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DIVERSITY SUBGROUP

Thursday, January 18, 2018 – 13:00 UTC

>> FIONA ASOGNA: Hello everyone. This is Fiona. We are sharing the Diversity Meeting # 31. Thank you for waiting for this to start. We will give a few minutes past to take roll call. So anyone that has dialed in and indicated by number. Your identity with staff. So I'll wait for Brenda to make sure she has the role.

>> FIONA ASOGNA: Thank you Brenda.

We [indiscernible] comments for report public comments were extended. And [indiscernible] on the 18th -- sorry, the 15th of January. And there's been 3 days in between. And [indiscernible] together and met the document. In [indiscernible] we are going spend time during this call and next calls going through comments they received during the public comments period. So that we can be able to agree on which of those comments you can incorporate. And which ones to sign off, incorporate into the [indiscernible]

We hope you're sable to finish this and two to three calls. And that will have time to improve on the report and look at the adjusted report. That we shall [indiscernible] plenary. To be directed into the final Work Stream 2 report.

So, if you could go to the document that has comments please.

Brenda I think the Excel sheet or the PDF of Excel, either of those is ... yeah, that's it.

And I'll like the thank staff to take time to [indiscernible] that were similar or rather on the same issue together. Makes it easy for us to then go through and make a deviation.

Now, I don't know when you all have time to go through the comment document.

In that document we start talk with the staff has been gracious to us to breakdown the different comments to those that are agreeable. This is the key reference to the document that you all need to be in line with. That is [indiscernible] unqualified support for agreement for proposal or an issue. Next green is support, but with the comment or qualification. Yellow, or the orange-ish color is [indiscernible] about the recommendation. Red is a position to recommendation. And the comments that do not have any color highlighting means they do not touch another recommendation and some of them are important issues you may need to think through as we finalize on the recommendation.

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So with that in mind, I will propose spend time on the comments with qualification. And the comments of concern and the comments that proposed.

And so the initial conversation, because those I think are the comments that will be defining whether or not that [indiscernible] has been given to changes in the issues of [indiscernible] to address as you're all aware this is the [indiscernible] that put together recommendations to the adviser team new. And may not [indiscernible] worldly but feedback is much appreciated.

Is there anyone opposed to that approach?

So, there being no opposition I'll speak out to the comments that are in red, yellow and white. The comments in red, is from the registry group of the GMSO.

Which we they are RySG agrees to the majority of a sub-group that the implementation should be met to the ICANN organization and that there is no need to recommend the establishment of an office of diversity.

>> SEBASTIEN: This is Sebastien. I would like to say something, if I may.

>> FIONA ASOGNA: Yes, go Sebastien.

I can't hear you.

>> SEBASTIEN: Yes, Sebastien on the mic, thank you for giving me the floor. I am on the phone. And I think that we have to be very careful with using only the red and the yellow. Because we have one red and so many more greens. So it would be quite interesting to look at all of the comments and not only the red or yellow ones, to see how those comments are drafted and the proposal on the comments that can be of other colors, apart from white and yellow. I'm sure that we have very positive comments. So I would like a that all comments be taken into account. Thank you very much.

>> FIONA ASOGNA: Thank you very much Sebastien for enlightening that. And yeah, I understand what you just said. So we are really going to begin and address all comments from the very [indiscernible] comment. So comment number 1, in the comments are regard to oversight and office of diversity. The first comment is from ICANN [indiscernible] feedback and he's saying while I'm not in agreement that ICANN should be allowed to determine the appropriate measures and mechanism of implementing the diversity group recommendations. I am also in agreement that ICANN should have an office of diversity

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and would ensure ICANN comply and work inline with the recommendations except the roles would be designated to one of the offices within ICANN.

Any reactions to that comment?

So we look at the next comment, because there's a recommendation but we have the office of the [indiscernible] to one of the Insessores that already did ICANN. The next comment, still on the [indiscernible] from the [indiscernible]

She's saying, while I recognize that SO/AC has their own challenges and design their own diversity strategies and objectives, I'm shall concerned that the lack of external oversight will only lead to inertia and or self congratulations. If ICANN staff only is responsible for publishing an annual report on diversity, the report will probably not propose anything new or anything ambitious or any ambitious objectives to enhance diversity.

Is there any solution?

There are various available options to enhance external over sight for these diversity strategies and reports. And one of them is to create an diversity offers. And another options would be to have an advise other panel or diversity, with people coming from SO and ACs and to have draft as objectives or best practices to SO/AC and analyze the gaps between AC/SO strategies and results. By the way, the ombudsman subgroup proposes in its recommendations to create an ombudsman adviser panel with similar views. That should be of interest to the diversity subgroup.

