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CCWG ACCT PLENARY MEETING
Wednesday, February 7, 2018– 5:00-6:00 UTC

>> Recording has started.

>> Thanks very much. Good morning, good afternoon, good evening. This is Thomas Rickert, one of the cochairs of the CCWG and I would like to welcome all of you to the 26th meeting of the CCWG accountability plenary on February 7 at 5UTC. Now let me ask as usual if there are any updates to statements of interest. I don't see anything in the chat nor do I see any hands. Then we're going to talk the roll call from the adobe as usual. So, let me ask whether there are any attendees of this meeting that are just on the audio bridge and not in adobe.

>> Steve, audio only.

Thomas Rickert>> Thanks very much. We add you to the list of attendees.

>> Jordan Carter audio only. Just coming into the room now.

Thomas Rickert>> Great. Hi, Jordan. Anyone else? That doesn't seem to be the case, then as usual I would like to remind you of the standards of behavior that we apply to these meetings. Which I'm sure all of you have read and taken good note of. Which allows us to go to the next agenda item and that's the review of the agenda. So, the agenda has been circulated by the Secretariat. So, let me check whether there are any requests for changes or additions to the agenda. I am just seeing in the chat that Barrack is also audio only, so we will add you to the list as well. There doesn't seem to be requests for changes to the agenda or comments on the agenda which allow us to move to the third agenda item and that's managed by Tijani. Tijani, over to you.

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Tijani Ben Jemaa: >> Thank you very much Thomas. Good morning, good afternoon, good evening everyone. So, the third agenda item is administration and we will start by 3.1 which is an update on the budget. And I will ask Bernie to take this point.

Bernard Turcott: >> Thank you very much Tijani. Really, not much to go over. This is the same document that was distributed and is on the Wiki from the cross community working group budget. As you can see we're about 5 percent of our spend. So, we're doing great. And on the ICANN support we're about at 23 percent. So, ICANN finance is happy. We're doing our work without spending excessive amounts of money. Of course, the big thing is we haven't been using legal services and I'm not going to stretch this out any further. We're doing well. But I'll be happy to take questions if there are any.

>> Any comment? I don't see any hands. So, we can go to the item number 3.2 which is ICANN 61. ICANN 61 face to face plenary will be as we know in Puerto Rico on Friday 9, March from 8:30 to 17:00 local time which is 12:30 21:00UTC. The ICANN legal may wish to add to our plenary in the last hour of this plenary to speak about the selection of the IRP panel. As you know the IRP standing panel will be selected with the community. The community will have a role in the selection. And I think this is why the ICANN legal will wish to perhaps address us about this. Any comment on that? Otherwise we'll go to 3.3. Okay. 3.3 Bernie, speak about ICANN 62.

>> Thank you Tijani. ICANN 62, we're going to Panama now that we seem to have gotten over the Zika issue and that will be 25 28, June 2018. The cochairs are recommending we hold the usual preconference face to face on Sunday 24 June and of course as we usual do we ask for any objections from the plenary to doing what we usually do. Also, I'll stop for a moment to see if there are any objections. Not seeing any, we'll continue on. The cochairs recommend we use the standard participant funding system that we

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have been using since work stream 1. I think it's fairly well stream lined, everyone understands it, understands how it works and again will require if there are any objections to the standard system. So, I'll wait here to see if there are any. Not seeing any, I'll take that as confirmed. Just a quick reminder if there's anyone who is unfamiliar with the funding rules, you'll have to be an SO or AC nominated member or a cochair or a rapporteur. That's it. There are no other groups that are allowed to be funded, because our funding is very limited. Confirmation of travel funding dates as usual we need to be prepared very well in advance to meet the ICANN requirements. We will begin accepting applications Monday 19, February at 00:01 leading into the start of Monday, we'll close applications on Monday 19 March at 23:59. So basically, we're giving it 1 month, which is pretty much our standard delay. And we have to submit our final list to ICANN on Monday 27 March. As usual, successful applicants will be posted on our website. That's it for me. I'll be glad to take any questions on ICANN 62.

