or raise your hand.

Okay, it doesn't seem to be the case.

>> You have one you have two now Thomas.

>> THOMAS RICKERT: We have two now. Milton goes first, then Lori. Before we hear the first speaker general rule would be we would like you to make comments on the slides or the recommendations referred to in the slides and wait for other comments until later.

Okay. Milton and then Lori.

>> MILTON MUELLER: I I'm curious about the general level of authority, the things that can be brought to the ombudsman from the SOs and ACs. I don't think it's a quality matters. Just talking about when you put him in the permission of a substitute for the IRP, this sounds really strange for me. The IRP is a quasi traditional entity to decide when ICANN has violated it's bylaws. The ombudsman up until now has been very sort of non rule based discretionary kind of mediation and discussion function and I'm just really uncomfortable with the whole idea of putting the ombudsman in this the position of an arbitrator unless we know exactly what rules that person is arbitrating and what kinds of appeal mechanisms it will be for the ombudsman.

Particularly since the ombudsman is simply really a person hired by the board.

>> SEBASTIEN: If I may. Thank you. Thank you, Milton. First of all, I think it's important to remind everybody that rule of the ombuds is not changing. That there's no binding decision by the ombuds. It's suggesting way to solve the complaint between two people, two parties, whatever.

Here's a question was in this SOAC accountability. How to between one SO to another SO one AC to another AC whatever, and it was the see as much to IRP and [indiscernible] but when is important is that there's no binding decision of the ombuds is just suggestion. And if you can wait also for the recommendation number 11, where we will go through some of the case where it's not a complaint as such and always could be under we have a proposal for that. But be sure that the goal here is not to change the role of the ombuds regarding the way he will add to solve the complaints. Thank you.

Can you tell before we move to Lori, Milton asked a follow up question in the chat. He's saying also that's not an accountability function, it's about personal disputes.

>> SEBASTIEN: I think that, it's not just it could be between groups. It's not just a decimal dispute and I will not try to talk on behalf of the SO and AC accountability. Because in fact the question you are raising Milton here, it will be much more better by the call party of the SOAC accountability than by me as a repertoire of the ombuds. What we honor and what we want to be sure if this subgroup ask for ombuds to do something that we handle it in the right way.

Thank you.

>> THOMAS RICKERT: Okay, Sebastien there's a lot of comment in the chat and there seems to be some concern that the ombudsman and the ombuds could actually take decisions relating to policy decisions or override policy decisions made by an SO. I understand that you're referring to the co chairs, or the repertoires and co rapporteurs of the SO/AC accountability group the answer the question. Because I think the group wishes to get the clarification of the mandate of the ombuds. But are.

>> SEBASTIEN: May I add one point I want to really be sure how the ombuds is working. The ombuds is not taking decision. It's taking packets to solve the issue between two complainants. Two complainants can be two people or groups or whatever. And there's no decision making by the ombuds. But, I will be happy to have one of the co chairs call repertoire of the SO/AC accountability if they wish to talk about that.

>> THOMAS RICKERT: Thanks Sebastien. What I suggest we do is I put this question to the note session. I guess what the question really is is whether it will be in the scope or mandate of the ombuds to take a look at policy decisions or disputes between SO and ACs on policy matters. And if that were the case, I guess the group would appreciate the clarification that the ombuds doesn't get involved in those cases. Now we don't want to put the co rapporteurs for the authority group on the spot. The so this is just an early warning that at the end of the Sebastien's presentation, we are going to ask the repertoires of the group to clarify their request and then hopefully we will be able to clarify things for the whole group. Let's now move to Lori and then Kavouss.

>> LORI SCHULMAN: Had its comments described in the chat or in the transcription that this is about the misuse about actions and behaviors. Not policies specifically. That being said my

compts go the some of the drafting of the language specifically on the slides that I perhaps it would be clarified to be within ICANN offices ombudsman should establish KPIs for only handling of complaints. I might suggest adding establishing KPIs on best business practices. I think KPIs you can program radical specifically when it comes to ombuds type office what actions are we talking about, quality decisions. So I think it might be helpful to include benchmarking language in number 5. And had in number 6, the office of the ombudsman shook configured so that it's has formal mediation training and experience with within its capabilities. There's a part of me that seems obvious but in perhaps not obvious it has formal mediation training on continuing renewing basis to make sure that whatever the ombudsman is being changed mediate is again against start standard of best practice and used professional training with its experience much I don't know, I'm not experienced the capabilities actually were designate that seems very broad to me. I might think egg leaving that language a little bit.

Yes I was going to say KPI is key performance indicator. It's a standard. KPIs can be numbered they can be quantitative or can be qualitative goals which are harder to measure. Which I worry about measuring what ombudsman does. It's typically qualitative not quantitative. Sebastien.

>> SEBASTIEN: Thank you Lori for your input. I have to sort of that. The first one is that we try to summarize a recommendation that of course in the report and specifically in the report of the external reviewer, it's explaining the deeper format and therefore I guess what you are asking, it's reason better. May I suggest that we take your two inputs back to the subgroup as it's a first reading and we will discuss that and make the change accordingly. If the group, so I don't see any reason why not from my point of view but I'm just a reporter, I'm not the one,

only the one to decide. But I guess it could be useful to go back to our to write taking into consider your point of view much but I don't think it changed in the meaning and it gave more precise element and why not. Thank you.

>> THOMAS RICKERT: Sebastien at on before we go the Kavouss let me offer a proposal, IE that we are going the collect the points that need some changes to the draft language in front of us for the recommendation that you submitted. And the decision whether or not this needs to be sent back to the subgroup to work on, will need to be made at the end. If it's just cosmetic change or clarification that don't change the substance of the report we might be able to make this successful reading and just do some minor edits between the first and second reading.

Okay, so I suggest that we postpone this decision until a little bit later. And now we are going go to Kavouss. Afterwards the Q is closed and we allow for Sebastien to continue his presentation. Kavouss.

>> KAVOUSS ARASTEH: Thank you very much Thomas and you the Sebastien. I am very sorry I was not able to follow your activities. I appreciate very much what you have done. First of all I have a general comment. Thence was made in numerous areas to complaint.

