WP3 Meeting #1 (6 July)

Attendees:

Advisors: Jan Aart Scholte, Willie Currie

Staff: Adam Peake, Alice Jansen, Brenda Brewer, Berry Cobb, Bernard Turcotte, Grace Abuhamad, Kim Carlson, Samantha Eisner

Apologies: Athina Fragkouli, Kavouss Arasteh, Olga Cavalli

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

Transcript

- Transcript WP3 Meeting #1_6 July.doc
- Transcript WP3 Meeting #1_6 July.pdf

Recording

- The Adobe Connect recording is available here: https://icann.adobeconnect.com/p342fadbd4j/
- The audio recording is available here: http://audio.icann.org/gnso/gnso-wp3-06jul15-en.mp3

Proposed Agenda

Agenda
1. Opening remarks (2 min)
2. Review WP3 mission and set priorities (13 min)
3. Discuss Work Stream 1 and Work Stream 2 itemization (25 min)
4. Define a WP3 Work Plan (10 min)
5. A.O.B (5 min)
6. Concluding remarks (5 min)

Notes

We have received comments from different contributors which raised issues. Some of the topics are SO/AC accountability, diversity, and staff management accountability. The course of this call is to divide work. We need to provide draft document by July 14. Suggestion is to divide work into subgroups. 3 subgroups: 1) staff/management accountability; 2) SO/AC accountability; 3) diversity.

Feedback:

- We need to understand what these 4 items need.
- It is important not to broaden scope. Suggest that the objective of improving diversity and outreach of ICANN can be considered WS2 and should not be allowed on critical path. The item that needs to be on critical path is issues arising from Stress Tests.
- We need to understand terms before we can make decision. Common understanding is needed to decide whether can defer or not. SO/AC accountability cannot be deferred.
- In general, deferring diversity to WS2 is fine but there are several diversity related components to WS1 issues. Diversity issues are relevant when it comes to empowerment mechanisms and independent review panel for instance.
- Suggest that staff accountability is a WS1 issue - at least to extent that there should be a community mechanism when staff negotiates contracts that arguably intrude into realm of Consensus Policy.
- Need for SO/ACs diversity.
- Staff accountability is WS1.
- Diversity is important but does it qualify as WS1?
- It is premature to move diversity until we have figured what portions of diversity pertain to work stream 1. Unsure we can resolve staff accountability in WS1.
- How are we defining WS1 matters? Common definition needed
- Discussion about what will go into WS1 and WS2 is important. We need to first define what topics we are talking about and after that we will decide whether WS1 or WS2. We need to find a way to have real diversity included into what we want to do. Diversity should be built into WP1 and IANA transition.

- First step might be to see which mechanisms we have in place, whether those mechanisms do meet expectations, which need to be created and then itemize WS1 and WS2. Once we have that, draft solution for consideration in Paris.

- Staff/management accountability: would like to see as WS1 is the definition of ICANN staff's role and details around that pushed into WS2.

- Key to Work Stream 1 would be to have powers necessary to implement. Staff accountability in Work Stream 1 would way to solve for resistance. If Work Stream 1 gives us powers, by that definition, no need to cover staff accountability.

  --> Which mechanisms would be expanded to cover action or inaction?

  --> 5 community powers, Board take action on Bylaws (IRP, reconsideration). Until we come up with structure for members in e.g. there is no mechanism yet where community can draft Bylaws change and have Board take action on it.

  --> Looking more in terms of accountability e.g. security breach - no reasonable steps taken. Small items do not rise to level of independent review. Have a definition on ICANN staff's role would be extremely beneficial. If we can't have definition, having mechanisms to address failures that may or may not be role does not sound useful.

Read through of Staff accountability discussion paper.

- How is staff accountability a WS1 issue? What needs to be done on this count for the purpose of IANA transition? I see clear places where diversity and SO/AC accountability are Workstream 1, but not clear how specific measures for increased staff accountability is workstream 1? Work Stream 1 were measures that are needed to justify the IANA transition. Issues around staff accountability sound like long standing general concerns that are not related to mechanisms.