>> So if there is no question about ICANN 62, we can go to the agenda item number 3.4, review of schedule to ICANN 62. And I think they will take us through the time line of ICANN 62.

>> Thank you Tijani. Hello, everyone, this is Natalie. So, I will walk you through the detailed time line to The Finish Line and I want to do that backwards. So, starting from the bottom right looking at the face to face meeting in Panama City on June 24th and giving ourselves about a month to work on final revisions to the report means the public comment period needs to end on May 24 with a public comment period of 42 days, it means that we need to start our public comment period no later than mid-April. So, we put we scheduled a plenary session towards the end of March for second reading of the final report. And which means with ICANN meeting in March, we don't really have to allow people to go to the meeting and travel back. There's not much time for any other

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plenary meeting before the between the face to face meeting of the ninth and the end of March. So, it means that the first reading of the final report would need to take place at the face to face meeting in Puerto Rico on March 9. Now, if we look up at the subgroup recommendations, as you know we had to extend the public comment period till mid January, which means that we lost a few days there towards the beginning of January to work on the analysis of those public comments. So, it's going to be a bit of a rush to work on these revisions. As you can see the time line is really, really tight. We do need to finalize the subgroup recommendations to produce the final report. And so, there's really no way around the fact that we need to do our first reading of the final subgroup recommendations at the face to face meeting in Puerto Rico on March 9 with one week period to allow people to review documents. It means that the subgroups need to finalize their recommendations at the latest on March 2. We have scheduled 3 plenary sessions between now and the face to face meeting to allow as much communication as possible to make sure that we make this time line and I just want to encourage everybody to participate in the subgroup discussions so that we can move through the revision of the final recommendations as quickly as possible. And with that, I will open the floor for questions.

>> Any comments? I don't see any. Okay. Sebastien.

>> Hello, can you hear me okay? Sebastien speaking.

>> I hear you.

>> Thank you Tijani. Just one question. It seems that we plan to have the first reading for both the last version of the subgroup report and the first full document, is that a good understanding or there's differences between what we want to do with the subgroup and what we want to do with the final full report? Thank you.

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>> You have the right reading Sebastien. We now don't have any more room and we need to do things in parallel. So, we don't really have another option but to do that.

>> Okay. Any other questions? Comments? Okay. If there are no other questions I will give the floor to Jordan for the next agenda item.

>> Hi, can you hear me?

>> Yes.

>> Okay. Thanks. Hi it's Jordan Carter here, one of the 3 cochairs. This agenda item might be quite brief or might not. A very quick update from each of the subgroups working on analyzing public comments and considering any changes to their recommendations. And we'll go through them in the order that it's listed on the screen. There are any of the rapporteurs from the diversity subgroup on the call? If not no I don't think they are. Is that a group that staff can provide a brief report back for us on? Or Cheryl is on. Cheryl you're one of those rapporteurs as well. Are you not?

>> No

>> No I'm not a rapporteur like several others. Just a follower.

>> Okay. Who could give us an update on the work of that group?

>> I'm happy to give a go at that, however, it's Cheryl for the record. I'm just not one of the co rapporteurs.

>> Okay, why don't you do that for us.

>> Okay, thanks. Cheryl for the record here. I don't want to be mislabeled. Sebastien is also on the call and is one of our regulars, unfortunately Julie Hammer, I don't think she's

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missed any of the diversity calls, I could be wrong is an apology for today. So, either of us could have brought us up to speed. We're going through perhaps a little slower than we would like to see. The public comments at the moment. And to that end we mainly need to increase the duration on our weekly meetings if need be to meet the deadlines. But, I don't see for us being able to do so, particularly with the recent discussion on how we can move forward in line of paying attention now to the comments that have a criticism or concern. And in fact, if you analyze any of the public comments with criticism and concern if you remember them, recommendations from the diversity subgroup, they are clustered around one or two issues and so we should be able to polish it up in fair time. Bernie, have I misinterpreted it?

