

# CCWG ACCT Meeting #5 (6 January 2015)

## Attendees:

**Members:** Tijani Ben Jemaa, Alan Greenberg, Cheryl Langdon-Orr, Leon Sanchez, Fiona Asonga, Athina Fragkouli, Izumi Okutani, Eberhard Lisse, Roelof Meijer, Mathieu Weill, Par Brumark, Olga Cavalli, Alice Munyua, Julia Wolman, James Bladel, Becky Burr, Steve DelBianco, Robin Gross, Thomas Rickert, Bruce Tonkin, Samantha Eisner, Sebastien Bachollet (22)

**Participants:** Avri Doria, Adrian Carballo, Alain Bidron, Barrack Otieno, Beran Gillen, Bill Drake, Carl Schonander, David Maher, David McAuley, Edward Morris, Finn Petersen, Greg Shatan, Jonas Koelle, Keith Drazek, Lars Erik Forsberg, Malcolm Huty, Mark Carvell, Martin Boyle, Matthew Shears, Olivier Crepin Leblond, Olivier Muron, Pedro Ivo Silva, Peter Van Roste, Philip Corwin, Kavouss Arasteh, Rafik Dammak, Sivasubramanian Muthusamy, Rudi Daniel, Thomas Schneider, Tomohiro Fujisaki, Vrikson Acosta, Wolf Ludwig, Yasuichi Kitamura, Evan Leibowitch, Seun Ojedeji, Stephanie Duchesneau (36)

**Staff:** Adam Peake, Alice Jansen, Bart Boswinkel, Bernard Turcotte, Berry Cobb, Brenda Brewer, Grace Abuhamad, Marika Konings, Theresa Swinehart, Jim Trengrove

**Apologies:** Giovanni Seppia

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

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## Proposed Agenda

1. Welcome & Roll Call & Statements of Interest
2. Work Area 4 Update – Eric Brunner-Williams
3. WS1/WS2 Discussion
4. Definitions / scoping
5. Engagement with the CWG ICANN Board
6. High Level Statement
7. Expectations for the F2F Frankfurt
8. Timeline: highlight questions raised by plan
9. AOB
10. Closing Remarks

## Notes:

### 1. Welcome & Roll Call & Statements of Interest

- on the phone: Carl Schonander, Becky Burr, Sebastien Bachollet, Kavouss Arasteh, Thomas Schneider
- No updates to Statement of Interest

### 2. WS1/WS2 Discussion

- Email to recap definitions sent to the list Jan5. Review the definitions before the face to face meeting in Frankfurt
- WS0 defined as the prerequisite for WS1 - WS0 fundamental, red-line issues for the community
- Suggestion of 3 main topics for WS1: (1) The ICANN board must follow bylaws. (2) Needs a possibility for the community to overrule to Board. (3) Potential dismissal of one or more board members.

**Action Item:** co-chairs will recap WS1 and WS2 items on mailing list and review for approval at next meeting

### 3. Definitions / scoping

- Co-chair "strawman" document shared on the list as a base-line reference for work going forward.
- Whom should ICANN be accountable to: directly and indirectly effected stakeholders.
- A definition of accountability, a definition of check and balance require.
- What independence means in the context of our work
- What is the purpose of ICANN's accountability: compliance with own rules and processes, accountable to meeting performance levels.
- Recap of public interest discussions and meaning in the ICANN context.
- Affirmation of commitments and ATRT2 recommendations (9.2 as noted in the Charter) need to be considered in the document. The document is intended as a first step, for further discussion/development.

**Action Item:** Colleagues to provide comments on the list in response to the document. Proposed edits are welcome. Goal to develop a common view on scoping. Will be an agenda item for the next call and the Frankfurt meeting. Public interest issues, ccTLD concerns and other issues to be identified.

### 4. Engagement with the CWG ICANN Board

- Co-chairs have reached out to the ICG to confirm that the Jan 15 deadline was not applicable to CCWG. Confirmation that this was the case, no response necessary.
- Written to Bruce Tonkin for deadlines and process for considered by the ICANN Board on how they will deal with recommendations from CCWG and CWG. Questions discussed on the mailing list not included in this correspondence. Will be an issued for a F2F meeting between the CCWG and Board in Singapore being arranged now.
- Co-chairs asked if the CWG would find it useful if the CCWG issued high-level statements. CWG response that this would be useful, preferably before CWG work-weekend (Jan 9, 10, 11).