  --> Work Stream 1 has to contain powers necessary to overcome resistance.

- Proposal to slice work into two streams.

- Discussion of how recognize diversity needs to be looked at.

- The CCWG on geographic diversity of ICANN was conducted over 3-4 years under auspices of ccNSO. Geographic diversity review will be ICANN wide document.

ACTION ITEM - Obtain from ccNSO support staff the most recent copy of document of geographic diversity review and track community group's progress.

ACTION ITEM - WP3 to read chat transcript

- Suggestion to have Sebastien's comment added to the reading list.

ACTION ITEM - Add Sebastien's comment to the discussion starter.

Timeline

We have a very short timeframe to be ready for Paris. Proposed set of calls which may be cancelled depending on progress.

ACTION ITEM: Staff to send calendar invites

- Apologies for Sebastien for missing part of these calls

Proposal: Subgroups to review: AoC, ATRT 1 and ATRT2, review mechanisms, One World Trust report.

  --> ATRT1 and ATRT2 should not be split. AoC reviews could be managed by Alan or Avri.

  --> Subgroups are overlapping topics. Where are we going with that?

  - Expedite work and have:

1) subgroup AoC;

2) subgroup on ATRT1 and ATRT 2 mechanisms already in place.

- Doesn't it make more sense to have subgroups on three issues?

- Subgroups need to look at all the following basis:

  1) SO/AC accountability

  2) ICANN staff/management accountability

  3) Diversity
There will be diversity aspects in topic 1 and stand alone matter on diversity.

- Community accountability - has it been looked at in detail? There is no reference work where to start.

- Volunteers needed for all three groups.

1) SO/AC accountability - Alan Greenberg
2) ICANN staff/management accountability
3) Diversity

CONCLUSION:
Three subgroups for each emerging issue:
1) SO/AC accountability - Alan Greenberg
2) ICANN staff/management accountability
3) Diversity

ACTION ITEM: Volunteers needed to populate subgroup

ACTION ITEM: Subgroups to look into the documents and identify existing mechanisms related to their scope

Action Items

ACTION ITEM - Obtain from ccNSO support staff the most recent copy of document of geographic diversity review and track community group's progress

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Chat Transcript

Kimberly Carlson: (7/6/2015 10:34) Welcome to CCWG ACCT WP3 Meeting #1 on 6 July! 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

Seun Ojedeji: (11:51) hello everyone

Kimberly Carlson: (11:54) Hi Seun, everyone

Gary Hunt - UK Government: (11:56) Hello everybody!

CLO: (11:58) hi all

Carlos Raul: (11:58) hello folks

Alice Jansen: (11:59) Hello - FYI, Leon will be joining the Adobe Connect late

Bernard Turcotte Staff Support: (11:59) hi all

CLO: (11:59) yup he is on the audio bridge ATM, but is still driving

CLO: (12:00) hi Bernie

Alice Jansen: (12:01) Leon's line dropped - we are calling him back

Pär Brumark (GAC Niue): (12:02) Hello everyone!