Complaint is a very broad, general term. So we have to be a little bit more about complaint. What is within the scope of complaint? Complaint on what? Complaint on sanitary? Complaint of water? Complaint of what? Complaint of one SO against one AC? Complaint of one staff against another staff? Complaint of one staff against a supervisor? Complaint of one board against another board. Complaint of one board against a whole board.

Are we going to make the office of ombudsman to be speaker of the group or spokesman of the group. If I think we should be very, very careful and try to facilitate the process of the ICANN or community rather than calculating the situation. This is one point.

The other point is that in the process suppose that we have CCWG, we have another one for other options we have another wonder that within that CCWG there's sometimes distributed in the people is ombudsman authorized to get involved in the dispute of two people because of the discussion that they have? Is or that is should limit to the group, to the chair of the group and not get involved in ombudsman. So we have to be quite clear. One what is the definition and the scope of ombudsman. How is covers. And what are not included in had the ombudsman office activities and so on. So forth. We should not pick up, we should not create something at the over writing of everything and we should be quite careful. So I'm not quite clear about the situation. Could you please, are kindly clarify if mistaken. If I'm not properly thinking of the matter and to see what do you mean by complaint.

What is the scope of complaint? And where is about the area that ombudsman shall not really be involved at all.

Thank you.

>> Thanks very much Kavouss. And thanks for sticking to the two-minute limit that we agreed earlier. If Sebastien would you care to respond to that point?

>> SEBASTIEN: Thank you Sebastien speaking and thank you very much for your question. I guess and I understand completely because we have 9 groups to follow everything it's almost impossible to at least you are just one man or woman that can do that. It's difficult. I would

like to suggest that Kavouss if you read the grants rule of the ombuds it's quite clear what is a complaint and how it's handle. And yes we know that now we have a second office or be second office taking care of complaints with them. Staff ombuds is outside of broad. But I guess, the definition of the ombuds function quite clear and we are just trying to specify some and odd some validity he scope of what is Work Stream 1 and Work Stream 2 about accountability. But be sure that it's not the goal is not to have something become too big.

And I hope that it's answer the question, thank you very much.

>> THOMAS RICKERT: Thanks Sebastien and since the Q is clear I would like you to ask you to continue with the continuation of your slides I suggest we do three of them so that we have another chunk of recommendations to discuss.

>> SEBASTIEN: Okay. I guess we have also discussed 5 and 6. Then the first three pages. Four pages. Because it was already read and discussed by one of the, I guess it was Steven. But I don't need to read it again. I hope. But if you have comments I'm happy to answer.

If we go to recommendation number 7, the office of the ombuds should be ideally configured. Subject to practicality. So that it has gender and if possible other forms of diversity within its staff resources.

The primary objective of this recommendation is to ensure that community has choices as to whom in the ICANN ombuds office they can bring this complaints to and feel more comfortable doing so.

Maybe Thomas I can suggest that we go one by one because I know that there will be some discussion on the 8 may be better to clear off this number 7. Is there any comments of question?

But you are the boss and I'm in your hands. Thank you.

>> THOMAS RICKERT: That's kind of you to say but this is a joint responsibility Sebastien. So thanks for suggesting that. I have seen that Kavouss' hand is still open since we discussed the last recommendation so I trust it's an old hand. Do we have any comments on this very recommendation?

Farce an ago ahead please.

>> FARZANEH BADI: Thank you. Farzaneh speaking. What is it ombud should be subject to practicality for gender. How is it not why are we subject to practicality? So I know what is going to happen, we are going to have a call for a hiring ombuds and then we are going to get a couple of women and a couple of men and then there's going to be in the end we are going to pick them because subject to practicality. I think especially because ombuds office is responsible for very sensitive issues we should have one man and one woman in the office. There's no practicality here. For diversity region and other things, I understand. I don't understand gender. I just wanted to make my point. I don't know how to go the group wants go ahead with this but that's what I think.

>> SEBASTIEN: Thanks Farzi I see there's support from Anne let's wait for more comments to come in. Tijani is supporting this.

Tatiana is supporting this. Krishna is supporting this. I have not followed this has the question been discussed in your team? That's a hand raise.

>> SEBASTIEN: Thank you Thomas, thank you for your question. I guess here's it's, you know if you want to have a gender equality if you are an even number it's not possible than it's such type of practicality. And it's not too much to discuss what we can, if we want to have diversity. But at the end of the day, once again, if we have three, we have two and one. Practicality but a is important here from my point of view is that we ask that there's two, at least one is a man and one is a woman to specifically about the question of harassment. And not to be obliged to go to the office of complaints within the staff.

That's the idea of what was discussed with the external reviewer. And that's why it's written like that. Thank you.

>> THOMAS RICKERT: Thanks very much Sebastien. We have a Q forming, Chairman Cheryl then Jeff.

>> CHERYL LANGDON-ORR: For the record. I can ensure you diversity with Sebastien and I in the group it's well and truly discussed and considered it was a primary point not made only during the external examiners review process but also in your groups deliberations. And I want to just point out to you all this was ended to be a statement in support of diversity. And as Sebastien said, the subject of practicality on equity for example, on gender is one of the matter of auto race numbers. Put in the chat obviously it can be one. I guess there can be sufficient gender diversity only if it's one that might be difficult from time to time. If there's three, for example or a five in the office then 50/50 split is somewhat challenging.

However it is designed in this state that this statement for us to say, that female gender needs to be a priority and when the opportunity is there for it to be there at the moment we have had a history of male ombuds persons and I was like to think this is an indication that this is slated to change and this, as we do look towards things like harassment policies, we should note that even without gender diversity in the office of the ombuds the ombuds office was very supportive and very active in developing a harassment policy. Thank you.

>> THOMAS RICKERT: Thank you, Cheryl. Jeff?

>> JEFF NEWMAN: I want to disagree with you not for the reasons you might think. The way it's worded if there's two one should be a man and one should be a woman. I don't think it should be that limiting. If two women are most qualified two should be women. I think we should not dictate half and half. I kind of like the way that Cheryl worded it. Which is to ensure that there's gender diversity. Which by the way, you know in this day and age there are some that don't associate with a gender. So, the main point is there should be gender diversity. There should be at least one woman in the ombudsman office to handle those sensitive complaints. But I don't think we should be getting into 50/50 splits. I think it should there should be diversity mixed with quality and if that means more women than men, then all for it if.

So I'm good with that. Thanks.

