

CCWG ACCT Meeting #53 (15 September @ 06:00 UTC)

Attendees:

Members: Athina Fragkouli, Becky Burr, Cheryl Langdon-Orr, Fiona Asonga, Izumi Okutani, Jordan Carter, Jorge Villa, Julia Wolman, Leon Sanchez, Mathieu Weill, Par Brumark, Roelof Meijer, Sébastien Bachollet, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa (16)

Participants: Arun Sukumar, Avri Doria, Barrack Otieno, Chris Disspain, Chris LaHatte, Christopher Wilkinson, Davied McAuley, Farzaneh Badii, Finn Petersen, George Sadowski, Greg Shatan, Jorge Cancio, Keith Drazek, Malcolm Hutton, Mark Carvell, Paul Szyndler, Sabine Meyer, Tom Dale (18)

Legal Counsel: Edward McNicholas, Holly Gregory, Nancy McGlamery, Rosemary Fei

Staff: Alice Jansen, Bernie Turcotte, Brenda Brewer, Grace Abuhamad, Hillary Jett, Laena Rahim, Theresa Swinehart

Apologies: Nigel Roberts, Julie Hammer, Seun Ojediji, Eberhard Lisse, Anne Aikman-Scalèse

Please let Brenda know if your name has been left off the list (attendees or apologies).

Transcript

- [Transcript CCWG ACCT #53 _ 15 Sept 2015.docx](#)
- [Transcript CCWG ACCT #53 _ 15 Sept 2015.pdf](#)

Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p4k6b1xmplc/>
- The audio recording is available here: <http://audio.icann.org/gnso/gnso-ccwg-acct-15sep15-en.mp3>

Proposed Agenda

1. Welcome, Roll Call, Sol
2. Public comment on Second Draft Proposal - <http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/>
3. Update on Human Rights (WP4)
4. Draft agenda for our LA Face-to-Face meeting (25-26 September)
5. Update on Community forum (WP1)
6. Update on Bylaws drafting
7. AOB

Notes

F2F meeting

We have been offered 5 additional travel slots. We plan to reach out to leadership of Chartering Organizations.

Logistics will be easier if in LA. We will be submitting our proposal to Board and it makes sense to facilitate participation of Board members so that discussions can be expedited.

Objectives of meeting:

- continue the analysis of comments in sub-teams;
- work on finalizing our consensus recommendations;
- advance the documentation and writing up the rationale for our recommendation as well as;
- confirm the messaging and presentation of our recommendation so they can be understood more easily. We plan to have comms and graphical experts from Xplane on site.

Delivering by Dublin is unrealistic given the comments we have received. We were hoping we would get confirmation of recommendations with second report. Since we have received multiple comments suggesting reconsideration, we do not think recommendations can be finalized in a rush. We will need to establish a new timeplan by LA meeting. We need to keep momentum and work on topics ahead of us. NTIA has made it clear that we need to further document our work. We will need to ask current subteams with analysis of comments received. A prioritization will be needed. We need to work on our message and to determine how we strengthen our proposal to next level.

You are encouraged to read the draft narrative circulated on the list that documents what was done. We will be building LA agenda based on comments.

Human Rights (WP4)

We have an agreement to provide document that establishes high level wording for Bylaws. We also intend to provide rationale for how language was put together. We will address comments received in PC2. A follow up call is to be held this week.

Public comment on Second Draft Proposal

Staff run through of current trends with a note that more time will be needed to go through nuanced issues.

This comment period speaks to importance of our work. Suggestion to reach out to SSAC and RSSAC

ACTION ITEM: Reach out to SSAC and RSSAC

ACTION ITEM: Work party members to begin digesting comments

ACTION ITEM: Staff to finalize summary.

We will need to determine whether models (MEM and sole model) meet our requirements. It may be useful to receive an update from lawyers on feasibility of model. Suggestion for our lawyers to engage with ICANN lawyers so that we can have final product in time for LA. A matrix would be useful.

ACTION ITEM: Cochairs to follow up on comparison of MEM and sole member model.

Community forum

WP1 had a call and has discussed specifics. More to follow.

Update on Bylaws drafting

A plan is to be provided soon. Based on input received via comment period, we cannot task ICANN legal with drafting Bylaws consistent with our current proposal while the Board is advocating a different approach. ICANN legal reports to Board. Suggestion to revisit the approach and move an approach where first draft would be provided by our lawyers keeping the block by block approach.