CLO: (12:03) hi

Jeff Neuman: (12:06) Its hard to head

Jeff Neuman: (12:06) hard to hear

Phil Buckingham: (12:06) + jeff

Jeff Neuman: (12:06) yes
Paul Twomey: (12:07) Hullo everyone
Carlos Raul: (12:07) sorry, but voice is bad
Farzaneh Badii: (12:07) background noise
Carlos Raul: (12:07) this is no good
Seun Ojedeji: (12:08) I am losing the audio, is this just from my end?
Robin Gross [GNSO - NCSG]: (12:08) How do we add issues to the WP3 list? I'd like to add Human Rights based on the number of comments raised on this issue in the public forum and also from our advisors.
Jeff Neuman: (12:09) What is the deliverable that is due in less than 9 days?
Alice Jansen: (12:09) You have scroll control.
Keith Drazek: (12:11) +1 Malcolm
Izumi Okutani (ASO): (12:11) I agree Malcom
Alan Greenberg: (12:11) @Jeff - draft (or at least bullet points) for what we think needs to be done.
Farzaneh Badii: (12:11) agreed Malcolm
Carlos Raul: (12:11) sorry
Robin Gross [GNSO - NCSG]: (12:11) I support Malcolm's suggestion that diversity is NOT WS1 issue.
Carlos Raul: (12:11) i get less than 50% of the words
Steve DelBianco [GNSO - CSG]: (12:12) Malcolm -- the ST team has documented several new stress tests suggested by public comment and NTIA letter
Jeff Neuman: (12:13) One of the things I would like to see well defined as a priority is "what is the role of ICANN staff"
Keith Drazek: (12:13) Jan, we can't hear you.
Kimberly Carlson: (12:13) yes, thank you
Malcolm Hutty: (12:13) Yes Steve, and old stress tests need to have their initial analysis confirmed now the prooposal has been refined/changed
Jeff Neuman: (12:14) I have seen them act as implementers, coordinators, but in cases they have de3clared that they are a stakeholder group
Jeff Neuman: (12:14) +1 Alan
CLO: (12:14) and Steve at this sage these are not showing as critical path issues for immediately beingndea
CLO: (12:14) targh. being dealt with
Malcolm Hutty: (12:14) Agree, acct of SOACs is a WS1 issue
Steve DelBianco [GNSO - CSG]: (12:15) @Malcolm -- hard for us to confirm ST conclusions until we know whether all 5 powers are still coming, and whether they are actually enforceable. Won't know that until after Paris
Malcolm Hutty: (12:15) @Steve ok. Just flagging up that stress tests need to be able to generate arising issues.
Philip Corwin: (12:16) I would suggest that staff accountability is a WS1 issue - at least to extent that there should be a community mechansm when staff negotiates contracts that arguably intrude into realm of Consensus Policy
Paul Twomey: (12:17) Cheryl I am a strong advocate on the need for SO/ACs to improve diversity
Jeff Neuman: (12:17) I agree that staff accountability is a WS1, but do not necessarily agree with Phil on the contracts
Paul Twomey: (12:17) I agree with Jan
Paul Twomey: (12:18) I agree with Jan's priority setting
Malcolm Hutty: (12:18) Nobody disagrees with diversity being important or is suggesting it is "secondary" or "not a high priority"; question is whether it qualifies under our definition of WS1
Avri Doria: (12:19) i guess i should just use typing, i agree about staff accountability being import and disagree with the moving of diversity to WS2
Keith Drazek: (12:19) @Paul: Which SO's and AC's do you think need additional diversity?And how do you define diversity?
Jonathan Zuck (IPC): (12:19) How are we defining WS1 matters? We've had a LONG standing definition that WS1 was the "powers necessary to make sure the commnity can make WS2 happen"
Izumi Okutani (ASO): (12:20) Good question Jonathan! It seems people are arguing for WS1 on issues they feel are important but we need a common definition
Jonathan Zuck (IPC): (12:21) Not a question of "criticality" but of sufficient leverage to bring about change. What's the motivation to pull things into WS1? Fear we won't get around to it? If so, that's on us.

Jeff Neuman: (12:21) Again, I would like to define what the role of staff is in WS1, but drill down on some details in WS2

Alan Greenberg: (12:21) @Keith, I suggested that we define all terms before discussing substance, but we seem determined to discuss substance with the good possibility that some of us are using terms in different ways.

Paul Twomey: (12:21) Keith, one of the problems facing ICANN as a whole is that regional diversity often falls in the hands of the NomCom to try to ensure the Board diversity requirements. My cause celebre is that ICANN has only had one Chinese board member (despite it being the largest user base of Internet users)

Robin Gross [GNSO - NCSG]: (12:21) There isn't a lot of agreement about which characteristics need to be diverse. Some think it only relates to national geography, but that is a narrow view of "diversity" in my view. I don't know how we could even come up with an acceptable definition of the "diversity" we seek.