## 5. High Level Statement

- Suggestion is for the co-chairs to publish this high-level statement on behalf of the CCWG and to send to CWG co-chairs. The document is not for adoption on this call, but ideally within 48 hours in time for the CWG working weekend.

**Action Item:** The statement will be published on the CCWG list for further comment.

## 6. Expectations for the F2F Frankfurt

- Deadline to confirm in-person attendance is 7 January. Currently 32 people are listed in the Wiki, an additional 5 names received over night, total confirmed is currently 37.
- Expected outcomes:
- Begin work on WS1
- Finalized version of the scope and definition document
- Travel planning - ICANN staff returned Jan 5, expect a few days to receive information.

## 7. Timeline: highlight questions raised by plan

- Project plan and timeline of work items and topic. Document sent to the CCWG list on Jan 5 presenting the work plan. Comments to the list. Discussions in Frankfurt should identify WS1 and WS2 activities
  1. Chartering exercise
  2. Administrative activities of the WG, though to the ICANN meeting in Buenos Aires (June)
  3. Work Area activities
  4. High level work plan for WS1. The plan for WS2, which has an extended delivery date will be populated after the areas are defined. Public comment requirements
 

lead to a delivery date of end August, later than originally targeted. There is slack in some tasks and the original time frame may be accommodated.
- Please send comments to the list.
- Colleagues should consider how to collect community feedback on the CCWG's proposals during the process, without shifting deadlines, but allowing full comment and input.
- A second face to face meeting is being considered. Possibly end April.

## 8. Work Area 4 Update – Eric Brunner-Williams

- Eric send apologies for not attending the call. Sent a document containing contingencies to the list. Discussion about the main scenarios is essential. Request comments made on the CCWG list.

## 9. AOB

Correspondence with Samantha Eisner regarding requests for independent legal advice. ICANN will help identify independent legal advice as requested by the CCWG

## 10. Closing Remarks

Comment on the high level statement within 48 hours

Confirm attendance in Frankfurt if not already done so

## Action Items

**Action Item:** co-chairs will recap WS1 and WS2 items on mailing list and review for approval at next meeting

**Action Item:** Colleagues to provide comments on the list in response to the document. Proposed edits are welcome. Goal to develop a common view on scoping. Will be an agenda item for the next call and the Frankfurt meeting. Public interest issues, ccTLD concerns and other issues to be identified.

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## Transcript

[Transcript CCWG ACCT #5 06 Jan.doc](#)

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## Recording

The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p5wqg8matc0/>

The audio recording is available here: <https://icann.box.com/shared/static/bji3gzl7zq5fa6tr6str.mp3>

## Documents Presented

[CCWG-Acct-ProjPlan-20150105.pdf](#)

[20140105 CCWG Accountability - problem definition - strawman -coChairs.docx](#)

[20140105 CCWG Accountability - problem definition - strawman -coChairs.pdf](#)

[RecapWS.pdf](#)

[High Level Statement.docx](#)

[High Level Statement.pdf](#)

## Chat Transcript

Brenda Brewer: Good Day All! Welcome to the CCWG Accountability call on January 06, 2015 @ 12:00 UTC.

Olga Cavalli - GAC: Hello!

Yasuichi Kitamura (At-Large): hi, all.

Bruce Tonkin: Good evening all

Pedro Ivo Silva [GAC Brasil]: Hello!

Adrian Carballo: Hello, Good morning to all!

James Bladel-GNSO: Good morning!

Izumi Okutani (ASO): Hello everyone!

Pär Brumark (GAC): Good Afternoon everyone!

Mathieu Weill, ccNSO, co-chair: Hello everyone, happy and accountable new year to everyone !

matthew shears: hello

Leon Sanchez (Co-Chair, ALAC): Hello everyone

Rudi Daniel: Good

Rudi Daniel: hi...good morning:)

Mark Carvell GAC - UK Govt: Hello and Happy New year to everyone!

Alice Munyua (GAC): Hello and happy new year everyone

Athina Fragkouli (ASO): hello!

Athina Fragkouli (ASO): Happy New Year everyone!

Roelof Meijer:Happy New Year to yoy too!

Martin Boyle, Nominet, ICG:Sorry I'm late

Fiona Asonga:Hallo All

Thomas Rickert (co-chair, m, GNSO Council, eco Association):For those who are not speaking, can you please mute your microphones?