Feedback:

- Comments that it would be appropriate until final analysis. Board member will not sign off on Bylaws until lawyers of organization have not OKed text. Concerns about wasting time and effort. We first need to reach consensus.

- The earlier the better.

- We should move forward with drafting and do prioritizing. It makes sense for our legal counsel to hold the pen. Agree bylaws detail helps with Implementation, not with Communication

Conclusion: Legal counsel to hold the pen. We will have a similar drafting experience with CWG. Whenever we have consensus we will move forward with Bylaws drafting.

ACTION ITEM Cochairs to send a note to staff and to coordinate with CWG as well as counsel.

Action Items

- **ACTION ITEM: Reach out to SSAC and RSSAC**
- **ACTION ITEM: Work party members to begin digesting comments**
- **ACTION ITEM: Staff to finalize summary.**
- **ACTION ITEM: Cochairs to follow up on comparison of MEM and sole member model.**
- **ACTION ITEM Cochairs to send a note to staff and to coordinate with CWG as well as counsel.**

Documents Presented

- [2nd-draft-CCWG trends-v4.pdf](#)

Chat Transcript

Brenda Brewer: (9/14/2015 18:58) Welcome all to CCWG Accountability Meeting #53 on 15 September @ 06:00 UTC! Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Roelof Meijer (SIDN, ccNSO): (9/15/2015 00:56) Hello all!

jorge cancio (GAC Switzerland): (00:58) good morning!

Leon Sanchez (Co-chair ALAC): (00:59) Hello everyone

Cheryl Langdon-Orr ALAC - APRegional Member: (00:59) Hi all

Jordan Carter (.nz, WP1 rapporteur): (00:59) hi folks

David McAuley (RySG): (01:00) Hello

Rosemary Fei (Adler Colvin): (01:00) Good evening from California, everyone.

Greg Shatan: (01:01) Good night from New York.

Cheryl Langdon-Orr ALAC - APRegional Member: (01:01) Hi Rosemary (afternoon here in AU)

Jordan Carter (.nz, WP1 rapporteur): (01:01) good evening from 6pm in Wellington on Tuesday

Rosemary Fei (Adler Colvin): (01:02) Hi, CLO. These are the meetings where I feel really bad for the East Coast of the US.

Cheryl Langdon-Orr ALAC - APRegional Member: (01:02) Well Yes Jordan we antipodeans are always a day ahead ;-)

Athina Fragkouli (ASO): (01:02) hello all

Roelof Meijer (SIDN, ccNSO): (01:03) @Léon: I'll be on the phone bridge from approx 06.30 UTC

Roelof Meijer (SIDN, ccNSO): (01:03) No audio?

David McAuley (RySG): (01:03) Rooster not here in McLean Virginia so far as I can see

Greg Shatan: (01:03) 2-4 am. Just miss closing time at the bars.

Cheryl Langdon-Orr ALAC - APRegional Member: (01:03) :-)

Jordan Carter (.nz, WP1 rapporteur): (01:03) wouldn't two hours later be better? ;)

Avri Doria: (01:03) no Roosters in Providence as far as i know.

Roelof Meijer (SIDN, ccNSO): (01:03) I have no audio and will reconnect

Grace Abuhamad: (01:04) Attendance list for F2F is posted here: <https://community.icann.org/x/XY5YAw>

Grace Abuhamad: (01:04) Remember, to please send us your attendance!

Grace Abuhamad: (01:04) your RSVP, I mean

Holly J. Gregory (Sidley): (01:05) Greetings!

Holly J. Gregory (Sidley): (01:05) Santa Monica beaches

Greg Shatan: (01:06) @Jordan, 4-6 am is definitely NOT better than 2-4 am, IMHO

David McAuley (RySG): (01:06) I agree w/Greg, 2am better than 4am

Jordan Carter (.nz, WP1 rapporteur): (01:06) greg: ok, you are more of a night person than I am ;-)

Arun Sukumar: (01:06) Hello all - missed the Sol call. Just wanted to inform CCWG colleagues that I've moved from the National Law University Delhi to a think tank in the same city, the Observer Research Foundation.

Greg Shatan: (01:06) I'm a jazz musician, not a farmer....

Holly J. Gregory (Sidley): (01:07) +1 Greg

Cheryl Langdon-Orr ALAC - APRegional Member: (01:07) Congratulations Arun :-)

Arun Sukumar: (01:07) thanks Cheryl!