Robin Gross [GNSO - NCSG]: (12:22) in WS1 that is.

Avri Doria: (12:22) Diversity has a lot to do with even know what we mean by the community.

Jonathan Zuck (IPC): (12:22) WS1 was never meant to be "most important"

Adam Peake: (12:22) diversity discussion starter in the window - you should have scroll control

Paul Twomey: (12:23) Going to the sort of later priority but really important, I think that the definition and number of regions needs to be reviewed again. The Internet is now a very different base than the end of the 1990s

Steve DelBianco [GNSO - CSG]: (12:23) WS1 is meant to ensure the community has powers to overcome resistance by ICANN board and Staff as we attempt to implement WS2 items

Paul Twomey: (12:23) The Asia Pacific region was always too large a single region (more than half of the world's population)

Robin Gross [GNSO - NCSG]: (12:23) Right, Steve, diversity isn't a requirement to have community power over the board.

Paul Twomey: (12:24) I personally suspect we should consider having an east asian/pacific region and then a south asian region - but this is just only a personal view.

Paul Twomey: (12:24) But I am talking of long term priority - not for now

Pär Brumark (GAC Niue): (12:24) +1 Paul

Alice Jansen: (12:26) https://community.icann.org/display/acctcrosscomm/Reading+List

Keith Drazeik: (12:27) Agree with Steve and Jonathan Zuck...this WP3 needs to resist the urge to add to WS1. The WS1 requirements have been largely identified and will ensure the community can take the time to get other reforms and enhancements correct and be sure they will be accepted by the Board. That's all that's required for WS1.

Steve DelBianco [GNSO - CSG]: (12:27) In December, the CCWG gathered consensus around this proposed rationale for designating Work Streams: Work Stream 1 is designated for accountability enhancement mechanisms that must be in place or committed to, before IANA transition occurs. WS1 mechanisms are those that, when in place or committed to, provide the community with confidence that any accountability mechanism that would further enhance ICANN’s accountability would be implemented if it had consensus support from the community, even if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity. All other consensus items could be in Work Stream 2, provided the mechanisms in WS1 are adequate to force implementation of WS2 items despite resistance from ICANN management and board.

Paul Twomey: (12:28) As Jan said, diversity for the transition is important - think of how this will be seen from outside of the community..

Izumi Okutani (ASO): (12:28) +1 Keith, that's consistent with my understanding

Robin Gross [GNSO - NCSG]: (12:28) I totally support Jeff's proposal on accountability and role of ICANN staff in WS1.

Jan Scholte: (12:29) To be concrete, would we be happy if the new SO/AC empowerment mechanism were entirely populated with middle-aged Anglophone men from Euro-America?

Malcolm Hutty: (12:29) @Paul, do you think - or do you believe others will think - that ICANN may institutionally resist improving diversity, such that it’s "now or never"?

Jonathan Zuck (IPC): (12:29) Paul, that's the point of being explicit about WS2 requirements

Malcolm Hutty: (12:29) because I think that is the test for WS1 v WS2

Alan Greenberg: (12:29) I understand the desire to limit WS1, but since we have tended to dogmatically ignore community accountability, we cannot now say it is too late to put it in WS1.

Avri Doria: (12:30) Well, we have not even defined the actions of staff as within the community's control.

Paul Twomey: (12:30) I have a concern that governments and others in east Asia and elsewhere will see this supposed accountability move, really being seen as a just control by another smaller cabal of existing community people which does not even have the diversity requirements of the Board.

Izumi Okutani (ASO): (12:30) Indeed Steve, that makes sense to me
Keith Drazek: (12:31) @Alan: Where are SOs and ACs currently not accountable to their communities?

Avri Doria: (12:32) Paul, many comment seem to indicate we think our group is more diverse than it really is. so i agree. I also think you make a good point about the separation of regions into 5 huge groupings may not be optimal when thinking about diversity.