>> Stellar job, as usual.

>> There you go, Jordan. Thanks.

>> Great. Thank you very much Cheryl. Are there any questions for Cheryl about that? If anyone has any questions that they remember as we go they can ask certainly under this agenda item. Jurisdiction is our next group. I see Greg is on the call who is the rapporteur for that group. Greg, could you take us through a quick update on the proceedings of the group? If you are doing that, we can't hear you. Which might involve muting issues. Greg needs to fix audio. Ahh, we can hear you. Greg, please go ahead.

>> Sorry Jordan, this is Bernie. I was suggesting maybe we can go to Ombudsman.

>> Yes, okay. Sorry, I misrecognized the voice. I apologize to everyone for this horrible omission. 4.3 is Ombudsman. Sebastien you're on the call. Are you able to give us an update on dealing with that group and working with the public comment?

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>> Yes, thank you very much Jordan, Sebastien speaking. Thank you for the you want to give you an update. We have complete our first reading of all the comments and the answer that the group is willing to make, we will have 12 of February our second reading of our answer. And first reading of any changes that we may suggest in the report of the subgroup. Therefore, I think we will be able to deliver the draft, revised draft at the latest the 21 of February. Maybe with some rush, we may be able to give it to the group the 14 of February but I'm not yet completely sure about that. I would like to raise a few points. The first one, as you have already seen that we're asking for participation and I would like to add you to participate in all the subgroups. There's still work to do because [Indiscernible]. Second, I have the impression that the main issue will be to deal with the [Indiscernible] so things will be left specifically discussion and maybe the meeting will be a good time and my comment is that it seems they are asking us as a subgroup and as a full group to talk about budget. And I don't think that it's the duty neither from our subgroups and from plenary, it's something we must deal with during the implementation phase. But if I am wrong on this last point I will be happy to [Indiscernible] do such work in the subgroup. Thank you very much. I hope it's useful for everybody.

>> Thank you for that Sebastien, Jordan here again. And, yeah, in terms of those comments and in terms of the finance and implementation and stuff I think that Thomas will make a few remarks about that in the next agenda item. Are there any questions for Sebastien on his update? No? It was fairly quiet but it's early in the morning where Seb is I think. So that may be part of the issue. Can we come back to the jurisdiction item? Greg, is your audio working? Do we have a Greg? We might not actually have a Greg. He's not on the list. There he is. Greg may have appeared. Greg, how are you going? Can we hear you now? It turns out that we cannot.

>> Okay, can you hear me now?

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>> Yes. Now we can hear you. Hi, Greg, please go ahead.

>> Okay. After I solved the audio problems I got kicked out of the Adobe connect room. In any case I'll report where we stand with jurisdiction. We've had a first read through of all the comments and have started a second read through in which we're looking to see if there are any comments that might result in changes to our draft report. There have been

[audio stopped]

several suggestions on the list. And that's about the size of it. If there are any questions just let me know.

>> Are there any questions for Greg on that update? Any questions about the work of jurisdiction subgroup? No? That's a no hands up as well. So, thank you, Greg, for the update. I can give a brief update on the staff accountability group. The group has done a couple of calls to analyze the comments that have come in and is working on formulating some revised recommendations. A couple of the calls have not reached the quorum requirement recently, so we're going to have to move possibly to a plenary process to approve any changes once the group has worked through that on email. But I think currently we're going to be on track for the deadline involved. Bernie, do you want to add anything to that brief on staff accountability?

>> Yeah, unfortunate we're having to cancel calls due to lack of participation. But, I think there's as David pointed out we've been at this for a really long time and I think the fatigue is sitting in. But that said staff has talked with Jordan and Aubrey and we have a plan to go forward and I think we'll be meeting the deadline to have some staff accountability recommendations. Thank you.