>> THOMAS RICKERT: Thank you very much Jeff. Now the question of what we make out of this.

I saw a lot of support in the chat for the idea of gender diversity. Jeff, when you made your comment about having two women possibly, there was a comment that this would be as non diverse as having two men.

So, I wondering whether we need to change language to be more precise with effect to gender diversity. Does that seem to be getting a lot of traction instead of using the term practicality. I hope I'm getting this right in the sense of what people are wishing.

And Farzi's hand is up so Farzi go ahead.

>> FARZANEH BADI: Yes you the Thomas I said what I wanted to say. I think if the wording in the documents and I have not looked yet in the documents is subject to practicality right here it's written. So, ombuds should be confident subject to practicality so it has gender and if possible other forms of diversity many then I don't think that's the right way to put it. What we should put is we should eliminate subject to practicality for gender. That what we should do. We should say there's a need for gender diversity in the ombuds office and the subject to a practicality the forms of diversity should be considered.

>> THOMAS RICKERT: Thanks Farzi let's hear Kavouss then try to draw conclusion.

Kavouss it's your turn go ahead.

>> KAVOUSS ARASTEH: Thomas I believe we could delete subject to practicality and we should not go to the detail of one man and one woman. Sometimes we can have two women they are quite capable why go to that level of detail. It's just refer to the agenda diversity but not going further than that. And not put any you subject to availability and subject to practicality and subject to quality competence, we don't go that much detail. Thank you.

>> THOMAS RICKERT: Thanks very much Kavouss.

Jeff is that a new or old hand?

The hand is now lowered.

Sebastien since you are the repertoire for this group, would you like to make some final comments on this? Or propose a way forward?

>> SEBASTIEN: I guess reading the change in the chat and I think the we agree on the objective. And I really, the idea was today we are just one ombuds person. And then it's why we are subjective practicality. But, as our goal in the old report it's to have an office of ombuds and that we have more than one person. I guess we can put out subject to practicality. It's returned and we can add the following, if the office of the ombuds should be ideally considered so it is gender and if possible other form of diversity. And I guess I don't see any trouble from my point of view. And we don't need to strike it for three words as we agree with the goal here. That's my suggestion. Mr. Co chair.

>> THOMAS RICKERT: Thanks very much Sebastien. Let's just pause here for a second much I think that the proposal that you just made was so brief that it got an mediate simple enough change from Cheryl, as response. And so why don't we do a quick indication in the AC room, what from those who object to the clarification that Sebastien just proposed.

So before we do that, I would like Sebastien to repeat the exact language of that sentence. And then we will proceed to the question those who oppose to that change to make a red tick in the ado by room.

So Sebastien please repeat the language you suggested.

>> SEBASTIEN: Thank you so much. Sebastien speaking. I suggest to take out of the sentence what it's into brackets that subject of practicality. And that the sentence will read as follow. The office of the ombuds should be ideally configured so that it has gender, and if possible other forms of diversity within its staff resources.

Thank you.

>> THOMAS RICKERT: Thanks very much Sebastien. I see a green tick. Do I have any objection? The view of practice establishing consensus or spirit by asking for objection. Support doesn't do any what many so please keep them up. But I don't see anyone objecting to that language.

So I think that we have a way forward. So I would thought we keep that as one of the edits to the report. And allow for Sebastien to walk us through the next recommendation.

>> SEBASTIEN: Thank you Thomas. Let's go Sebastien at on speaking. Let's go to next recommendation. It's number 8.

And the number 8 read as follow, ICANN should establish an ombuds advisory panel. Made up of 5 or 6 members to act as advisers supporters wise council for the ombuds and could also advise for board MGC and BCC with respect to ombuds related matters.

The panel should be made up of a minimum of 2 members with ombudsman experience and 3 to 4 members with the extensive ICANN experience. And the panel should be response I believe for the commissioning an independent review of the ombuds function every 3 to 5 years. That's suggestion number 8, I pause there.

>> THOMAS RICKERT: Thank you Sebastien, any comments on this?

And Kavouss is asking in the chat Sebastien I repeat again, what are the issues or areas that the ombudsman shall not intervene? Perform so I would suggest that we hear Jeff and Sebastien then you please comment on those, Kavouss' question and as well response respond to Jeff's intervention if.

>> JEFF NEUMAN: I guess it's more of a question. I understand the role of the panel. Sorry I think someone has a line open.

I understand with the role of the panel for the review every 3 to 5 years. I don't really understand the support why is council for the ombudsman. The reason I is a that is because the ombuds person may be in receipt of very sensitive information or very sensitive matter and I don't think that someone with ICANN experience I guess if I raise the complaint, a sensitive complaint with the ombuds person, I would not want someone from the ICANN community to have that information or I may not want that.

So I just I'm trying to figure out what the role of the advisory panel would be in terms of serving as quote: Wise council.

That worries me a little bit.

>> THOMAS RICKERT: Sebastien now if you can please respond to Kavouss' point as well as to Jeff.

>> SEBASTIEN: Okay, Kavouss' point it's really, it will be, I guess, quite long because we are if I summarize and it's already written like that in the ombuds page in the ICANN website but to

summarize the ICANN ombuds as redistribution of complaints that arise from things which happen in the community. And it's if you read the first sentence after the ombuds cannot make change or set aside the policies administrative of all the decision or act or omission but may investigate the events and use some technique to resolve them and make recommendation as to changes.

I don't think what is on the discussion here will change this as the objective. And the way the ombuds will work.

If there were a proposal here to have a plenary sorry, a panel, it's because we are looking at how with accounts way of working with the bold being the I will say last resort of one that hires the ombuds and one that decides how much they want to pay the ombuds we want to give less power and more evidence and less power to the goal and have more independence to the ombuds office. Why this is proposed. But in addition, I want to be really clear, when it's written, wise council it's not to counsel in any of the complaints were in front of the ombuds. The ombuds will stay the confidentiality of the work of the ombuds will stay. This will not change. What it's stating here it's how we can increase the independence from the goal and how we can out this office to answer better and be better organized. But it's not to work to replace the ombuds. The ombuds will have serious role and will play his role and not being done by this editorial panel. I hope it's clear and if not ask again and I will try to be better.

Thank you.