Olga Cavalli - GAC:audio from leon is low

Robin Gross:Good morning! Another 4am call for us in California

Roelof Meijer (ccNSO):Can Leon speak up, please

Olga Cavalli - GAC:Leon your audio is low

Olga Cavalli - GAC:yes

Avri Doria (ATRT):anyone else having AC lag. or is all on my link. sound is fine.

Bruce Tonkin:Yes - we can hear you. That is better

Martin Boyle, Nominet, ICG:yes

Steve DelBianco:Mathieu wrote: Proposal submitted for comments (to be presented and initially discussed during tomorrow's call): 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.

Edward Morris:Good morning Robin.

Bruce Tonkin:Wording looks fine to me Steve.

Grace Abuhamad:You all have scroll control

Bruce Tonkin:Would like to check one assumption. The ATRT2 recommendations that the Board has approved - call for some revision of existing accountability mechanisms such as reconsideration. I am assuming that this group will at some stage pick up that work - rather than require the Board or community to initiate yet another stream of work.

Steve DelBianco:All 3 of those elements are in the WA2 inventory, in WS1

Bruce Tonkin:Would be good if this group could confirm that understanding.

Keith Drazek:I agree that the proposed WS0 is in fact the same as WS1, or is what WS1 should be. I also agree that the language submitted by Mathieu wrote (pasted by Steve above) is good.

Izumi Okutani (ASO):Could they be typed in the right window to make sure I know what the three items are?

Thomas Rickert (co-chair, m, GNSO Council, eco Association):@Steve: I think if we have those three then we could put more into WS 2

Sivasubramanian M:"Overruling the Board, if the Community so wishes" can not be a day to day option, but a provision that is very carefully used, subject to clear definitions of what constitutes Community consensus, and the weight of such consensus - whether it is to be a 50% 'vote', 66% or more...

Steve DelBianco:<https://community.icann.org/pages/viewpage.action?pageId=51416471>

Izumi Okutani (ASO):I support the list of three areas listed to focus

Thomas Rickert (co-chair, m, GNSO Council, eco Association):Yes - your document was one of the sources I was basing my statement on.

Thomas Rickert (co-chair, m, GNSO Council, eco Association):Certainly, such mechanism should not be easily invoked on a day to day basis

Samantha Eisner:In furtherance of a concern that is similar to Alan's comment, I have a recommended edit to the end of Mathieu's words: "if it had consensus support from the community, even if it were to encounter Icann management resistance or if it were against the business interests of ICANN, (though within the public interest and not placing the continuing viability or existence of ICANN in jeopardy)"

Athina Fragkouli (ASO):I agree with the suggestion and I can see how it is covered in the current inventory

Alan Greenberg (ALAC):Thanks.

matthew shears:the text within the brackets is subject to significant interpretation - public interest and viability for example

Alan Greenberg (ALAC):@Becky, Yes, that would get a good start.

Keith Drazek:+1 Becky. Proportional dispute resolution mechanisms are desperately needed and should be available to reduce the need for legal action.

Izumi Okutani (ASO):+ 1 Keith

Edward Morris:I agree with Matthew.. The text in brackets could easily be used to nullify the intent of the main sentence.

Vrikson Acosta:Good morning, afternoon, evening or night :) Sorry for connecting late. (Internet connection in this country is unstable)

Bill Drake:+1 Matt and Ed

Athina Fragkouli (ASO):thank you for this document

Steve DelBianco:+1 Matthew, Ed, and Bill

David Maher (GNSO - RySG):Apologies for joining late

Sivasubramanian M:"Parties affecting ICANN" couldn't be prioritized as much as "parties affected by ICANN". The order could be reversed

Sivasubramanian M:For an organization of ICANN's stature and significance, Global Public Interest is paramount

Grace Abuhamad:You all have scroll control of the document now

Steve DelBianco:@Tijani: we had a list discussion of Public Interest a few weeks back. Will send to you

Steve DelBianco:I proposed that Global Public Interest for ICANN is: the Availability and Integrity of Registrations and Resolutions.

Sivasubramanian M:@ Steve That is a very limited definition of Global Public Interest for ICANN

Robin Gross:respect for human rights must be included in any definition of public interest

Malcolm Hutty:Steve's formulation is good; a general broadly (un)defined concept of "public interest" authorises unlimited discretion in the mission.

Avri Doria (ATRT):I remind people that the AOC includes an obligation to work in the public interest. are we leaving that behind?