Leon Sanchez (Co-chair ALAC): (01:08) By the way, Shanah Tovah to all who are celebrating Rosh Hashana

Greg Shatan: (01:08) Thank you, Leon!

Leon Sanchez (Co-chair ALAC): (01:08) :-)

Avri Doria: (01:13) thanks Leon.

Jordan Carter (.nz, WP1 rapporteur): (01:15) +1 Thomas

Keith Drazek: (01:15) +1 Thomas, very well said.

Cheryl Langdon-Orr ALAC - APRegional Member: (01:15) indeed :-)

Leon Sanchez (Co-chair ALAC): (01:15) Indeed Thomas :-)

Roelof Meijer (SIDN, ccNSO): (01:18) @Brenda/Alice/Grace: I am switching to the phone bridge

becky burr: (01:19) having published a detailed report, we should aim now to "tell our story" in a more compelling and accessible way.

David McAuley (RySG): (01:19) This approach is sensible Thomas, inevitable in light of many thoughtful comments and the importance of this work

Mathieu Weill, ccNSO, co-chair: (01:20) Hello everyone, sorry for joining the AC room late

Chris Disspain: (01:21) 'so, the CCWG is simply seeking to better explain it's current proposal rather than re-consider the proposal based on comments?

becky burr: (01:22) good question Greg

Avri Doria: (01:22) Chris that is not what i heard him say. Please.

Mathieu Weill, ccNSO, co-chair: (01:22) @Chris : that is not what Thomas said.

Chris Disspain: (01:22) coo;

Cheryl Langdon-Orr ALAC - APRegional Member: (01:22) I assume a combo of Google Doc / Wiki

Chris Disspain: (01:22) cool rather

Keith Drazek: (01:23) The CCWG needs to assess and address all the public comments.

Chris Disspain: (01:23) no problem - juist wanted o check..I am havong trouble hearing clearly...will re-dial

Greg Shatan: (01:23) Cheryl, I assume the same, but was hoping for an answer from the Chairs...

Thomas Rickert, CCWG Co-Chair: (01:23) Chris, we need to work on messaging our final recommendations, whatever these recommendations will look like. We have a lot of comments to analyze, including those from the Board.

Cheryl Langdon-Orr ALAC - APRegional Member: (01:24) Well I will do my best to "make it so' Greg ;-)

Mathieu Weill, ccNSO, co-chair: (01:24) And AuDA of course ;-)

Chris Disspain: (01:24) understood Thomas and my apologies for mis-interpreting

Chris Disspain: (01:24) as I said..I need to dial back in with a better connection

David McAuley (RySG): (01:26) Thanks Leon, sounds like a fair summary of WP4 so far

Leon Sanchez (Co-chair ALAC): (01:27) Thanks David :-)

Grace Abuhamad: (01:27) Comments received: <http://forum.icann.org/lists/comments-ccwg-accountability-03aug15/index.html>

Cheryl Langdon-Orr ALAC - APRegional Member: (01:27) Yes they have done a heroic job!

Cheryl Langdon-Orr ALAC - APRegional Member: (01:27) Thanks Team :-)

Thomas Rickert, CCWG Co-Chair: (01:27) In deed, sterling job, staff!

Leon Sanchez (Co-chair ALAC): (01:27) Indeed! Congratulations to Staff!

Arun Sukumar: (01:29) wow

jorge cancio (GAC Switzerland): (01:29) At staff: please kindly prepare a ".zip" download of all comments received, as in previous occasions, thanks!

Jordan Carter (.nz, WP1 rapporteur): (01:29) Is there a place for us to download all of the comments recieved?

Jordan Carter (.nz, WP1 rapporteur): (01:29) oh, great minds think alike ;]

Cheryl Langdon-Orr ALAC - APRegional Member: (01:29) At least 1 or 2 from the antipodeas ;-)

Arun Sukumar: (01:29) hehe

becky burr: (01:30) 29/88 is not a majority, though it is the largest number from any region

Alice Jansen: (01:30) download all comments page available here --> <https://community.icann.org/pages/viewpage.action?pageId=56135460>

Steve DelBianco [GNSO - CSG]e: (01:30) Sorry we didn't see comments from Registrars

jorge cancio (GAC Switzerland): (01:31) @Alice: thanks!!

Keith Drazek: (01:34) The role of governments/GAC and the voting structures seem to be a major area of question from the public comments submitted.