>> THOMAS RICKERT: Thanks very much Sebastien

>> SEBASTIEN: One second when I read and I'm sorry to read that. With a role yes in one sentence it's an unclear role but in the report it's not an unclear role. If not you may decide that both the external reviewer and the subgroup have not done the right job and I can accept this totally. But please, we have tried with the external reviewer to find a way to solve some of this issues about the independence of the ombuds office. Thank you.

>> THOMAS RICKERT: Okay David.

>> DAVID McAULEY: For the transcript you may have answered the question about the first bullet under number 8 a different facet than Jeff answered the language I'm looking at is this partner could advise the board, two boards committees with respect to ombuds related matters. When I read that I thought hmm... that might create some confusions and if it might stand as recommendation it might happen when ombudsman or board requested but not otherwise. If this is just limited to non substantive issues, that the ombudsman has under review, I would feel less concerned about it. So maybe that's the case. But I was struck by that language and the possibility for confusion. As to what advice or what recommendations are coming out of the ombudsman office. That's my question/comment. Thank you pretty much thanks to the team that worked on this.

>> THOMAS RICKERT: Thanks David. I suggest that we hear Kavouss and Anne, then go back to Sebastien.

>> KAVOUSS ARASTEH: Thomas, I think the question is raised, I hope is answered but now I am a little bit confused about the definitions that ombuds or ombuds office did with the complaint arising from the community. It is very, very broad.

And has a problem with the 8 did it come to the ombudsman. It comes to 8 has a problem with the B it comes to ombudsman. I don't think that is the case.

I don't think that is the purpose of ombudsman. We don't establish International Court of Justice and give it that court under the control of ombudsman of the ICANN. I don't understand this. Difficulties and complaint arising from the community is too broad.

I don't think that the purpose. Ombudsman office was established many, many years ago when ICANN was very, very small now we want to do something more clearly and I don't think that's the case of giving such a very broad authority to do any difficulty and complaint arising within the community of 7 billion people in the world. This is the sun of the gut ombudsman. I don't agree with that. I'm very sorry.

>> THOMAS RICKERT: Kavouss I guess it's not to create any sort of God but mentioned by comment in the chat the role of the ombudsman role remains unchanged. So if you had fear that the ombudsman could be a God like person that would already be the case today. This was a tongue does cheek comment certainly but just to illustrate that the current role of the ombudsman has not lead to those concerns could become true and it's my understanding that the roles should remain the same. So we should not be afraid of mission career than potentially the clarification on the policy matters that we have discussed earlier and we will get a back to at the end of the session. But the floor is yours.

>> ANNE AIKMAN SCALESE: I was not going to comment to the role but I think it's pretty clear to what Cheryl had pasted in the chat that it's certainly not quote unquote any difficulty. There be cycles be communication difficulties and they are worked out first between the people that are having the difficulty with each other. But unfair treatment is a bit of a different standard

and so I just want to reinforce what you and Cheryl and others have said about the current role of the ombudsman. I don't think it's the extreme case that Kavouss is concerned about. The other thing, the reason I raise my hand is, I'm concerned about this council in the first portion of 8. Doing a lot of cross talk on one matter between the ombuds person and the board. Because the is fraught with difficulty because the advisory panel can be informally consulting the board on matters that the ombuds person is investigating. And then there could be these informal grapevine conversations where there's an inappropriate influence on what is supposed to be an objective investigation. I mean I could see the advisory panel advising the ombuds person during the investigations. And then if you know somethings reported to the board and then the board asks the advisory panel some of their thoughts. But the notion there's a triangle, is what this looks to be. The triangle of an advisory panel that can be advising the ombuds person and advising the board at the same time and telling the ombuds person what this and that board member did say or didn't say I think is fraught with difficulty. Especially in confidential matters.

Thank you.

>> THOMAS RICKERT: Thanks very much Anne and Sebastien. I guess that we should deal with this recommendation with this in the Adobe room. So the question for the plenary would be, are you in the favor of keeping this idea of the panel, because I think that there's a lot of concern about creating additional panels about the interaction between the board and the ombuds the and the panel and, also, with using members for the ability related work rather than substantive work.

So, let's try to find out whether there is a position to this recreation and if you sorry I see Kavouss' hand is up but I'd really like to proceed to the part so if you could please keep it brief.

>> KAVOUSS ARASTEH: Let's get other part of that and have some more comments and that will be helpful for Sebastien to listen to all these comments and take into account. Thank you.

>> THOMAS RICKERT: Kavouss in my line I need to go to the yeah I'm now reading what you said in the in the transcript. So thanks for your comment.

Let's now move to the part.

So if you do not like the idea of establishing a panel, please use the red tick. Please reuse the red tick if you do not like the idea of the panel.

Let's pause for another couple of seconds. If you do not like the idea, of a panel tick red.

Can I ask staff whether you have an indication of how many.

So we have 11 out of 36.

15 read, I'm reading now.

Okay now we are going to do the opposite as a test of the water. So please clear your hand.

Ed those who are in support the advisory panel, please tick green.

Please tick green.

Just wait for a another couple of seconds.

To make sure that those in favor have as much time as those against to indicate their view in the Adobe room.

Anne actually made a qualification to her support. So she wants to change it so that not advice is given to both the ombuds as well as the board at the same time for the same matter.

Anne then your support needs to be construed as objection to the current proposal. Right? I want to make sure we understand this.

Anne: Yes that's correct Thomas, yes that's correct.

>> THOMAS RICKERT: Thanks very much.

So what we can take from this is we have far more individuals on this call expressing concerns with it.

In favor 15 against.

So what I suggest is that for the subsequent discussion on this, we will remove this recommendation. And test whether people want it back in. So we will keep it we can reinsert it.

But for the time being, the status will be the plenary does not support this recommendation.

I see Jeff's hand is up. I trust that's a new hand. Jeff the floor is yours.

>> JEFF NEUMAN: Thank you it doesn't matter, I guess in this instance, but when you do this poll, and I thought this was kind of telling, that those that said no came from a very diverse set of backgrounds and groups. So I noticed that there were some registry members and GAC

members, some ALAC members. That was from my quick scrolling. So I think more important than numbers is that you are finding people from different backgrounds. Again, doesn't matter in this case because there was a lot more nos. But in future, if it's close or even if one side looks like it's a lot more than the other, looking at the backgrounds of the persons is important in developing a consensus.