Bill Drake:We need to tackle rather than dodge the PI issue

Fiona Asonga:Steve Del Bianco kindly share with me the Public Interest discussion as well

Cheryl Langdon-Orr:the discussion on PI needs a lot more work IMO

Sivasubramanian M:Global Public Interest for ICANN: Act in the best interest of the Internet. Maintain the Security and Stability of the Internet. Coordinate the allocation of Names and Numbers in a manner that is fair to the whole world

Bill Drake:we're having the same conversation as last time, and I still think the BC definition is unduly narrow so work must be done to clarify

James Bladel-GNSO:We should avoid using 'Internet' and favor 'Domain Name System' instead.

Thomas Schneider:ICANN is supposed to act in the PI. So we need to find a way to "operationalize" this concept.

Athina Fragkouli (ASO):+1 proposal is concrete enough and makes sense to me

Athina Fragkouli (ASO):+1 Steve's proposal I meant

Bruce Tonkin:Also the articles of incorporation require operating in the public interest as well - however I think the issue is a shared understanding of what the words mean.

Sivasubramanian M:The definition could embrace ICANN's apparent role in DNS and go beyond to embrace the implication of ICANN's role for the continuity, security and stability of the Internet

Izumi Okutani (ASO):I support Steve's definition and at the same time observe different interpretations

Eberhard Lisse [.NA ccTLD Manager]:Apologies for the late dial in

Edward Morris:Under California law were the Board to act in complete disregard for stated community views and norms the AG is empowered to step in and act.

Sivasubramanian M:@Alan If it is functionally and practically difficult to bring in place mechanism to interface with the whole world, it doesn't mean that the definition should be narrowed. The definition could be broad, unconstrained by the limitation of enabling administrative interfaces for the whole world, and then find a way to arrive at practical and smooth ways of listening to and addressing wider concerns

Steve DelBianco:@Avri -- ICANN can quit the Affirmation any time. That why our Work Area suggested bringing Affirmation into the Bylaws as part of WS1

Cheryl Langdon-Orr:+++ @avri

Izumi Okutani (ASO):Thank you Avri for sharing this, very useful

Keith Drazek:+1 Avri AND Steve

matthew shears:Bringing AOC into bylaws is essential

Cheryl Langdon-Orr:agree

Robin Gross [GNSO-NCSG]:very little can be done on a practical level when ICANN violates its bylaws so we need more than just a commitment in the bylaws

Sivasubramanian M:@ Robin A stronger accountability mechanism is meant to imply that it would no longer be possible for ICANN to violate its bylaws or other commitments with impunity

Bill Drake:AoC obviously would need some reworking in bylaws

Izumi Okutani (ASO):I agree with Matthew "Bringing AOC into bylaws is essential "

Robin Gross [GNSO-NCSG]:we need a mechanism to enforce the bylaws

Martin Boyle, Nominet, ICG:@Matthew: agree!

Sivasubramanian M:@ Robin A 'mechanism' to enforce the bylaws is ONE of the several aspects that the Accountability process needs to look into

Avri Doria (ATRT):perhaps even bringing it into the mission.

Robin Gross [GNSO-NCSG]:Yes, Siva, for sure.

Keith Drazek:+1 to Matthew and Bill. The AoC needs to be incorporated into the bylaws and it will require reworking to accomplish it. I think that's a WS1 requirement.

Sivasubramanian M:The word 'mechanism' might not quite be the right word

Avri Doria (ATRT):or at least bringing the goals it lists into the mission.

Keith Drazek:+1 Avri

Steve DelBianco:for those who want to review earlier dialog on Public Interest, see our December email archive "[CCWG-Accountability] Related work on ICANN's Public Interest" at <http://mm.icann.org/pipermail/accountability-cross-community/2014-December/000182.html>

Vrikson Acosta:I agree with Robin Gross that we need a mechanism to enforce the bylaws

Sivasubramanian M:It is not doing what everyone wants as in a Democracy, but doing the right thing

Martin Boyle, Nominet, ICG:Agree need to be able to enforce

Thomas Schneider:@SM: what is "doing the right thing"? who decides what "the right thing" is?

Sivasubramanian M:Again, instead of the word "enforce" we could work with terms such as "balance"

Edward Morris:+1 Robin. A mechanism, BTW, that is not so costly as to be beyond the means of all but the wealthiest.