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>> And thanks, Bernie. Are there any questions on this update? There are none. I guess I would urge you all to the extent you have the stamina and Sanity, tolerance and time to carry on with your participation in these groups. We do need you the next few weeks. I know there's a lot of subgroup calls, but your participation would be warmly encouraged in any or all groups. And that unless there are any other questions or any questions, I think we can pass back over to the next cochair who is having part of the agenda for this meeting and that is Thomas who is going to speak with us on item 5 which is about final report. So, Thomas, let me hand the floor over to you.

>> Thanks very much Jordan. Yeah, let's talk a little bit about the final report. And I will try to go through a couple points with you. But I would like to ask Bernie to add to that should I have missed anything. Now, we have two subtopics, the structure of the final report then the approach to presenting our recommendations. On the first point I think I can be brief. We were more less using the structure for work stream 2 as we did for work stream 1 and that means we're going to have a summary for all of the subgroup reports and then the full report of the sub teams will follow. And there's one specialty if you wish and that is jurisdiction sub team report will be a little bit longer because as we've discussed earlier we will add the transcript and additional materials from the extent of the discussions we had on this topic as promised to the wider community. And with respect to the summaries, the cochairs have discussed this a little bit earlier and we would like to suggest to the plenary that we engage the illustrators, again, in order to have visualizations of the outcome that we can use for presenting our findings to the community and the wider interested audience. Because, you know, the report might be quite complex. It might not be appropriate not everyone might be inclined to go through the report and read everything. So, since we are doing good on budget, we thought it would be a good idea to hire illustrators to have visualization of the processes and the

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recommendations that we're coming up with. So, let me open it up for objections or comments, briefly. So, if you have an issue with us moving forward and engaging the illustrators, let me know. And Farzaneh hinge we might have funds for cakes even if we do hire the illustrator. David says it's a good idea. David, your hand is raised. Go ahead.

>> Thank you, Thomas, it's David McAuley. I just wanted to say to underscore the fact I think that's a great idea if we have the budget to do it. Even though the groups have been somewhat small some of these are quite complex including transparency, some of the things that are going on in some of the other groups. So, I just think it would be a good idea because I'll use the transparency. It's a report that's quite lengthy. So, if there's some way to have some illustrations it might help the reader, I think it would be a great idea. So, Panama hats off to you guys for thinking of it. Thank you.

>> Thanks so much, David. And I see we have support in the chat. So, unless we hear violent objections to this plan we're going to move forward and take a first crack at it and hopefully we're going to have first draft for you guys to review in the very near future. And through the back channel I received confirmation from Bernie that I covered everything that needed to be covered on 5.1 which allows us to move to 5.2 and that's the approach to presenting the recommendations. And that is something that I guess we need to get clarity on as a CCWG plenary, but also, we need to make sure that the wider community gets clarity on how this is going to be done. So, presentation of the recommendations have two major aspects to it: One of which is the approval process which we have discussed at length and also presented it to the wider community. But still I think we need to put something into our report describing how we came up with the final recommendations. And that is that, you know, the community should be reminded that the same approval process as for work stream 1 is applicable that we have the approval by the CCWG accountability then by the charter organizations then by the board, that the

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board can only turn down recommendations if it believes that it's not in the global public interest to implement the recommendation and that a dialogue would follow in that case and that there's a 2/3 majority requirement on the board to determine that implementing a recommendation that we came up with is not in the global public interest. So, in a sense this mechanism resembled work stream 1 mechanism, but it doesn't go for granted. We think we need to put something into our report that describes this process. And I think it also describes quite nicely why, you know, we had to work we had to finalize our sub team's report almost, you know, more than half a year before the overall project is done. So, this approval process is complex and taking quite some time. So, I guess this part, you know, is more to explain what we're doing. What's somewhat new is how we implement or how the work stream 2 recommendations are being implemented. And I guess in that regard, we have to make sure that we manage the expectations of the community wisely, because there are concerns how this can be done and the process, what it would be. We discussed this earlier amongst the cochairs and we would like to share with you briefly how we see this, hear your comments and then we consider to issue a blog post as soon as we can to inform the community about the implementation process for work stream 2. So, you know, if you listen to what I have to say now keep an eye or listen closely whether you think that's something we should share via cochair blog post. We used that form of blog post in the past multiple times and maybe it's a good idea to do that prior to Puerto Rico so that the content of the blog post can then be used as a topic to discuss with the community as well. Now, the situation in work stream 2 is somewhat different from the work stream 1 recommendation because the U.S. government at the time has established the requirement for ICANN to implement the changes for those aspects that are directly related to the position and as Bernie mentioned earlier when we discussed the budget, you know, the primary cost driving factor was legal advice we got. Now in work stream 2 there are not the same constraint