So second comments recommends an external oversight entity.

That is put together from the AC and SOs and is drafting an annual diversity report. And [indiscernible] on an annual basis.

Any comments?

That being none, I'll read through the other comments and then [indiscernible] see how the reach a compromise. There's the comments from the group that is not in fact an office of diversity [indiscernible]

Then we have the first comments in the government of France, which come in this French and were translated for us.

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And the rough translation is the French government fears the lack of comprehensive oversight will hinder the development of a coherent and long-term diversity policy. In fact, to the extent that the report recommended that it identify its own objectives and develop its own strategy in terms of diversity, the risk of fragmentation and contract measures between the different SO/AC may adversely affect the management of the diversity policy as a whole if no subgroup remains convinced of the need to set up an independent dedicated body to oversee global policy of diversity as mentioned in recommendation 8 of the report. Indeed the members of the subgroup proposed to create an office of diversity within ICANN to the image many punishing organizations and private in the world who have chosen this path. Some members of the subgroup opposed the creation of the Bureau of Diversity. On the one hand but that such an instant entails the financial costs and on the other hand that this jurisdiction was the responsibility of the ICANN staff. Yet the French government thinks that only an autonomous and dedicated entity. What that its name, office, advisory group activity able to drive efficiently and independently an ambitious diversity policies because of the members of the entity will be other not related to the group of the to the staff and ICANN indeed to essential that the structure in charge of the diversity independent in order to protect itself and any conflict of interest.

If dedicated office within ICANN is the best when government and many members of the community, it is indispensable, in the constructive spirit, to advance possibility on the form not on the principle. That could take the instructor like the create a group advisory on the diversity within the ombudsman ICANN which is now and already neutral and independent body.

So we ask, I believe that there is support for an external oversight from the French government. For [indiscernible]

The next comment is from the board.

Still on the office of diversity.

And the board says we understand from the report that there are a small number of participants that are advocating from the establishment office of diversity and that no recommendation has been issued from the CCWG on this topic and the report then identifies the role of this office would be to independently support record and keep track of issues including complaints from the community on diversity issues. Within the organization and could include the reporting are responsibility.

The idea of this office is not fully defined. It is not clear how this structure would be implemented, what required to establish the maintain the office or how to address the overlapping responsibility that are

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already handed within ICANN given the lack of clarity around this office, the lack of consensus support within the subgroup and the CCWG accountability and the border community. And noting previously mentioned budget and constraints and considerations, the board is not in the position to accept this item. If it were to be presented in a formal consensus based recommendation in the final WS 2 report.

Any comments? I'm not seeing any hands go up. Any comments? Or should I continue. Yes, Sebastien.

>> SEBASTIEN: Hi this is Sebastien, thank you. I'm speaking on behalf of ALAC. I think this report from the board is absolutely exceptional. Because they ask us to work on something where there's no discussion on limitation and here they want to have a discussion of the implementation. So we cannot no know what to expect from this. We cannot do anything and guess what you want us to do. So that is one first comment. Secondly, this is not the first time I have seen comment from the board addressing the accountability and we are going to take this into consideration. But, I am quite surprised you had by the fact that without asking the community nor the board to create a complaint's office, they did it anyhow and they didn't tell any other kind of process. They merely did it because it was a request from the committee. So they shouldn't be doing it. And if we were to apply the same figures to everything. That is it, we should work on the implementation, see what the cost would be, who would be in charge of what, what we should be doing, if we want to do something before, then it should be clear before we start working. But you cannot ask us to discuss it, the implementation at this point. Thank you.

>> FIONA ASOGNA: Thank you very much Sebastien, any other comments?

Okay, in view of what's Sebastien has raised, I want to get together comments and come back and have a conversation on what conclusion we have on the feedback on that issue of the office of diversity.

The next comment is from Jorge.

The secondary [indiscernible]. And he says, while I recognize that each SO/AC has their own challenges and should design their own diversity strategies and objectives. I'm concerned that the lack of external oversight will only lead to inertia and can self-act upon congratulations. And if ICANN attaches is only responsible for publishing an annual report on diversity and the report will probably not propose anything new on any reports of enhanced diversity.

Is there any solution. This is a similar comment to in red if you read already. So with your permission, and I can see Sebastien [indiscernible] comment Jorge. And [indiscernible] with your permission, I will not reread those.