Sivasubramanian M:@ Thomas That is a trillion dollar question

Keith Drazek:Perhaps stating the obvious, but ICANN's legitimacy comes from the community of stakeholders. ICANN should serve the interests of the community, as determined through the bottom-up, consensus-based multi-stakeholder policy-making processes.

Sivasubramanian M:But just because it is difficult to arrive at an answer, it does not mean that the question has to be discarded and the present mindset should be continued.

Steve DelBianco:+1 Keith

Sivasubramanian M:What happens if the Democratic process gets distorted?

Thomas Schneider:@SM: well, mankind has - if you start with greek democracy - about 2500 years of history in approaching this question. Now we just need to find the right answer suitable for the challenges of the 21st century. (Which is not simple but necessary...)

matthew shears:+1 Keith - and we cannot restate this enough

Bruce Tonkin:Agree with Alan that we need to use examples to talk about public interest - much like we have a list of core values in the bylaws to help explain "internet" values.

Bill Drake:agree Alan we don't have start by searching for a singular precise and all encompassing definition, could work from an indicative listing of considerations for starts

James Bladel-GNSO:Agree with Keith. And if the community cannot reach consensus, then that should be seen as tacit support for the status quo.

Sivasubramanian M:@ Thomas... The greatest good that is happening after 2500 years is the Multistakeholder model and that goes towards offering us hope for coming up with a more evolved form of governance

Avri Doria (ATRT):Defining PI is challenging because it is an aggregate emergent property. it needs to be defined in a way that recognizes its complexity and dependence on processes that are adhered to but which can evolve as necessary and agreeable to the community.

Bruce Tonkin:Agree also with your statement Keith - that is the essence of ICANN.

Alan Greenberg (ALAC):I do not believe that we can "define" PI. But we cannot leave it completely without any specification.

Thomas Schneider:@SM: i agree that the MS model offers - if it is implemented well - new chances for better inclusion of everybody in decision shaping and making.

Bill Drake:put circumstances and the table and work inductively

Becky Burr:I am very concerned about the notion that accountability means that ICANN does what the "stakeholders" want it to do.

Edward Morris:The Draft 5 Year OP, SG 5, is all about a consensus based definition of "public interest" yet there is no such definition.

Fiona Asonga:Thanks Steve DelBianco for the link

Roelof Meijer (ccNSO):+1 Becky

Alan Greenberg (ALAC):@Becky, +1 There are many stakeholders and some have very different goals than others,

Sivasubramanian M:I think we are limited by the size of who ICANN could reach out to on the question of Public Interest. Consider the example of a Town with 100 streets and 100,000 cars, with barely two traffic police men (not an analogy), so the town council decides that there will be traffic coordination in two streets, between 9 to 5 (not at all an analogy for Internet)

Becky Burr:That approach threatens individual rights and liberties, which is why I think accountability must be linked to fidelity to ICANN's limited mission statement

Sivasubramanian M:@ Thomas .... Very good thoughts

James Bladel-GNSO:Agree with Kavous.

matthew shears:+1 Becky

Mark Carvell GAC - UK Govt:Appreciate very much the strawman proposal on problem definition. Very good structure. In section 4, accountability to the public i.e the global community of Internet users, needs to be developed - not avoided as too difficult. Governments will certainly expect this - in reflection of their role in the ICANN structure to ensure stability, resilience, fairness and equitable treatment of all stakeholders.

Athina Fragkouli (ASO):I can see Kavous's point

Mathieu Weill, ccNSO, co-chair:@Mark: will welcome suggestions on that line, government perspective is useful and valuable here

Thomas Schneider:the global public is an aggregate of all individual particular interests. But this is nothing new. In the past, consensus (or slightly worse majority decisions) have been turned into norms, standards (soft and hard law, public common sense, etc.) that people agreed on.

Sivasubramanian M:@ Mark... We can begin by including and emphasizing Global Public Interest. And, then find a way to very broadly operationalize that

Sivasubramanian M:Global Public Interest.... (spelling error)

Bill Drake:@Thomas: yikes

Thomas Schneider:and since World War II, the basic consensus on public interest has been turned into a system of international laws including human rights...