Paul Twomey: (12:33) @Malcolm Sorry if I have not been clear. I agree with Jan's first prioritisation - diversity for the transition overview is top priorities. My other concerns on regions etc can be addressed as a later priority.

Farzaneh Badii: (12:34) I agree with Paul and Avri, it's an old issue when are we gonna change this?

Jonathan Zuck (IPC): (12:34) I don't think it's rational to dig into the details of diversity right now. We're talking about replacing the abstract role the NTIA have played with a community mechanism, not solving every problem ICANN faces.

Steve DelBianco [GNSO - CSG]; (12:35) @Jeff --- please take a look at Stress Test 11 on page 72 of our first draft proposal. That deals with security breaches.

Keith Drazek: (12:36) With regard to the current discussion of staff accountability...the CCWG did not intend to interfere with, or replace, the Board's current obligations. We have assumed that the Board would keep the staff accountable. We're not trying to create a second Board.

Jan Scholte: (12:37) How is staff accountability a WS1 issue? What needs to be done on this count FOR THE PURPOSE OF THE IANA TRANSITION? I see clear places where diversity and SO/AC accountability are Workstream 1, but not clear how specific measures for increased staff accountability is workstream 1?

Keith Drazek: (12:38) @Jan: What SOs and ACs are not accountable to their respective communities?

Malcolm Hutty: (12:39) @Keith, I agree, and this veers dangerously close to micro-managing. But some of these specific proposals could be legitimate improvements for ICANN as a whole e.g. greater transparency on purpose and occasions of contact with govt officials. But still WS2...

Jeff Neuman: (12:39) I think the diversity of participants on this call has a diversity of opinions on these issues.

Izumi Okutani (ASO): (12:39) +1 Keith, Malcom

Steve DelBianco [GNSO - CSG]; (12:40) Jan: this was before you came on as an expert. Work Stream 1 is designated for accountability enhancement mechanisms that must be in place or committed to, before IANA transition occurs. WS1 mechanisms are those that, when in place or committed to, would provide the community with confidence that any accountability mechanism that would further enhance ICANN's accountability would be implemented if it had consensus support from the community, even if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity. All other consensus items could be in Work Stream 2, provided the mechanisms in WS1 are adequate to force implementation of WS2 items despite resistance from ICANN management and board.

Robin Gross [GNSO - NCSG]: (12:40) If we can't get the staff to properly implement WS1 items, then it absolutely is a problem for WS1.

Paul Twomey: (12:40) @Jonathan. I agree with the prioritisation of the IANA transition. I just want to ensure that this is seen as legitimate by a broad range of the Community. I was in Beijing 4 weeks ago giving briefings on the transition at several meetings. Several Chinese government bodies and non-government bodies are watching our work VERY closely. If this is seen by them as empowering a group of American and Europeans (etc) to take over the Board the analysis in Beijing will be negative. At least under the present arrangement they can liaise as a peer with another government (US).

Jeff Neuman: (12:40) +1 Robin

Jonathan Zuck (IPC): (12:41) @Paul and I agree with that. We should use very strong language about this but the feature creep into WS1 runs a very high risk of failure of the whole initiative.

Paul Twomey: (12:42) I agree Jonathan

Jeff Neuman: (12:44) @CLO - I do not equate diversity with globally balanced.

Jeff Neuman: (12:44) I think they mean two different things.

Alan Greenberg: (12:44) I agree that staff "compliance" is needed, but we will have the tools to manage that via control of Board. Details can wait.

Jan Scholte: (12:44) Keith, I'm thinking of a distinction between 'communities' in terms of those who participate in ICANN proceedings and the 'communities' in terms of the wider populations in the world who are affected by ICANN. The question is whether the SO/ACs are sufficiently accountable to the wider publics.

Philip Corwin: (12:45) While I agree that much of staff accountability work can be deferred to WS2, I would hope there is some consideration of a mechanism when staff action arguably is in violation of the Bylaws. We can't assume that the Board will intervene in such instances.

Jeff Neuman: (12:45) Why are we just interpreting diversity as "geographic"?