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Liked to move to the next comment. Because those two are repetitions of the past one. [indiscernible] you have a comment?

>> [indiscernible] what you just said, thank you.

>> FIONA ASOGNA: Yes Cheryl they have exact wording. And the exact writing is as [indiscernible] Jorge and Sebastien.

So moving on, to the next comment is that from ALAC.

The also notes the specific request to inputs and comments from the concepts on the 13 and office of diversity to external support and keep track of issues excluding complaints from the community on the diversity issues rather than having v this function transform by the SSAC is not convinced of the necessary dedicated and independent office of the diversity and is concerned with the cost resourcing such an office. After initial 12 months period and assess whether the issue arisen that would justify the implementation of an office of diversity.

Any comments? Okay, now those are all the comments we have received on the office of diversity. And there's the option of having the office of diversity figured e initially recommended. And there's the specific option of having an external, independent entity to provide oversight for diversity. Instead of the same manner as ombudsman, office of [indiscernible] then you have the part of [indiscernible] having an advice or a committee. That comes together on an annual basis to review the [indiscernible] ICANN diversity many so with need to consider those three options. And [indiscernible] which one best fits us in the compromise for oversight. For diversity. And we see how because it seems fob most at fault in the public comments. So some form of oversight of the first two having no office for diversity. Because we have a total of 8 comments and out of the 8 comments only [indiscernible] are not in support of the office of diversity all of the rest are putting for a form of [indiscernible] to put in place. During this meeting this is to be spoken but not [indiscernible] to make a position.

So those three options.

[indiscernible] with just follow the two Sebastien, Cheryl and Julie and Taylor. Sebastien, the floor is yours.

>> Sebastien: This is Sebastien speaking. Thank you Fiona.

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I have a question to know whether the first was the same comment as others. And my memory fails me at times. I was[indiscernible] as about [indiscernible] comments and I think it was staff who decided to copy paste our comments. So, it's not that we were for one or the other, we just wanted to support those interventions.

And then, most comments I would say reflect what I think. The comments are not meant to be voted on and it's not about how many comments support one or the other. I think we should just consider the different viewpoint expressed in each comment. And it's not because we have three for one option and two for the other that one will wean and about it the other. It's the majority of comments.

But the comments are not taken as votes, because otherwise they would be very few constituents expressing their opinions. With that said, I agree what we have different options and we need to work on those options before taking a formal decision. Although I think it would be interesting if the group's repertoires could propose 3 or 4 potential solutions in writing. So we can discuss based on a written document. That could be shared before the call. Thank you.

Thank you Sebastien, I think our technical.

>> FIONA ASOGNA: I think our technical staff and prepare documents for our next call, that you can reply to on what the options are. Cheryl?

>> CHERYL LANGDON ORR: Thank you Fiona, Cheryl for the record.

I wanted us to point out that and there's an echo on my line that is extremely loud in my ear. Maybe it's not effecting everyone. I will try to battle through and -- a really loud flows. Anyway, the question of writing always comes to my mind in these reviews of public comments when we have, and this is something I've argued on for many years now. When we have individuals who are putting in their comments and we have representative bodies or exempts of ICANN whose had drafting processes and in many cases highly formal voting processes. To agree on a formal response. So after I agree with Sebastien, absolutely that this is not a voting exercise nor is it a tallying one. We also need to I think, when we come to discuss outcomes and possibilities in reaction to that [indiscernible] these comments we often need the look at some formal waiting. I personally am of belief that at large advisory committee the G [indiscernible] counselor, security and stability advisory committee put in our comment that it should in fact carry more work than my great aunt Mary. Thank you.

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>> FIONA ASOGNA: Thank you very much Cheryl. We definitely put to mind the waiting of a different issues. And that is what we have position on the pros and cons of each of the comments. Or options that have been presented. Julie please?

>> Julie hammer: Thank you Fiona. So the [indiscernible] what I wanted to say, when I read the report or summaries this afternoon, what I tried to do is get my mind around what the aggregate of the views were on the office of diversity issue as well as all other issues. And just to give a summary, for those that may not have had time to read all of the comments, on the office of diversity, looking at the ICANN constituencies so SO/AC and other formal groups that responded, three of the groups, the registry support group, the board and the ASAC were not inside an office of diversity.

