

**Adobe Connect Chat Transcript**  
**CCWG Accountability WS2 Face to Face Plenary at ICANN62-Panama**  
**24 June 2018**

Jessica Castillo: (6/24/2018 08:13) Hello and welcome to the CCWG – Accountability WS2 Face to Face Plenary at ICANN 62. My Name is Jessica Castillo and I will be monitoring the chat room for this session.

Jessica Castillo: (08:16) This meeting is recorded. Kindly mute your mic when not speaking. Also, please state your name for the transcript when you do speak. Thank you!

Jessica Castillo: (08:23) Please note, for remote participants, the Adobe Room will not have microphones enabled. Open lines will be available by dialing in to the phone bridge, see calendar invite for phone details, please.

Bernard Turcotte: (08:28) hello all

Gordon Chillcott: (08:28) Morning, Bernard.

Michael Karanicolas: (08:34) Hello - could I get a dial-out, please,

Jessica Castillo: (08:35) Hi Michael, yes will dial out to you

Griffin Barnett: (08:38) Should I be hearing audio yet in the AC room or not yet?

Jessica Castillo: (08:39) Hi Griffin, no audio yet. We will begin the meeting shortly. Thank you.

Griffin Barnett: (08:40) ok thanks

Kavouss Arasteh: (08:44) Good Mioring Bernie

Niels ten Oever 2: (08:44) can I get a callout

Kavouss Arasteh: (08:44) Good morning co-chairs

Kavouss Arasteh: (08:44) Good morning to asll

Kavouss Arasteh: (08:45) All

Jordan Carter: (08:45) hi everyone

Jessica Castillo: (08:45) Hi Niels, yes dialing out to you. Thank you.

Niels ten Oever 2: (08:45) Thank you!

Niels ten Oever 2: (08:46) (and hello everybody!)

Jessica Castillo: (08:47) Hello again and welcome all. The meeting will begin shortly, thank you for your patience.

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (08:52) Hi all

Kavouss Arasteh: (08:55) There may bde no need to have continued having meeting expect t  
gthose relayting to IOT /IRP

Jessica Castillo: (09:02) Currently on agenda item: Current Status

Sebastien (ALAC): (09:13) Where we can find the current agenda for the meeting?

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (09:15) Implementation guidance does  
of course allow for some issues to be returned to a reconvened CCWG if needs be, though I trust  
this is an unlikely thing the process does allow for this...

Jessica Castillo: (09:16) @ Sebastien, I'll add the agenda/schedule to the notes pod

Sebastien (ALAC): (09:16) Thanks @Jessica

Sebastien (ALAC): (09:18) @co-chairs I would like to discuss the comments review, tell me  
when it is the best time?

Kavouss Arasteh: (09:18) I believe that gthe activitiessd on Implementation Guidelines needs to  
be continued as we need to carefully discuss those and agreed upon. Moreover, there may be more  
guidelines needed for othefr FRecommendations

Kavouss Arasteh: (09:19) correction :Other Recommendations

Lori Schulman: (09:20) "3 Amigos Co-Chair" - May I negotiate for the movie rights? or at  
least an online game?

Jordan Carter: (09:20) Kavouss, do you know of any where you think this guidance is needed  
right now?

Kavouss Arasteh: (09:20) Not yet

Jordan Carter: (09:21) Our view so far has been that now, all that is needed is some  
explanations for the issues the Board has raised. As implementaiton continues through the next  
months and years, other topics will come up with a need for some guidance. That is why we  
agreed the WS2 Cochairs and rapporteurs being available to help with implementaiton advice  
requests if issues come up in future

Kavouss Arasteh: (09:22) But after the opoinion of Chafrtering Organisationsx are knoswn  
asswell as after we hear from the Board comments or concerns about other 96  
Recommendations we may need to consider the need to have ogether Implementagtion  
Guideliones

Jorge Cancio (GAC Switzerland): (09:30) Question: are we not taking for granted that chartering orgs will approve everything? Shouldn't there be provision for the case where one or more chartering orgs ask for modifications/additions whatever?