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as in work stream 1. So, we don't have a fixed deadline for having the work stream 2 recommendations implemented. And therefore, we think what needs to be done is we come up with the final recommendations and then it is up for the board primarily to discuss with the community on how these can be implemented over time. Many of the recommendations that we've come up with and I guess that the jurisdiction example is a perfect one with the menu option that asks ICANN to consider certain points but that doesn't prescribe exactly how things are going to be implemented. You know, that's something that takes some more time and deliberation and maybe the community wishes to set priorities differently than our report might suggest, there might be considerations of proportionality depending on the cost associated with implementation. And talking about costs, what's sort of different between work stream 1 and work stream 2 is also the fact that in work stream 1 we had to get things done before a certain deadline or within a certain time frame no matter what the costs were. And there has been some criticism that the costs were not managed wisely, that this whole project was too expensive and therefore we have deployed new financial monitoring systems and all our actions would require cost estimates. And this is something that the work stream can't offer. So what we're suggesting is to put these points into the communication with the community to make clear that we're coming up with the policy recommendations but that the implementation part is something that needs to be taken care of subsequently and that this requires a dialogue with the community and that we are going to install something like implementation oversight to make sure that the work stream 2 recommendations are implemented in the spirit of recommendations, but we will not go further. So, that the community is clear that there's no specific time frame within which all of our recommendations will for sure be implemented. That might stretch over a period of time. So, I think I should pause here and see whether there are any comments from your side.

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I see David is commenting that this makes good sense. Thanks, so much David for that comment. Any further views? Over to you Sebastien.

>> Thank you Thomas, Sebastien speaking. Yeah, I have the first one is I am happy that we don't deal with the finance until later in the process and that's an important point. The second I would like your confirmation and maybe the confirmation of the full group that we try to do everything not to [Indiscernible] changes because one of the points in our subgroup on ombuds is that in reality we may have changed the by law. So, as we heard the cochair asking us not to make changes and to try to work around that and it will need full agreement of the board. Therefore, it's why I raise the issue of dealing with the comments and I would say in a special manner because they are commencing but they will be the ones who will decide for the implementation. And I think giving no delay or no time line could get be a delay for some of the recommendations and I don't think it will be fair for the community. Therefore, I would like to find I would say an agreement with the board on how we will deal with all of that. Thank you.

>> That's a good point. Let's try to claim this. I guess we can't ask for specific period of time within which things have to be implemented because as I tried to explain earlier, you know, cost implications are huge and there might be prioritization and timing requirements to be observed here. But maybe we can ask for let's say a kick off, scoping exercise or something comparable to be conducted in the very near future so that the process at least gets started. David your hand is raised. David, over to you.

>> Thank you Thomas it's David McAuley again for the record. I agree with Sebastian, we should avoid language that's trying to direct Bylaws changes. But I also would want to go a little further and say these subgroups and I know that also in the IRP group we're looking at the Bylaws in some respects fairly intensively and these are new, mammoth by

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laws so we're jumping into them in detail so it seems if a group along the way comes up with a suggestion that the board may want to consider a bylaw change that might be well worth stating in the report in the nature of saying, oh by the way here are certain complications we see with respect to by law number X and you may want to consider making a revision. I just think because we're sort of the pioneers jumping into the details of the Bylaws that might be a good idea. Thanks very much.