Thanks.

>> THOMAS RICKERT: Jeff, I guess that's an excellent point. And you will remember that we had discussion a couple of times. Only during the last call yesterday, I was out to respond on the quorum and decision making process. And I responded that we take a close look at who says what IE from what background or what groups those that take a certain position represent. And your observation did not go unnoticed. So there was far broader community representation. IE diverse views or diverse views represented from the community than the pro's.

Thanks very much that was very helpful I think we have way forward to this one. So Sebastien can I ask you to move forward to the next recommendation.

>> SEBASTIEN: I will do so. The recommendation 9 the employment contract should be revised to strengthen in the independence by allows a 5 years fixed term following a 12 month probationary period and permitting only one were extension up to 3 years. The ombuds should only be terminated with cause.

I will read number 9 if you wish. And so the number sorry number 10, the ombuds should have a as part of the annual business what plan T communications plan including the formal

annual report, publishing reports on the activity and collecting and publishing statistics and complaints and complaint trend information, and collecting user satisfaction and can information and publicizing systemic improvements arising from the ombuds' work.

I will pause here, thank you.

>> THOMAS RICKERT: Farzaneh's hand is up.

>> FARZANEH BADI: Thank you, Thomas. I have said this multiple times on the main accountants mailing list. The report lacks enough measures to maintain and fix independence of ombuds person and ombuds office. The problem is not going to be solved by having the fixed term contract, the problem should be solved by not having an ombuds office that it's all whole lively hood is dependent on ICANN. This is a very, very standard measure that has been done in various disputes resolution offices. Advise the government and by the industry. If the lively hood of the ombuds office of the ombuds person should not be dependent on ICANN. You can extend ICANN stand ombuds in person contract for long time. That's what maintain their independence. And the other thing I'm going to I have another 40 seconds to say this because I have to go, the other thing I have been saying all the time the ombuds persons and at the moment only one person, should not socialize with their ICANN community. Should not make befriend them. It should truly be an office not a person. And this has not and people say that oh but you're saying ICANN staff should not be socializing? I'm not saying that. What I'm saying is first it should be an office, not a person. And second of all it should be truly independent. You don't want to see the person you have complained to about another one having a drank drink with the person you had a complaint about.

This has to be addressed in the report. Thank you.

>> THOMAS RICKERT: Thanks very much Farzi.

Any further comments on this?

Okay. I guess you have made the point a couple of times on the subgroups mailing list. And we should see how the plenary feels about this. And whether there's support for your amendment. I see that Jeff's hand is up. Jeff please.

>> JEFF NEUMAN: Yeah, this is Jeff Newman I apologize for not having read the full later report I again apologize if it's answered but I raised a comment on the notion of for cause. Is that determined by the board? Or is there a role that in empowered community in some way to ratify that for cause to make sure it's not an ICANN staff/board determination?

>> THOMAS RICKERT: Sebastien I guess that's one for you.

>> SEBASTIEN: Thank you. I am in trouble to answer this question. As we have changed the report with recommendation number 8. My answer will again it is exactly the role of the panel. My that it's not the board, it's no the staff and it's not for community.

Now, I have no clue on what you want us to do.

But it's something we will need to work again but maybe now with this question you understand why we were suggesting not just we but the external reviewer with our agreement was existing this panel. And for what's Farzi has said, yes she wrote it she told us in had the sob subgroup we discussed and I want to say we discussed point of you view even when she was unable to participate to the call. You can go to the recording and it will see. And we have decided as a group to stay with what it's written here. It's not to say that we don't take into

account this input as all other input. But specifically the one from Farzi we take it very seriously and we discuss it. Thank you very much.

>> THOMAS RICKERT: Thanks very much Sebastien. So the, guess in a nut she will the expense response on who makes the determination is the board. I think that the best way for us to see when Farzaneh suggested amendment gets sufficient traction for amending the recommendation is to check if there's any position to accepting the recommendation as it stands now.

Okay, so let me let me summarize this again so that it's abundantly clear.

Those who lack the recommendation as described by Sebastien, IE, without the amendment suggested by Farzaneh they do nothing.

Those who think that Farzaneh suggestions should be further discussed and potentially incorporated into the recommendation, need to object to the recommendation as described by Sebastien.

Okay?

So I see that Jeff and Alan have raised their hands so I suggest we hear them first before asking for suggestion. Jeff please.

>> JEFF NEUMAN: Thanks. This is Jeff Newman I'm not meaning to comment on that last part. What I was trying to do is come up with a because Sebastien posed an interesting question of now that we have decided to get writ rid of this panel he's kind of lost for words a little bit in who could help with the determining for cause. And what I would say is if there's a recreation

by the board to terminate the ombudsman for cause, at that point in time a panel can be convened to ratify that decision. So that it is not solely a board decision to create some more independence.

Milton brings up a good question as to who hires the ombudsman. I'm not going to comment on that but I think if there's U.S. there was a recommendation to create this panel only for the sole purpose of ratifying this decision I support that notion of a panel. But that, yeah, no comment on the other proposal. Thanks.

Thanks Jeff. Alan.

>> ALAN GREENBERG: It's wasn't clear whether you were asking us whether we support the fact whether a contract is not sufficient or the non fraternization proposal. So if you could make it clear what you're asking us what we agree with or not that would be really roadway appreciated with at least by me. If I don't see any reason why we can't use green ticks and red crosses at the same time. Then we simply eliminate the people that are not saying anything and we can compare the two. Thank you.

>> THOMAS RICKERT: We can easily combine the two. Those that want to keep the recommendation as it stands and suggested by Sebastien tick green. Those that object to it please tick red. Just for clarity, this question relates to both aspects.

So, if you object to one or both of the recommendations as they stand on the fraternization as well as the term, then you need to tick red. And if you like the recommendation as it stands you need to tick green.

Before we.

>> We are talking recommendation 9 correct?

>> THOMAS RICKERT: Correct.

>> Thank you.

>> Hi it's Anne I have the same Probalan does. I'm not clear on the specific two issues that were raised.

So I I really need I can't vote. I don't know or poll, excuse me, we don't vote.

What were they again?

Two issues.