There were a number of groups that put in a comment that made no comment, by the way, about an office of diversity, that was the ALAC, the business constituencies, the intellectual property constituency and the non-commercial stakeholders group. And the government of France, which I think we should take quite seriously, with, you know, using Cheryl's words of waiting. I think one of the GAC members does tally some weight. So the government of France said yes there should be an office of diversity. All of the other support came from individuals. So I think just looking at that, it's on a summary perspective, and looking at it from the perspective of those groups that are going to have to approve the financial outcome of our recommendations. I just think that is useful to note that those were the responses of the constituencies. I think it's a real shame that more of the SO/ACs and their constituencies didn't stress express a view, because that would have helped us.

Having said that, I like to point out not having an office of diversity is not the same thing as having no oversight. It's a very different thing. There can be all sorts of names of establishing over sites through the implementation trouses and that neighbor the SO/AC chairs choose to implement an oversight mechanism of some kind. That isn't an office of diversity but that is some other procedural matter. So I really wanted to emphasize, having an office of diversity is not the only way of having oversight. Just as a general comment about all of the other recommendations and feedback, my heart strong impression was that overall our other recommendations there was quite a lot of support. Even though there was some issues that some of the responses wanted the highlight language being a particularly important one and there were a couple of responses that felt that they would have liked to see this group go further. So thank you for giving me the floor and having the opportunity to express that.

>> FIONA ASOGNA: Thank you very much Julie and I think your comments are valued and very important for us to pay attention to. And please wait that we have to [indiscernible] open kind of a different option, including the official position so when we talk about the option it doesn't come looking

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at the option that is represented by those that are supporting from oversight. But, all the positions including our previous position that was [indiscernible] so we reason have substantial conversation around the different options and the on pros and cons of each. And we agree to be able to continue [indiscernible] of you even on the meeting list. So next we have Taylor.

>> TAYLOR RW BENTLEY: Can you hear me? Excellent, so this is Taylor Bentley from the government of Canada, I supported Andreea and now Louise a. And poll geese but I just came off of a 8 month parental leave. So I'm not fully up to date on the conversation. This is actually the comments because I would suggest that I would compile options if we do go [indiscernible] have the conversation we were also like the nature of this discussion because of all over the length [indiscernible] of [indiscernible] diversity subgroup. And, also, to support the broad character scission of options not just the [indiscernible] same oversight as it is framed within the recommendation. But also as it is suggested by the SSAC that it be reconsidered. And indeed, I would like the support that the accountability also comes from the community. So a report is not just a report that exists in a vacuum. I'm more than confident that the entire community SO, AC individuals, etc. will pay great attention. I know from our perspective of the government of Canada and many other perspectives of the issues of diversity are very important one. Thank you very much for the opportunity to comment and I look forward to continued conversation with everyone.

>> FIONA ASOGNA: Thank you very much Taylor. We will definitely consider your input with [indiscernible] put together different options. [indiscernible] everybody, thank you. Next we have Dalila.

>> DALILA RAHMOUNI: Yes, hello, can you hear me?

Thank you, thanks. Thank you very much. Happy new year. Thank you so much for can compiling all those elements of the very important for the first public consultation regarding the comments of the French government and the support that they received, I would like the make two remarks. First we note that most of the people wanted to participate and it was extended so that more people could comment. But, many people supported the in fact there should be an oversight for diversity, it's very important. Let's take that into account. The structure, the institutional way we can really oversee diversity. Many people think it's something coming from the outside, external, autonomous, so that diversity be supported with an oversight. Just like Sebastien said, and, also, out from Canada. Those comments though that the question of diversity is fundamental. Not on the France but also in the Helsinki that many stakeholders from a civil society did support diversity with many other governments.

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We want to have a working group on that, which is autonomous and long-term. So, the financial aspect I think we can look at that after Work Stream 2, what is important now is to look at our three options. What could be diversity office, the most important is that we all add the time to comment. And I note that there's a strong localization and support for an oversight.

>> FIONA ASOGNA: [indiscernible] you are done? Or did you disconnect?

>> Yes I'm finished with my comments, thank you very much.

>> FIONA ASOGNA: Thank you very much. We will take time to look at all the comments. And I'll repeat again, we will actually weigh the comments and we should be have [indiscernible] points we should be careful when we say most people. You because like Julie has highlighted, the group's SO's that commented may have been few but they represent a large part of the ICANN community that has approved the final document and implement recommendation.

With that in mind, I think it's important that we be open to look at the pros and cons of which of the options. And it is only when we have [indiscernible] in the of each of the options that will be able to get the panel position on the issue of the office of diversity.

Rafik, please take the floor.