Cheryl Langdon-Orr ALAC - APRegional Member: (01:35) That was expeted re ST#18 especially

Sébastien (ALAC): (01:37) well done staff

David McAuley (RySG): (01:37) Nicely done @Grace and team

Athina Fragkouli (ASO): (01:37) thank you staff!

Jordan Carter (.nz, WP1 rapporteur): (01:37) Good work, and reassuring feedback

Izumi Okutani (ASO): (01:37) Helpful summary thanks Grace!

Jordan Carter (.nz, WP1 rapporteur): (01:38) we've got a good base to work from :-)

Christopher Wilkinson: (01:38) I think the 'three questions' might have been better advertised. Off hand, I still would not know where to find them. CW

Farzaneh Badii: (01:38) When you say you received comments from global organization, do you mean international organizations ?

Arun Sukumar: (01:38) there were 3 responses from India - a quick back of the envelope analysis - all three flag 1) "privileged" status of GAC 2) "independent funding" of the IRP 3) Bylaw language on IANA Functions Review Team powers

Arun Sukumar: (01:38) thanks Grace and team for these inputs

Grace Abuhamad: (01:39) @Farzaneh -- "global" was used for orgs/groups that were not based in a specific geographic region

jorge cancio (GAC Switzerland): (01:39) @staff: is the presentation available?

Grace Abuhamad: (01:39) Yes, I will send it to the mailing list now. And we will post to the Wiki as well.

Grace Abuhamad: (01:40) We wanted to present it before sending around

Farzaneh Badii: (01:40) so you mean groups and orgs that had different members from various geographical locations. understood thanks

Grace Abuhamad: (01:40) @Farzaneh, yes :)

jorge cancio (GAC Switzerland): (01:41) @Grace: keeping the attention high? :P

Keith Drazek: (01:42) If the CCWG handles the current assessment of public comments as comprehensively as we did the first round, the final proposal will be even stronger. To Mathieu's point, there's a lot of work to be done by the Work Parties.

Jordan Carter (.nz, WP1 rapporteur): (01:42) no disagreement

Cheryl Langdon-Orr ALAC - APRegional Member: (01:42) agreemeny

Jordan Carter (.nz, WP1 rapporteur): (01:42) (from me, to be clear)

Steve DelBianco [GNSO - CSG]e: (01:42) Stress Test Team isn't stressing over that plan, Mathieu

Cheryl Langdon-Orr ALAC - APRegional Member: (01:43) Well I am a Stress Physiologist by training so we will manage just fine ;-)

Jordan Carter (.nz, WP1 rapporteur): (01:43) I am. It'd be helpful if Mathieu you or someone could jot down the task on an email, and circulate it on the list, so we are all clear

Cheryl Langdon-Orr ALAC - APRegional Member: (01:43) Yes the Legal inout is essential IMO

Cheryl Langdon-Orr ALAC - APRegional Member: (01:44) ouch!

Steve DelBianco [GNSO - CSG]e: (01:44) Different models = CMSM and the board's MEM, right?

Farzaneh Badii: (01:44) I am surprised by the low number of answers to the questions. Perhaps next time when we ask the questions we need to publicize them better.

Greg Shatan: (01:45) I draw your attention to the chart that I circulated a couple of days ago, which provided something similar to what you suggest.

Grace Abuhamad: (01:45) Good suggestion @Farzaneh

Jordan Carter (.nz, WP1 rapporteur): (01:45) Could the lawyers build off Greg's chart?

Jordan Carter (.nz, WP1 rapporteur): (01:45) I think the lesson is - put the questions on the comment form, and in the report itself

Holly J. Gregory (Sidley): (01:45) yes Greg, we will borrow as a starting point for more detailed consideration. Thanks!

Farzaneh Badii: (01:45) has any other comment suggested a new model ?

Farzaneh Badii: (01:45) other than the board ofcourse !

Steve DelBianco [GNSO - CSG]e: (01:46) Greg -- one additional aspect of the request for our lawyers is to assess how well CMSM and MEM would meet CCWG requirements

Greg Shatan: (01:46) @Holly, I won't charge you! ;-)

Greg Shatan: (01:46) @Steve, that I did not explore...

Holly J. Gregory (Sidley): (01:47) ;)

Grace Abuhamad: (01:47) Yes @Farzaneh. There was a comment from Erman Öncel - Partnership Istanbul that suggested a type of accountability forum. But otherwise, comments seemed to focus on enhancing existing models

Keith Drazek: (01:47) @Farzaneh: In addition to the Board's comments, some other contributions suggested alternative approaches, though perhaps not new "models."