Mathieu Weill, ccNSO, co-chair:PI is another item where we need this Legal Advisor

Steve DelBianco [GNSO - CSG]:perhaps we say that for ICANN, the Global Public Interest starts with Availability and Integrity of Registrations and Resolutions, and recognize that community consensus could add to that definition over time

Becky Burr:@ steve - only to the extent consistent with ICANN's mission statement. otherwise ICANN's role could expand infinitely

Sivasubramanian M:@Steve.... Another approach is to define it in larger terms, but leave most of the status quo unchanged before transition, except for the bare minimal changes, but commit to work on expanded accountability

Sivasubramanian M:@ Becky... ICANN can not afford to be limited

David McAuley (GNSO):are others encountering audio issues

Sivasubramanian M:+1 Tijani.. There is already a certain degree of balance in the IANA transition community process.

Sivasubramanian M:If the Board were to say something totally unacceptable, and if the Community submits a contrary opinion by consensus, then there is a balance.

Keith Drazek:+1 Thomas. I'm not averse to communicating with the Board, but I don't think we should be asking permission or requesting guardrails at this time. Of course it would be helpful to know where the battle lines might ultimately be drawn, but I think our position could be undermined by asking that question now.

Alice Munyua (GAC):Agree with Tijani, we should not be asking the board at this stage. The board has a liaison

James Bladel-GNSO:+1 to Tijani and Steve. And any response from the Board would be unlikely to have any bearing on our work.

Becky Burr:Sivasubramanian - I may be misunderstanding you, but giving ICANN the ability to expand the scope of its mission without bounds would undermine ICANN tremendously

Keith Drazek:I think the question is not what the Board will voluntarily accept, but what the community will demand NTIA impose on ICANN before the transition takes place.

matthew shears:+ 1 Keith - the Board is very aware of these discussions and they should communicate their thoughts through the liaison

Becky Burr:fundamental rights and liberties must be guarded

Roelof Meijer (ccNSO):+1 Tijani. It is not that we should limit ourselves to what the Board will accept. Or that the board will have to agree to what we recommend. It is about the board being accountable (in the sense of our stated definition) about what it decides on the CCWG recommendations. So how ICANN deals with the CCWG recommendations is in itself the ultimate public test of its accountability

Fiona Asonga:I agree with Mathew Shears

Sivasubramanian M:No, the idea is that ICANN's responsibilities are huge, and all that I propose is a process that would ensure that ICANN will act responsibly and in Global Public Interest, without much NEED for crippling limitations on the Board

Bruce Tonkin:As far as I know the board is amenable to improvements in accountability.

Becky Burr:But the result is that a majority of participating stakeholders decide what the "Global Public Interest" is at any point in time - and have the ability to ignore fundamental rights and liberties of individuals

Sivasubramanian M:That is good to know Bruce

Bruce Tonkin:The board agreed with a regular accountability review process for example, and has so far accepted all recommendations from that process.

Bruce Tonkin:Now implementation could be improved but it is a continuous process. There is no lack of will to embrace change.

Alan Greenberg (ALAC):@Bruce, the issue is "accountability of the sort being discussed here" ie measures such as community override or challenge of Board decisions and potential removal of Board members.

Keith Drazek:Thank you, Bruce.

Sivasubramanian M:@ Becky... Accountability is not only the Accountability of the Board, but that of the Community and the Stakeholders. A good and strong Accountability framework would also ensure that the stakeholders also acts in a manner that is fair for the Internet

Athina Fragkouli (ASO):Kavouss's point makes sense to me

Thomas Schneider 2:I think we should have intense informal interaction with the board (which is already taking place) but we do not need too much formal interactions but concentrate on doing a good work in a free and consensual environment

Sivasubramanian M:How does Board's independent opinion amount to an overlap?

Rudi Daniel:agree in principle with Kavouss's comments.

Sivasubramanian M:Should the Board agree to everything that the Working Group says?

Evan Leibovitch:+1 Steve

Tijani BEN JEMAA (ALAC):@ steve: +1

matthew shears:If the Board agrees to everything then are we doing our job?

Graham:@ICANN needs to yield to @CommerceGov@RepGoodlatte > @FTC should take the lead on net neutrality ...As per:<http://thehill.com/policy/technology/210115-house-republicans-ftc-should-take-the-lead-on-net-neutrality>

Thomas Schneider 2:Thanks Alan, i think that clarifies your message.

Bruce Tonkin:Sure Alan - well speaking personally I have no problem with those concepts. The key for me would be the thresholds associated with override or removal of Board members. The bylaws for example do allow for the Board itself to remove a board member. This could be done presumably at the community's request already.

Keith Drazek:The timing tension Alan and Steve are describing is a direct result of the bifurcation of the Transition and Accountability tracks. It's unfortunate that the Transition CWG is being forced to develop its recommendation without the benefit of seeing the results of our group's work.