Jorge Cancio (GAC Switzerland): (09:31) + could the slides be circulated onlist?

Jessica Castillo: (09:34) @Jorge I will try to circulate the slides shortly

Kavouss Arasteh: (09:35) I have a general comments about Implementation Guidelines which may be needed for some or several recommendation once they are commented by the Board or being implemented

Kavouss Arasteh: (09:40) Co-Chair, Do you intend to convert this last face-to-face Plenary to reconsider the report

Kavouss Arasteh: (09:42) The bullet in Square Bracket said at the request of the Board,,Does it include a request with cause or without cause?

Kavouss Arasteh: (09:44) Co-Chair, Do you intend to convert this last face-to-face Plenary to reconsider the report

Jessica Castillo: (09:46) Presentation slides are now posted

here: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_DgGfB&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=aazKI-0GYhugOz8F0w346ueepeTf6fOrCio0eXkereo&s=WDoAusNdsL5wuSI\\_TJSXsBD\\_11HbAmHZBMqJqb0-w\\_g&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_DgGfB&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=aazKI-0GYhugOz8F0w346ueepeTf6fOrCio0eXkereo&s=WDoAusNdsL5wuSI_TJSXsBD_11HbAmHZBMqJqb0-w_g&e=)

Kavouss Arasteh: (09:46) Recommends to the Board to fire, with or without cause ?

Jordan Carter: (09:46) the "for cause" is in the recommendations

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (09:46) only \*with\* cause

Jordan Carter: (09:46) the implementation advice suggested was to add "only at the Board's request"

Kavouss Arasteh: (09:50) I am hearing new criteria to act on this matter. Whether we wish to pursue that discussion or not, there is a need to maintain a balance between the authority of the Board and scope of recommendation to fire ....

Kavouss Arasteh: (09:50) I disagree that the Board chairing the Panel

Kavouss Arasteh: (09:51) Some sort of separation of authority and power are needed

Kavouss Arasteh: (09:53) The lanmguage should be thast the Panel recommands the Bioard to considefr the firing of the Ombouds

Malcolm Hutty: (09:54) How about if this were not "fire for cause" but a statement that "the community has lost confidence in"? Wouldn;t that resolve the legal concern?

Steve DelBianco: (09:54) Maybe there is an issue over the phrase "for cause". Any legal minds respond to that?

Lori Schulman: (09:56) "Cause" opens the door for interpretation. I tend to agree with Cheryl that there are enough safeguards that we can remove the language.

Lori Schulman: (09:56) There are common law interpretations of cause in California. There may be statutory ones as well.

Lori Schulman: (09:57) I am a Virginia licensed attorney. Not California.

Lori Schulman: (09:57) California law is very specific on employment issues.

Lori Schulman: (09:57) And I am sure cause is well litigated.

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (09:57) I would think so...

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (09:59) a "clear quotent" of ICANN experience in the Ombuds Panel is essential... AND I am happy to go into greater detail of the process for 'enpannelling" as an Implementation exercise, a transparent one of course!

Malcolm Hutty: (10:00) I took myself out of the queue because I was persuaded by Kavouss' criticism of my suggestion

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (10:00) Agree Laori balance is essential and this is I believe covered in the priposed text...

Jordan Carter: (10:01) the requirement for cause in removing an Ombuds is essential, because wtihout cause is open and problematic. We don't want to reduce independence in that way, I don't think.

David McAuley (RySG): (10:03) Bylaw 5.1 says board can dismiss Ombuds on three fourths vote - no mention of cause

Jordan Carter: (10:03) IF anyone is looking for the combined set of recommendations; [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.icann.org\\_en\\_system\\_files\\_files\\_ccwg-2Dacct-2Dws2-2Dfinal-2D27mar18-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=aazKI-](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_en_system_files_files_ccwg-2Dacct-2Dws2-2Dfinal-2D27mar18-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=aazKI-)

[0GYhugOz8F0w346ueepeTf6fOrCio0eXkereo&s=MRlx46UnuPN5p8nhvun1FwhcoPx1Ki2kfq  
b4bRND3cI&e=](https://www.ietf.org/proceedings/80/slides/slides_80_1000.html)

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (10:04) Tjani I believe that is \*exactly what we are all focussed on\*

Lori Schulman: (10:04) The inclusion of "cause" raises the bar of accountability and its appropriate.