>> THOMAS RICKERT: Listen first then let me take another crack at [indiscernible]

>> MILTON: Yes I do think people were a business confused because you asked them to check I think green initially that if they actually opposed the recommendations and now we have switched to green for support and makes more sense. Let me a explain why I think it's very premature to vote for these recommendations and by voting against them you're not necessarily voting for any specific counter proposal. Because we don't know what that is yet. But I think Farzeneh made a completely correct point that if I don't see how these recommendations improve the independence of the ombudsman at all.

The ombudsman is working for ICANN's board. There's no sort of non fraternization agreement in there, it's not an independent office. So it's not an external party that they contracted with. And the fixed term, I mean, if it really is just a fixed term and they hire them and they have no

sort of life or death power over their future employment that's a step forward but that's actually not what we have. We have a 12-month probationary period. Clearly it would be decided by the board then you have an extension for 3 years. If you want the work for 8 years and who doesn't want that kind of job security, you make sure the board likes you and you don't do anything that alien it's a them. Someplace not independent. I think we need to work on this more and come up with a better proposal for independents.

>> THOMAS RICKERT: Okay thanks Milton. Let's not forget these recommendations are based on the report done by external third party who makes a living comparing what ICANN has against industry standards.

Right, so this certainly made up by individuals that have never worked in the field.

Now, let me try to clarify again what the purpose of the polling is.

Farzaneh made comments with respect to recommendation 9. She brought up two points one of which on the term and one of which related to the fraternization of the ombudsman. So if you think that we need to neither revisit the term question, nor the fraternization question, then you can express your support with a green tick for recommendation number 9 this is usually practice in our group. We ask when you like the recommendation as it stands and if there's objection to the recommendations, IE if you want the term question to be re discussed or if you want have something included on fraternization, then you need to tick red. That would either lead to drafting edits or to sending the recommendation back to the sub team for further discussion.

So let's now read to the poll. So if you like the recommendation as it is, please tick green.

If you don't like it as it is, please tick red.

And I'd like to ask staff to count how many expressions of views we have on both sides.

>> MILTON: Thomas are you asking the right question?

It should be not whether we want or we don't want recommendation. The issue is, how we could ensure the full independents of the ombudsman office.

>> THOMAS RICKERT: No it's whether the plenary supports the recommendation as it comes from the sub team. This is just to test whether the recommendation can be adopted as a first reading by the plenary or whether the amendments are needed.

>> But the default is what is accepted is what has had we need to establish to have an independent ombudsman office. It's the question. You can ask who wants independents or didn't want independents. Thank you Kavouss, we have

>> THOMAS RICKERT: Kavouss we have received a support from sub team including recommendations and what we do usually when we get the supports is see whether the plenary supports them. And that's what we are doing at the moment. And if individuals think there's not enough talk about independents in the recommendation, then the plenary can object to the recommendation and put it back to the sub team fore further review.

Okay but we have a very close race.

And therefore, I think we need to mark this recommendation as a recommendation that needs to be further discussed.

Let me check with my co chair Jordan, whether you share that view whether you can give me an indication. But I think a this is neither clearly adopted nor clearly objective objected to. So I think we need to hand this back over because, I think Jeff and others mentioned it's not like they don't like aspects of it, but they want to reshape it. I think Milton also said that this needs further discussion. So let's mark this as a item that needs to be further debated. And the sub team, in the lights of the comments that we heard today.

Okay with that we can move to the next point. I would like to ask you Sebastien to present recommendation number 10.

>> SEBASTIEN: Thank you so much I guess I already read it. But I can do it again.

>> THOMAS RICKERT: Sorry.

>> SEBASTIEN:

>> THOMAS RICKERT: Sorry. Then let's ask when there are comments on recommendation 10?

Let's pause for a second. If there aren't any we can move to the last recommendation.

Okay the Q is cleared. So Sebastien over to you for recommendation number 11.

>> SEBASTIEN: Thank you very much. Sebastien speaking.

But before I go to the recommendation 11, I want just to be sure about the language. I am just a respiratory. I am redeemed to report on the ombuds office subgroup. And I want to be sure that when the, you say that what Sebastien propose it's really understood as the ICANN

ombuds subgroup is proposing. Because too much personalization sometimes gets the wrong assumption and wrong feedback.

Now I will go to the recommendation number 11. And it reads as follows the following points should be considered and clarified publicly when looking at the ombuds involvement in any non complaints work. Whether there's unique value the ombuds can add through the proposed role or function. Whether the proposed reporting/accountability arraignment may come from compromised peer received independence? Whether the proposed role/function would limit the ombuds ability to subsequently review a matter.

Whether the workload of the proposed role/function would limit the ombuds a ability to prioritize the complaints related work. Whether any ombuds v with the design of new revised policy or are process, creates a impression of a seal of approval.

Whether the proposed ombuds input may be seen as short cut or substituting for full stakeholder consultation.

>> THOMAS RICKERT: Thank you Sebastien. Any comment on 11? Jeff typed in the chat that the questions are all good, valid ones.

Any further comments?

Another positive statement from David McAuley.

Thanks for that. There don't seem to be any further comments or opposition. So we seem to be able to conclude on this. Now there's one remaining small aspect. And that is we want to

get back to Cheryl as repertoire for the authority accountability team to comment on the question of the remit of the ombuds for policy related issues.

>> CHERYL LANGDON-ORR: Thank you.

>> THOMAS RICKERT: Enlighten the group thanks.

>> CHERYL LANGDON-ORR: I can but try.

Gentle men for the record. This account from the accountability point of view, we had out of Work Stream 1, one nexus we felt was going to be clearly in the ombuds remit. And that's I think by in large has not particularly changed with the end of our Work Stream in Work Stream 2. However, there is no policy remit in the ombuds office as currently designed. None of the changes from the ombuds report external examiners report and indeed these recommendations are making any changes to that remit. But what we do see is that there's a possibility and a welcome one in some of these standing rolls for earlier and intervention on some process concerns for example. If under accountability good practices a certain advertised form of electoral process was going on in SO and AC and future point in time a feels that process is advertised and published and not carried out then the ombuds could indeed look at scheduled election publicly available electric processes. And see whether or not the rules of the organization as the organization part has developed them were fairly and truly exercised. So to that extent, ombuds could be involved but a accountability thing but not in a policy per say. Thank you.