Grace Abuhamad:You all have scroll control

Greg Shatan:I think any question to the Board that is intended to help the CWG should only be asked in conjunction with the CWG, and the question should be formulated jointly with the CWG.

Roelof Meijer (ccNSO):In high level statement now being read: not "IANA transition" but "IANA Stewardship Transition", please...

Mathieu Weill, ccNSO, co-chair:@Roelof : good point as usual ;-)

Bill Drake:whom what and why would seem to cover it

Bill Drake:er, and how

Mark Carvell GAC - UK Govt:OK if reaction from Board is positive but what happens if a substantially negative signal comes from the Board? While acknowledging the deep expertise of the Board with its diverse membership but if their intervention were to throw this global cross-constituency work on accountability off course, then this process's credibility would be questioned.

Sivasubramanian M:Discussions on provisions to Recall the entire Board etc sound eschatological, we should approach ICANN governance, IANA transition and ICANN Accountability as if there is an Affirmation of Commitment from the Community to ICANN that it would stay, but would be subject to corrections.

Bernard Turcotte - staff support:Not hearing you Greg

Keith Drazek:Just to be clear, I'm not participating in the Transition CWG. I'm on the ICG on behalf of the gTLD registries.

Graham:No rush: FYI @CommerceGov hold @ICANN @IANA > Sept 30, 2019. Contract # SA1301-12-CN-0035. [http://www.ntia.doc.gov/files/ntia/publications/sf\\_26\\_pg\\_1-2-final\\_award\\_and\\_sacs.pdf](http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf)



matthew shears:Given the timing issues, moving forward with contract co would seem to be logical until the point at which there is certainty that the accountability measures that can be leveraged as Steve suggested are actually in place and proven to deliver as intended and even then some will continue to argue for the contracting entity regardless

matthew shears:I don't think we have any choice but to do both

Robin Gross [GNSO-NCSG]:I agree, Matthew.

Bill Drake:very upbeat assessment there

Sivasubramanian M:@ Mathew... Why do we assume that we need a contracting process? IANA operations could continue to be part of ICANN without the need for replication of a process that has hitherto been an NTIA business process, now that NTIA is leaving...

Sivasubramanian M:What needs to be done here is to make a commitment, rather than expect a contract document from a new entity, which I would consider as an 'artificial' entity

Seun Ojedeji:@Matthew how about put the contract with a known trust (like IETF trust) instead of a contract co that has not been tested in anyway

Avri Doria (ATRT):as a member of the CWG, i do not see how this responds to the issue of Board supremacy, and the fact that it can overrule the community.

Sivasubramanian M:To think aloud, why don't we send a proposal to NTIA that the contract process also goes. ICANN does not need a contract to perform what is an integral part of Names and Numbers function, what is needed here is an accountability process that is enhanced

Olivier Crepin-Leblond:Let me put no record that I am very disappointed that some participants in this WG are already saying they have no confidence that this process will strengthen ICANN's accountability and are already using this to discredit any "internal to ICANN" solution. I find it naive to think that a brand new outside to ICANN solution would be any more accountable than ICANN's accountability. If ICANN is unaccountable in your view, then MAKE IT ACCOUNTABLE!!! That's what this CCWG is all about!

Seun Ojedeji:@SM i would +1 to that as that should be the goal once there is adequate accountability within ICANN

Keith Drazek:Broadly speaking, it appears there are 2 paths for accountability reform...internal or external. The ICANN Board has gone on record, and NTIA has gone on record, saying they oppose any kind of new/external mechanisms. Therefore, I believe they will be compelled to accept the internal structures and reforms this group recommends. The key is to ensure that the community has the ability to keep ICANN accountable and to "fix" ICANN if it jumps the tracks.

Alan Greenberg (ALAC):@Olivier +100

Sivasubramanian M:++1 Olivier.. Make ICANN Accountable, rather than say subject ICANN to unknown processes that could be captured to cripple the Board

Sivasubramanian M:Accountability could be an inherent process

Steve DelBianco [GNSO - CSG]:I'm sorry tha this statement isn't more helpful to CWG's dilemma about Contract Co. But this statement is about as far as we can go at this point.

Seun Ojedeji:I should also note that its a +1 to Olivier's comment.