>> RAFIK: Okay, thanks this is Rafik speaking. Sorry I may suggest that we I can't say hold on a little bit and maybe move backward here. Because when we put the notable diversity office was really to see if we get support or not. So I'm not sure if we kind of open the matter now and see several options because even there are proposal about maybe not structured but different idea. I'm not sure how it can feed in this face. So I think this is something we need to think about before proceeding and trying to resolve the possible option.

And, also, I support and should extend the difference between oversight and having the senior structure. Because it's different aspect, maybe you can elaborate a little bit more about oversight. But we are two different matters.

Also, in term of how we can reconcile, I'll respond to this. Those comments, I think yeah. So at the end, I mean it's also to recall that the SOs and ACs are resulting organization with, will now kind of review and approve those recommendation. I mean the whole CCWG, Work Stream 2 report this is their opportunity to express support or not regarding recommendation. I have no SO/AC support for this. I'm kind of concerned how we can -- how we can proceed on this matter. So, we don't -- I'm not getting

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that clear support that make our life easy. Because we put this as a question for the community to give us some guidance and, also, I'm kind of concerned that in the [indiscernible] organization they didn't express support for having diversity office. So we need the put on this elements on the table and see how we can find a solution. Thanks.

>> FIONA ASOGNA: Thank you very much Rafik. I can see [indiscernible] you have your hand up.

>> BERNARD TURCOTTE: Thank you Fiona. Yes, just quickly, a few points, I think originally when I put my hand up was to remind people that yes, this has to be approved by the chartering organizations, but maybe as an additional point, as I pointed out in the e-mail with the information, we are working to a timeline. If the recommendations are not agreed and in for the 9 March face-to-face meeting in Puerto Rico they cannot be included in the final report which will go out for public consultation.

Thank you.

>> FIONA ASOGNA: Thank you very much Bernard for bringing that to our attention. And so, we will make an effort to discuss the issues and prepare a -- look at the different input that has come in from public comments. Prepare [indiscernible] summaries of what each is about and [indiscernible] them on email. Try to get as much conversation and e-mail as possible. So we are able to move through and see if we can finalize the recommendations in good time.

That should be able to -- I think one of the most contentious issues we had in our document was the office of diversity. If we are able to flash back, we should be able to move much more faster through add recommendations.

And see if we can [indiscernible] in the next three or so meetings.

Is there anyone else with any other inputs on the conversation we have had on the passing of recommendation?

Okay, we are coming close to the end of the hour. And it's the next set of recommendations that we shall go to will be those that recommendation 1. So I'll ask staff if they can just kindly make an adjustment to the document so I can go comments on existing recommendations past. And then come back to the overall comments. And those on privacy, sign operations. Everything else. Let's -- if staff can be kind enough to address the document so after the office of diversity, if you can move up the recommendation 1, input. 2, 3, 4, 5, 6, 7, 8.

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Then France actually spoke out on our recommendations and share a common ground can look at other additional recommendation. And it's, I think that was [indiscernible]

Go to our recommendation as a priority and look at all of the other comments. And until see how they add into the recommendations.

With your permission I think that should be okay?

Then the document, is this the recommendation of the document that needs to be changed in the [indiscernible] I suggest we read through those comments. Please take time, read through the comments that you can have some, just have a conversation around how we move forward with the various views for each of the recommendations.

So, next meeting we will, from this meeting, next meeting, from this meeting we have a task to prepare document on the office of diversity which draft something a email that should be able to assist everyone see what the different options are on the office of diversity. This is mainly the process of insuring we are all on the same page. Can we have the conversation, we are clear on where we come from and what we have received. And you can decide on how we move forward.

Then we will begin with the actual recommendations from recommend 1, 2 and [indiscernible] and Kim please reviewing the documents and thus rearranging we start off with the main recommendation, 1 to 8 and then come back to discuss all the other proposals that are coming to.

We can put that be able to monopolize to be better organized in [indiscernible] so considering the amount of time left but 6 minutes that doesn't give us enough time to move to the next [indiscernible] on the public comments. So I'm going to go over the next item which is AOB and invite staff and anyone else that is something to share, please do so.

And I think for AOB, they have Brenda and for anyone else.

Thanks Bernard. Bernard says he will repost the revised document today. Thank you very much for that.

And there is no other comments, I'll check with [indiscernible] all of you for being available for giving your input. And in the discussion we have had. And seeing you and all of the other members of this. And the next call. So thank you and next call is set for 25th of January. 1300 UTC. So see you, bye and thank you very much.

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