David McAuley (RySG): (10:05) I agree that cause would be an important element of any panel recommendation

Lori Schulman: (10:05) "At Will" is much more dangerous because it could make the ombuds feel more bound to the Board.

Lori Schulman: (10:06) Jordan - thanks for clarifying the recommendation re: clause.

Lori Schulman: (10:06) "cause"

Steve DelBianco: (10:08) the approved recommendation is: 5.8.1. Made up of 5 members to act as advisers, supporters, wise counsel for the Ombuds and should be made up of a minimum of at least 2 members with ombudsman experience and the remainder with extensive ICANN experience. 5.8.2. The Panel should be responsible for: 5.8.2.1. Contribute to the selection process for new Ombuds which would meet the various requirements of the Board and community including diversity. 5.8.2.2. Recommending candidates for the position of Ombuds to the Board. 5.8.2.3. 5.8.2.4. 5.8.2.5. 5.8.2.6. Recommending terms of probation to the Board for new Ombuds. Recommend to the Board firing an Ombuds for cause.

Kavouss Arasteh: (10:09) I suggest the following: The Panel recommends the Board to consider firing an ombuds for cause and take necessary action(s), as appropriate

Steve DelBianco: (10:11) new ICANN bylaws describe WS2, but do NOT require us to seek public comment of amended recommendations, so long as the recommendations are "consensus-based recommendations from the CCWG-Accountability on Work Stream 2"

Jordan Carter: (10:11) OK thanks Steve

Lori Schulman: (10:12) Kavouss' proposed language seems to strike a good balance. However, it tends to think we could remove the language because the panel could certainly recommend anything.. why does it have to be memorialized if we agree that we are not binding the Board to act.

Jessica Castillo: (10:13) 10:12 – 11:00 (15:12 – 16:00 UTC) - Coffee break

Niels ten Oever 2: (10:14) 50 mins coffee break? Isn't that a bit long?

Niels ten Oever 2: (10:28) can I get a new call-out when the meeting starts again?

Jessica Castillo: (10:38) @Niels, yes will dial out to you at the top of the hour. Thanks.

Olga Cavalli: (10:49) Hi, I am in the GAC capacity building workshop where I must do a presentation but following remotely.

Jessica Castillo: (10:50) @Olga, thank you, we will be starting again shortly.

Bill Jouris: (10:50) Loudness is fine remotely

Jessica Castillo: (11:02) Hello all, we're now resuming. Thank you.

Steve DelBianco: (11:10) so we are only changing the channel via which the Panel could recommend firing. Clever change

Steve DelBianco: (11:12) Does independence mean, Independence from the AC/SOs? or does it mean Independence from the Board?

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (11:17) That is how I see it Steve... (thus my I can live with this approach)

Steve DelBianco: (11:18) "work" was in the approved recommendations, Kavouss

Steve DelBianco: (11:21) No objection. Good compromise.

Steve DelBianco: (11:21) Do we know that the Board will support this?

Kavouss Arasteh: (11:21) I also suggested to replace "Significant" by " necessary" or \* sufficient""

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (11:21) No objections

Alan Greenberg: (11:21) Does anyone know I have a microphone beside my name??

Jordan Carter: (11:22) @Alan, you could mute yourself on your meeting room

Kavouss Arasteh: (11:22) what about my suggestion

Steve DelBianco: (11:22) Alan -- raise your hand instead of posting a microphone

Jordan Carter: (11:22) I will make a copy of this advice document that tracks changes arising from this latest conversation

Steve DelBianco: (11:23) @Kavouss -- the entire phrase that includes work is in parentheses, and indicates it refers to the original recommendation.