Jeff Neuman: (12:45) Diversity is diversity of views, cultures, language, age, gender, etc.

Jeff Neuman: (12:46) Some may have NO basis in geography.

Alan Greenberg: (12:46) @Jeff & height! :)

Jan Scholte: (12:46) Yes, other discussions of diversity during the IANA deliberations have raised issues of age, gender, culture.

Jeff Neuman: (12:46) Thanks!

Paul Twomey: (12:46) @jeff I agree that diversity does not mean just geographic. Perhaps your suggestion of geographic balance vs diversity may be useful.
Keith Drazek: (12:46) Thanks Jan, that's a helpful clarification, but I fear tackling that discussion in WS1 is a deal-killer for a timely transition.

Avri Doria: (12:47) it is possible that on many of these issues the WS1 ork is a clear definition & documentation of the work that needs to be done in WS2

Paul Twomey: (12:47) But geographic representation is watched very closely by the borader community to which Jan refers

Keith Drazek: (12:47) +1 Avri

Jonathan Zuck (IPC): (12:47) yes Avri!

Jeff Neuman: (12:48) Agree with Avri

Alice Jansen: (12:48) Yes, 60 min

Izumi Okutani (ASO): (12:48) I agree Avri

Jeff Neuman: (12:48) Avri - can you go over your proposal on the audio?

Leon Sanchez: (12:48) Finally!

Leon Sanchez: (12:48) I'm in!

Kimberly Carlson: (12:49) Chat will be posted on the Wiki, notes will be circulated after the call

Leon Sanchez: (12:49) It seems the router of the place where I am needed to be reset

Jan Scholte: (12:49) The CCWG report could include an explicit itemisation of WS2 issues and an unambiguous undertaking to reach precise milestones as part of the first IANA transition review two years down the line (if the CWG proposal still contains that provision).

Keith Drazek: (12:50) +1 Jan

Jeff Neuman: (12:51) For those of us not going to Paris, what times are we scheduled to review WS3?

Jeff Neuman: (12:53) When are the Paris meetings?

Phil Buckingham: (12:54) + 1 Jan

Avri Doria: (12:54) 17,18

Avri Doria: (12:55) prob from 0800 to 1800 Paris time at least

Avri Doria: (12:55) but i am just reports hearsay.

Jeff Neuman: (12:56) I am really confused about the subgroup breakdown

Jeff Neuman: (12:57) How will reviewing those help us prioritize into WS1 ans WS2?

Avri Doria: (12:57) no need separate atrt1 and 2. i agree.

CLO: (12:58) thanks Avri

Jeff Neuman: (12:59) yes!

Carlos Raul: (12:59) it does make sense

Avri Doria: (12:59) i am willing to help with any of the ATRT consultation no matter what subwitchets they lertain to.

Carlos Raul: (13:00) but now I have to leave

Carlos Raul: (13:00) will read the transcript

Carlos Raul: (13:00) thank you

Alan Greenberg: (13:01) There was also a "Board duties" issue tat we have lost.

Stephanie Perrin: (13:02) What kind of metrics exist on these factors?

Avri Doria: (13:02) I think there was some discussion in the PDPD recommendation in ATRT2, will confirm

Paul Twomey: (13:03) Alan, There is is some references for the So/ACs in the 2008 Accountability document

Jeff Neuman: (13:03) Other than an in person meeting on the 14th, what are the real deadlines here?

Jeff Neuman: (13:03) sorry, in person on the 7th

Jeff Neuman: (13:03) 17th

Alan Greenberg: (13:03) I volunteer to work on AC/SO accountability.

Bernard Turcotte Staff Support: (13:03) bye all
Pär Brumark (GAC Niue): (13:04) Thx, bye!

Avri Doria: (13:04) i will take a lots at both ATRT1 & 2 recommendations with the specific issues in mind.

Avri Doria: (13:04) ... take a look ...

CLO: (13:04) great Aavri

Izumi Okutani (ASO): (13:05) thanks Bye all