Grace Abuhamad: (01:48) correct @Keith

Jordan Carter (.nz, WP1 rapporteur): (01:49) it has to be feasible :-)

Jordan Carter (.nz, WP1 rapporteur): (01:49) it's the big picture foundations we need to get clear on and the differences between the approaches

Steve DelBianco [GNSO - CSG]e: (01:49) @Holly -- the matrix could have ... requirements as rows, and a column for CMSM and column for MEM?

Jordan Carter (.nz, WP1 rapporteur): (01:49) so less detail but more clarity is my preference

Holly J. Gregory (Sidley): (01:49) yes Steve, yes Jordan

Jordan Carter (.nz, WP1 rapporteur): (01:54) Work In Progress, is the shortest possible summary :)

Chris Disspain: (01:56) what would the benefit be of doing the work on bylaws for things that have not reached consensus yet?

Avri Doria: (01:58) Because bylaws work requires a degree of specificity. also some of the issues that require bylaws are not being disagreed with

Jordan Carter (.nz, WP1 rapporteur): (01:58) one benefit: that writing things down in the bylaws is much more precise than a narrative description of the same. so it might help tease out precise issues to resolve, and create more clarity about exactly how the proposed elements work & fit together

Chris Disspain: (02:00) It does..it means we should hold back on any drafting until we have analysed

Farzaneh Badii: (02:00) :

becky burr: (02:00) a "certain level" of consensus is the key. in those cases, the writing exercise will, as Avri suggests, tease out any remaining unresolved issues

Greg Shatan: (02:02) It makes sense to me, but then again I'm a lawyer....

Malcolm Hutty: (02:03) seeing that actual text is useful to make sure what we're arguing about is the same point, and not a mutual misunderstanding

Malcolm Hutty: (02:04) @Jordan: +1

Greg Shatan: (02:05) Def not all boys... :-)

Steve DelBianco [GNSO - CSG]: (02:08) bylaws detail helps with Implementation, not with Communication

Izumi Okutani (ASO): (02:08) I agree with this approach Jordan

Jordan Carter (.nz, WP1 rapporteur): (02:08) also with Decision

Jordan Carter (.nz, WP1 rapporteur): (02:08) people really do hang on to the concrete

Jordan Carter (.nz, WP1 rapporteur): (02:09) (as they should -- who would sign a contract based on a description of it, after all? :-)

Izumi Okutani (ASO): (02:10) We can leave the unresolved issues to be highlighted but starting work on Bylaws would be helpful rather than leaving it completely untouched to start working

Holly J. Gregory (Sidley): (02:11) in drafting bylaws inevitably issues will come up that haven't yet been discussed in any detail and so the process of drafting helps to illuminate areas that need discussion

Holly J. Gregory (Sidley): (02:11) "areas that need discussion"

Holly J. Gregory (Sidley): (02:12) For the record, we would of course prefer to take first draft and will of course work cooperatively with ICANN lawyers

Greg Shatan: (02:12) Holly, great point. It's a great thought exercise.

Greg Shatan: (02:12) I can guarantee that the first draft will not be the last draft....

Arun Sukumar: (02:12) to flag additional travel support to CCWG participants for LA F2F - why are these being routed through SO/AC leadership? chartering orgs have had an opportunity to nominate fully supported members.

Jordan Carter (.nz, WP1 rapporteur): (02:12) I just want to thank all of you - for being here, for sticking with participating in this process

Mathieu Weill, ccNSO, co-chair: (02:13) +1 Jordan. This is very rewarding !

Keith Drazek: (02:13) Thanks everyone. Lots of work ahead, but all very worthwhile.

becky burr: (02:13) agree Jordan

Farzaneh Badii: (02:13) Thanks. bye.

Jordan Carter (.nz, WP1 rapporteur): (02:13) see you all

Cheryl Langdon-Orr ALAC - APRegional Member: (02:13) Good call thanks everyone ... Talk again soon Bye for now

David McAuley (RySG): (02:13) Thanks all

Greg Shatan: (02:13) Bye all!

jorge cancio (GAC Switzerland): (02:13) bye

FIONA ASONGA (ASO): (02:13) bye

Athina Fragkouli (ASO): (02:13) bye all

Izumi Okutani (ASO): (02:13) thanks all bye