>> Thanks very much, David. That's a good point. Any further comments? Jordan.

>> I just put my comments into the chat. Basically, saying on the broader implementation task these proposals have been stable for a while and N the work stream 2 reports. I expect the organization could present a proposed implementation approach either at the June meeting or at the very latest at the October meeting in Barcelona. We should expect nothing less. This isn't complicated stuff. The organization does need to commit to implementing it. This has capacity and ability to analyze the implementations and costs and coming back with something reasonable to the community. That's something the board and staff should be working on.

>> Okay, so we have this concrete proposal from Jordan that the board should come up with something by Panama? No. I hear what you're saying. So, thanks for all your comments. You want something more concrete and I would suggest that we just take the feedback, we can't really maim promises because it's not on us to decide what the board can do by the middle of this year. But I suggest that we try to test the waters and reach out to the board to at least agree on an initial step on how this can be operationalized. Are there any objections to issuing a blog post describing the implementation or the nature of implementation of the work stream 2 recommendations being somewhat different from work stream 1, so that the community expectations are managed properly? So, I don't

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see any objections but some support. Good. So, let's then proceed on that basis. Let me turn to Bernie, Bernie is there anything you would like to add to this?

>> Maybe just review what the process internally will look like once we finish our work. As you mentioned, Thomas, we will need to get SOA chartering organizations approval for this. Once that's finalized, it doesn't go straight to the board. We have to remember work stream 1 there was a lot of work going on in the background and in parallel which is not happening here. So, once these recommendations in our final report are put together and approved by the chartering organization, then ICANN will take this and have to start drafting, if you will, the first phase of an implementation plan, which will have to look at costing and prioritization and implementation issues. Because, that's what the board is going to want to look at to make a decision on these things. So, I think although Jordan is right, we've been at this for a while, there is some fair amount of homework to be done to be able to, if you will, have the reference sheet for our recommendations available for the board, so they can make an informed decision. And once they have that, then they will make that decision. And then we go into implementation mode. So that's a bit of the process that we're going through. And, as part of the implementation mode, I think that's where we're going to see some of the discussion from the community. Because, when the board approves something, they're going to say, well, we're not going to say when these things get done because we're going to have to work with the community as per the very well developed budget process that we have in ICANN and as Thomas mentioned earlier, there are some choices that are going to have to be made and it's not, I don't think ICANN sees themselves as the power that be that's going to make those decisions. I think there will have to be discussions with the community about where we put resources, when. Thank you.

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>> Thanks very much, Bernie. So, it says I think the board needs a deadline to decide on implementation having strict deadline in the past worked very well. I understand the comments that we got are going to the direction of getting something concrete on the table. I didn't hear any objection to us reaching out to the board and see how we can get this process started and we will then report back to this plenary. So, let's make this an action item for the cochairs to reach out to the board to start the discussion on the implementation. And I guess with that I said pretty much everything I wanted to convey. Thanks very much for listening and we will come up with a draft illustration, we will come up with draft blog post and we will also reach out to the board on the implementation. Thanks so much and for the next agenda item I will hand it back over.

>> Thank you very much, Thomas. Tijani speaking. So, now agenda item number 6. Any other business. Is there any other business? The next plenary will be Wednesday 14 February at 13:00UTC and the next one is Wednesday 21 February, 19:00UTC.

>> Tijani, we're having a great deal of trouble hearing you.

>> Any better?

>> Ahh, okay. You're back.

>> Okay. Thank you. So, did you hear me when I spoke about any other business?

>> Yes. But we did not really hear you for section 7.

>> Okay. So, item number 7, 7.1 the next plenary will be take place on Wednesday 14 February at 1300 UTC and then Wednesday 21, 1900UTC. I think we did everything. So, thank you very much for attending and for this productive plenary. Thank you for our staff and this plenary is adjourned.