Kavouss Arasteh: (11:23) Jordan, pls kindly reply to my suggestion about replacement of significant by ....

Alan Greenberg: (11:24) Interesting. I muted my speakers in AC and mic went away. But no relation between two! Unmute and mic did not come back.

Alan Greenberg: (11:24) (My speakers were physically muted along)

Kavouss Arasteh: (11:25) signioficvant is too strong and subjective. There may nbe little chance to fulfill that criteria

David McAuley (RySG): (11:26) I agree with Thomas

Steve DelBianco: (11:27) @Kavouss, the original recommendation said "extensive ICANN experience."

Steve DelBianco: (11:28) so let's echo that same word in the implementation guidance

Kavouss Arasteh: (11:29) Please kindly reply to and consider my comments

Kavouss Arasteh: (11:31) correction:consider

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (11:32) All good from my point of view on 5.2.1 thanks for the clarification

Kavouss Arasteh: (11:37) What is the basis and ratiobnal to set 500,000 US dollar as a limiut?

Kavouss Arasteh: (11:37) Sorry ,correctzion : Limit

Michael Karanicolas: (11:39) Back now

Kavouss Arasteh: (11:39) Pls provide justificatkion to set the limitz

Michael Karanicolas: (11:39) Briefly though -bad internet

Michael Karanicolas: (11:39) calling in

Michael Karanicolas: (11:40) I'm on the phone line - please connect me in

Robin Gross: (11:41) \$500,000 seems to high to me

Kavouss Arasteh: (11:43) I understand tghat the limit of 500,000 could be changed in futrure once necessary experience was gained, pls confirm that uunderstanding

Kavouss Arasteh: (11:44) The limit should hasve a relation between the full amount of ICANN Budget

Finn Petersen: (11:46) agree with a limit of 100.000\$

Kavouss Arasteh: (11:46) Perrhaps we shoukld put 500,000 as a higher limit and examine a lower level say 250,000 US Dolklars

Kavouss Arasteh: (11:49) CO-Chair, is this limit based on the current experience ion THE ICANN contracts currently operatin g

Kavouss Arasteh: (11:51) Should we maintain the 500,000 ,perhaps we need to suggest that that limit be reviewed periodically

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (11:51) Thanks for your suggestions Steve...

Steve DelBianco: (11:51) I just described how we (the community) can do that, Kavouss

Michael Karanicolas: (11:51) Still here - thanks Steve, but won't be able to stay around until after lunch

Kavouss Arasteh: (11:53) Sorry, the review is already included but should it be done by future ATRT

Steve DelBianco: (11:57) The Imp Guideline I suggested was "In scoping future ATRTs, SO/ACs should consider if the information provided in the above Register meets their requirements. Should they feel the need for improvements they should request the review consider this."

Lori Schulman: (11:59) Agree with Jay about monetary level.

Lori Schulman: (12:02) Excellent Point by Robin.

Steve DelBianco: (12:02) The threshold applies to annual spending with any vendor. It is NOT a contract amount.

Jessica Castillo: (12:03) 12:00 – 13:00 (17:00 – 18:00 UTC) - Lunch Break

Jordan Carter: (12:03) The google doc on ICANN ombuds [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_docs.google.com\\_document\\_d\\_1OVTbu1wHBNIMJM4sBW3qCUrfcXvr7vUCZG37QPIBFFE\\_edit&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=aazKI-0GYhugOz8F0w346ueepeTf6fOrCio0eXkereo&s=6Hi0eF3V\\_Lk-ssgSTBiiowIPMV5dqdx4sqe6Tv5EGuI&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1OVTbu1wHBNIMJM4sBW3qCUrfcXvr7vUCZG37QPIBFFE_edit&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=aazKI-0GYhugOz8F0w346ueepeTf6fOrCio0eXkereo&s=6Hi0eF3V_Lk-ssgSTBiiowIPMV5dqdx4sqe6Tv5EGuI&e=)

Lori Schulman: (12:03) Knowing volume of high value could be helpful.