>> THOMAS RICKERT: To o so thank you for the clarification and in that point it could be wise for the subgroup to further satisfy sort of a carve out as you described to make this clear to the

reader of the report. With respect to Kavouss' question, Kavouss I think there has been attempts to respond to your question that haven't been sufficiently clear so I think we should take it offline and to save time with the call. In respect to Farzi's question the independence was on recommendation 9 not making it to the plenary. So your concern is taken back to the sub team for further deliberations on the concerned expressed and obviously your concern or your consequence has been supported by some in the plenary.

Jeff if you could please keep it very brief because I would really like to move on to the HR report. Jeff please.

>> JEFF NEUMAN: Sorry, so Cheryl joust on to understand to the agreement the notion of why should not be for ombudsman should not be for matters for SO/AC groups. Question I have is for real situation I have seen happen before where one of the consistencies fails to accept someone as a member of that constituency despite the fact they think they are qualified. In the past you know if you went to ombudsman the ombudsman doesn't offer decisions but tries to help a successful resolution. If they are not satisfied with that, I guess they are not saying I guess what the next step is at that point, do they go to the board and then would it be an IRP type thing? I'm just again trying to follow that chain through.

>> CHERYL LANGDON-ORR: If I may respond Tom?

>> THOMAS RICKERT: Yes I guess that should be the last comment on this. And maybe you can then agree to join the subsequent sub teams call to get the substantive discussion sorted in that form but please go ahead Cheryl.

>> CHERYL LANGDON-ORR: Thank you stomas I suppose you're already I'm allured in that chain so I guess you're talking to Jeff. Jeff you asked of course a point that was not policy which was the reason I was responding earlier. But in fact you chosen an exact example that I inherited when I became chair of the at large advisory committee and what could only be described as a toxic relationship between the ombudsman and 2 at large advisory commute committee and at last in general which I took I suppose all of 6 weeks to fix.

And so in fact the issue is exactly as you outlined and significant changes which are working to this very day were put into place in the ALAC internal policies. To ensure that the issues that the ombuds report at the brought out never repeated themselves.

Thank you.

>> THOMAS RICKERT: The thanks very much Cheryl that's very helpful.

Now with respect to this set of recommendations, clearly I guess it's to say that it didn't make the first reading on this call. We have a couple of points for clarification and further debate. I would encourage the sub team to work on this as soon as possible so that hopefully we can get an updated report for the plenary meeting on the 11th. And if we are lucky we can do a successful first reading on the 11th then use the other meeting on the 18th to get the successful second reading.

We have 20 minutes left. Staff is warning me this may not be enough time for the HR recommendation and it's certainly not my intention not to do justice to the HR sub team's work. Nonetheless I think we need the plow forward and get that on the table and get the discussion going.

So, if you can please get started. If we can get the right slides into the Adobe room so we can get the presentation going. And let me hand over and thank the ombuds sub team and in particular Sebastien for taking us through the recommendations and for this discussion. Thanks for the hard work. Over to you, Niels.

>> NIELS TEN OEVER: Thank you very much, Thomas. Good morning, good evening, good afternoon to everyone. I'm happy we are together again to discuss human rights. We have been working on this through many months of intent discussions. We learned a lot from each other and I think in the subgroup we also built quite a bit of expertise people from a lot of different backgrounds came together that contextualized our knowledge and helped us build a consensus. Giantly we forged these words in a fire of heated debated discussions and we grew cut omsbud to these words. So all the words in the FY considerations document have their story now. Because they have been all discussed at great length. And all these sentences have become interrelated with months of discussions. So it's really good to have the whole group look closely at all of this. So we can benefit from the reflexes a because we as a group have been really staring a lot at this text.

So, this is not my presentations. So what if the good would not cost a lot of time is that we have not made a lot of significant changes since the last time we have been reading the framework of interpretation and considerations document here. Before we went into public comment. That is not at all because we did not spend a lot of time with the public comments and. Quite the opposite. We have had a lot of meetings in which we discussed the public comments. That has been brought to us. But we have not been able to come up with really significant changes that we could come to consensus on. So a recap of the major milestones. Is subgroup approved draft recommendations for the plenary considerations that is 2

December 2016 meeting and the plenary approved draft recommendations for public consultation 1 is January. Then we had the public consultation. And we responded to all public comments made on draft. And we have made final recommendations with the minority opinion.

Next slide please.

We have had respondents to the public consultation period. And as that no significant statements were made. We have made an overview in which also shows per comment it has been made how we vaulted. Some a lot of the comments actually did not ask us to make changes. Some comments asks us to go beyond the scope of the subgroup which of course we carefully took care of that we did not do that.

And then, some comments also just make changes we could not make consensus on in this the subgroup. And that has created, resulted a in a minority opinion.

So the two changes that we have made that are not significant is a change to a footnote where it says wash shall where we refer to including and then listed a list of human rights deck calculations and treaties and now it became including but not limited to. And the second change we made was a spelling grammar issue.

So nothing consequential. So let's go to the minority opinion.

Next page please.

So the dissenting opinion is based on the serious concerns about the subgroups treatment of the substantial comments and proposals submitted during the public comment period by the

governments of Brazil Switzerland and the United Kingdom and working group. Their expectation was that a properly ban result would reflect even though the comments were discussed at length.

Next slide please.

The dissenting opinion was supported by Brazil, Switzerland, the UK but also by Iran and by the government of Peru. And the main content or the main issue of this comment was that there should be a stronger reference made on the UN guiding principles of human rights. In the document it mentions stronger because the UN guiding principles on human rights is already mentioned in the considerations part of the document. So because we have not been able to come to a consensus we fall back to the previous consensus position and that was a document they submitted for public comment itself.

It has to be said that the UN guiding principles for human rights has also been part of a discussion before the public comment. So as said, we have discussed this issue at length in the subgroups. So it will be great to also hear from the people outside of the subgroup to hear what they think and, also, to give us guidance how we can move forward. Here I would like to hand it back to Thomas.

>> THOMAS RICKERT: Thank you very much Niels.

Let's see when there are any comments or questions.

I see Tijani's hand is up. Tatiana please.

>> TATIANA TROPINA: Thank you very much. I'll try to be brief as far as I understand, after a few weeks, after the dissenting opinion has been submitted and a few hours before the call you found the proposal for the new text for the plenary to decide upon. I didn't have time to weigh in there because I'm traveling and I'm in transit and can I doesn't have enough time. I would like to call one thing.