Lori Schulman: (12:03) Understand Steve about volume not individual contract amounts...understand we are discussing the aggregate.

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (12:04) indeed Lori data driven decisions would be lovely!

Jessica Castillo: (12:57) We'll be resuming in 5 minutes. Thank you.



Jessica Castillo: (13:04) Resuming discussion now.

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (13:06) I support both those revisions

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (13:10) I think that makes good sense  
Steve.... goes bck to using data to make decisions

David McAuley (RySG): (13:11) I also support Steve's idea

Jay Daley: (13:17) Asking for external standards specifically for "private sector" is clearly  
dodging the issue of standards

Steve DelBianco: (13:17) Nobody has cited a "standard" threshold that applies to non-  
governmental organizations

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (13:20) Agreed Thomas

Steve DelBianco: (13:24) note that Michael's email says "therecommendation does not call for  
disclosure of the substance of materials provided to governments beyond their general theme"

Steve DelBianco: (13:36) I suggested one sentence: "The above discussion of DIDP policies is  
by way of explanation, and does not expand the application of this policy to other ICANN  
activities"

Kavouss Arasteh: (13:36) Thonmas ,pls statde the Steve suggestion

Malcolm Hutty: (13:37) "24/2018 19:36) ----- Steve DelBianco: I  
suggested one sentence: "The above discussion of DIDP policies is by way of explanation, and  
does not expand the application of this policy"

Steve DelBianco: (13:39) Bob the Builder has left the room ....

Steve DelBianco: (13:40) We are glad he showed up this morning!

Greg Shatan: (13:40) Now we know why the ICANN infographic on the multistakeholder  
process uses little guys in hard hats....

Sebastien (Alac): (13:41) AOB: Next steps for WS2 (or a full topic?)

David McAuley (RySG): (13:42) Thanks Bernie, good point

Jordan Carter: (13:43) yep next steps is the next section, Sebastian

Jordan Carter: (13:43) Sebastien, pardon my typing!!

Jorge Cancio (GAC Switzerland): (13:48) I doubt the GAC could sign off all recommendations  
in Panama...

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (13:49) I suspect all ACSO's would be in  
a similar situation

Robin Gross: (13:50) I'm also doubtful that NCSG-GNSO would be able to pass it this week - but we are close!

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (13:50) But a small slide deck of "the changes" will still be an important aid to brief these Committees/Councils

Robin Gross: (13:50) agree, CLO

Jorge Cancio (GAC Switzerland): (13:51) agree with Sebastien

Kavouss Arasteh: (13:54) There nmay be beneficial to just present them with suffiucient edxplanatory noter andc ask them to review that but NOT asking thider response

Steve DelBianco: (13:58) @Robin -- GNSO Council is preoccupied with GDPR this week, but might welcome a non-GDPR topic. Still, they may not vote on anything not already noticed in the Council agenda

FIONA ASONGA: (14:00) +1 Cheryl

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (14:06) Agree with the "no later than ICANN63" request

Jordan Carter: (14:07) so do we get this group's existence extended?

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (14:07) Thomas noce offer but I doubt any AC/SO has mush if any flexibility in our Agendas...

Jorge Cancio (GAC Switzerland): (14:09) CLO typing at light-speed?

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (14:10) Sadly Jorge though for me typos are not uncommon ;-)

Jorge Cancio (GAC Switzerland): (14:13) I prefer straw cat

Greg Shatan: (14:14) Straw Dogs was a 1971 film directed by Sam Peckinpah, known both as a psychological thriller/action film and one of the most violent films of its time.

Greg Shatan: (14:15) I hope that is not the analogy we are looking for....

Jorge Cancio (GAC Switzerland): (14:16) or the wild bunch...

Jordan Carter: (14:17) straw unicorn

Jorge Cancio (GAC Switzerland): (14:17) definitely a learnin experience :-)

Jessica Castillo: (14:18) Meeting is now adjourned. Thank you for your participation.

Cheryl Langdon-Orr (CLO - APAC ALAC Member): (14:19) WELL DONE!