And I believe that my fellow group member also suggested based on the same opinion.

The test which we proposed will discussed many times. And the role in the middle. It was a part of the first drafting team who decide on this text. And though all reach consensus because we actually staff salve some of our opinions. Right now in this proposed text if this plenary is going to recommend something to the human rights group I think it's going to be done in the 10 minutes remain for this call. Because the remaining implications for mentioning and I believe that to give an informed decision to give an informed opinion these respected subgroups sorry group accountability group should be informed about the length of our discussions and above the arguments. So I believe that we just don't have enough time to really recommend something. Like interventions is not snuff to explain all of the implications that we discussed in the group. Thank you. I just want you to know there's objections to this text. Thank you.

>> THOMAS RICKERT: Thank you, Tatiana Tropina.

>> JORGE CANCIO: Hello, good evening, do you hear me okay?

>> THOMAS RICKERT: Yes we can hear you.

>> JORGE CANCIO: I want to jump into the discussion because I, as I understand you mentioned the dissenting opinion that we filed last August. After the discussions had in the subgroup. And which in this defense in the end was a consequence of the public comment inputs made by my government, by government of Brazil and the government of the United Kingdom. Because we felt that the had not taken them enough into account.

So, this descent was filed around one month ago. And we have listened very closely to the discussions had in the subgroup and, also, on the list and that's why some days ago when this issue was on the agenda the plenary we proposed that there will a chance for a broader consensus. Some small changes to the text of the framework of interpretation that would take into account these public comments.

Today I'm in the line of those public comments. I have filed with the CCWG analyst text proposal which is intended as a common ground proposal. That the first quite significantly from the text we had initially proposed in this the public comments in which tries to build a bridge to the other positions expressed in the subgroup. And which had a majority in the subgroup. And I'm not sure if we're going to see that text at least the text was circulated like 8 hours ago. In the CCWG mailing list. And it has received support from different members of the group and participants. I think that there have been at least 7, 6 or 7 supporting voices. It's true that in the subgroup there are some who are still objecting to such a common ground proposal. And I'm sure that a part from these 6 or 7 supporting people, the other governments that had fight the defense together with me, would perhaps be amendable to such a compromise solution. So I'm not sure if we want to get into looking into that text. And if that is the case, I would try to introduce it.

>> THOMAS RICKERT: I'm afraid we have only 6 minutes left on this call. So we are going to hear Greg and David after David the queue is closed then we are going to take stock. Please.

>> GREG SHATAN: On for the record. I did have some time to look at Jorge's proposal. As a member of the subgroup and as a member of the plenary unfortunately I can't support it. I will note that in addition to the 6 or 7 perhaps that Jorge counts as being in favor, all but one or two of them seem to be in the GAC. That there are several statements on the list not in support. So if anything it would be there's no consensus at best. Second, unfortunately we were supplied only with the statement in isolation other than with a single introductory sentence. If you look at the actual context where it's being placed and if you look at the report as a whole you will see two things one it's directly contradictory to the second discussing the UN guiding principles in the consideration portion of the document. Which expressly states there's no consensus in this the group as to how to apply or that one should apply the UNGP to the core value itself but that they could provide guidance in the implication of the core value. This was a very carefully negotiated balanced concept which no one would have written on their own. Which the vast majority of the group wrote together. As most consensus positions end up being.

Second, where it's been placed it's being put into the middle of the definition of internationally recognized human rights. And into the middle of a discussion of international human rights instruments which do not apply to ICANN they only apply to states. So, both editorially and substantively it makes no sense.

If it had been full or everyone took the I center this to the list so others can see this. If I think it would be more apparent that unfortunately both in execution and in thought, it lacks a lot. Finally there's certainly no expectation that the comments will be, well they are always

considered and taken into account depending what you think taken into account means they will be accommodated and taken into position of the subgroup or plenary there's no expectation of that nor should there be. Well I wish I could support a compromised statement this is not a compromised statement nor is well crafted. Even if it were, the substance doesn't move from where the position was and does not accommodate the concerns of the rest of the group.

Thank you.

>> THOMAS RICKERT: Thanks Greg. David?

>> DAVID McAULEY: I have comments but given the shortness of the hour I'll wait until the next meeting.

>> THOMAS RICKERT: Okay. Thanks very much. Now, it appears like the which our sub team has submitted a report and there's changes in the controversial in the sub team itself. I think that given this controversy the sub team needs to take this back and discuss this. So that we get the get report to the plenary which has the status of being confirmed by the sub team. I think it's interesting though to get some views but I think it clearly shows that the plenary doesn't have sufficient information to take a decision today.

We have one minute left in this call. So I'm afraid that we need to end this discussion for today. There will be another plenary on the 11th. And let me now hand over to my fellow co chair Jordan.

>> Jordan: Thanks Thomas. Niels is that you?

>> NIELS TEN OEVER: I have to ask can we please schedule this for next plenary and not point this back to the subgroup I think in the subgroup we have managed to come to a consensus with the minority statement. I think if we wanted to get rid of the minority statement I think we do it have a discussion in the plenary not point it back to the subgroup because I think the subgroup I'm not sure how much we can move it and we would really like to have more time to discuss this in the plenary if possible.

>> THOMAS RICKERT: We will definitely have this topic on the agenda for the next plenary.

Thomas do you want to add anything more to that.

>> THOMAS RICKERT: No I wanted to confirm we will discuss it at the next meeting and if you as repertoire inform us the report is ready to be debated and that is by the plenary, so be it fine. Over to you Jordan.

>> Jordan look everyone thank you for the discussion today the only point I wanted to make we are coming into another crunch time for this prop and its work. I want to remind everyone no matter how strongly held our views are we are at the stage in the process where we can either finish through second readings in Abu Dhabi and get out through the public economy and the work of the subgroup is going to come to an end because we are not going to be able to complete in time for completion of Work Stream 2. It's not in reference to anything in the federation to the call the point is we can make decisions with benefit to public comment even if we don't all agree fully with all of the material now the importance is get it in place to ask the community for broader input. I ask everyone's take to spare the compromise and collaboration agriculture to get the next couple of weeks to get to this point much thanks. And

I think with that we will adjourn this call and speak to you all on the 11th of okay. Thanks everyone.