Olivier Crepin-Leblond:Just a side note also: as usual we're putting the carriage before the horses by having the CWG's intense work week-ened before the F2F of the CCWG. If I was a conspiracy theorist, I would think that the timing was designed to get the process to fail and to search for solace in an external solution because that's the only predictable solution at this moment in time...

Mark Carvell GAC - UK Govt:I agree a statement that underlines the criticality of CWG and CCWG coordinating on options for ICANN review and redress mechanisms should issue now before the intensive weekend. Time is right also in context of geo-politics of WSIS+10 review to raise profile of CCWG work.

Sivasubramanian M:As phase I of the Accountability improvement proposals, the working group could address the imbalances between stakeholders; Streamline ACs / SOs. Enhance Cross Community processes while making cross community processes balanced

Sivasubramanian M:Such a strengthened Cross Community process would be sufficient to balance the Board (if we subscribe to the view that Board's resolutions are often against community interest - they are not)

Seun Ojedeji:@Olivier to your comment, i think i also agree with you that the short time is what people are using to justify external like contract co.

Sivasubramanian M:balance the Board without overwhelming the Board

Sivasubramanian M:I am afraid that some of the proposals could bring about the unintended consequences of a Board under threat of subjugation

Olga Cavalli - GAC:lost audio

Graham:As the Airline industry is held globally to the high standards of United States based FAA, so to should we feel comfortable with ICANN, as a United States Agency managing the Internet, under the guidance of US Commerce Department, FTC and US Laws.

Sivasubramanian M:@ Seun... If there has to be a MRT or a ContractCo, IF AT ALL, then such a body requires elaborate discussion, so such a proposal actually needs to be an agenda item for long term discussion, not done in the short term as proposed at the moment

Avri Doria (ATRT):at this point it is the only response we can send.

Olivier Crepin-Leblond:@Seun: yes the short time is a real problem. It is a pressure in everyone's minds. Things would be so different if we had more time to discuss things and actually think them carefully rather than jumping on various bandwagons

Athina Fragkouli (ASO):Could we have some more time to give our feedback to the text of the statement?

Mark Carvell GAC - UK Govt:Allow 24 hours to finesse with invitation for inputs from members?

Sivasubramanian M:@ Avri Why is this the only response that we could send?

Sivasubramanian M:@ Mark At least 24 hours is good

Izumi Okutani (ASO):I'm OK with the general direction but would it be possible to share the text?

Izumi Okutani (ASO):OK good to know that - 48 h to give input

Athina Fragkouli (ASO):thank you

Sivasubramanian M:Please make this an editable and commentable document during the next 48 hours

Izumi Okutani (ASO):thank you

Robin Gross [GNSO-NCSG]:when can we expect to hear from Constituency Travel about the Frankfurt travel arrangements?

Grace Abuhamad:Deadline is Jan 7! Please contact me directly.

Grace Abuhamad:@Robin -- you will hear as soon as possible

Avri Doria (ATRT):Siva, because we have not yet created any solutions, not have they agreed to yet.

Thomas Rickert (co-chair, m, GNSO Council, eco Association):@Sivasubramanian: We will polish the language a bit to have consistent terminology and then send it to the list

Sivasubramanian M:Thanks Avri. Thanks Thomas

Grace Abuhamad:Thanks Tijani. Good to know that some of you are already contacted

Philip Corwin:In regard to the discussion just ended, I have no objection to sending the high level statement. However, I have just published an article discussing the comments filed on the CWG-IANA initial proposal. It suggests that the only way to resolve the disconnectedness between that process and this one is for the ICG to relax its deadlines and wait for this process to catch up. Article is at [http://www.circleid.com/posts/20150105\\_haste\\_makes\\_waste\\_icann\\_on\\_cwg\\_iana\\_transition\\_proposal\\_problems/](http://www.circleid.com/posts/20150105_haste_makes_waste_icann_on_cwg_iana_transition_proposal_problems/)

Grace Abuhamad:You all have scroll control. Berry sent this to the list yesterday.

Bruce Tonkin:Berry - can you confirm the face-to-face requirements for Singapore. Is it Monday and Thursday?

Mathieu Weill, ccNSO, co-chair:@bruce : not yet, not finalized by Iann meeting team

Grace Abuhamad:@Bruce we cannot confirm yet, but we submitted the request with the meetings team.

Grace Abuhamad:jinx @mathieu :)

Keith Drazek:As a general statement, I'm very encouraged by the work and progress to date of this CCWG. Thanks to everyone who worked so hard through the holiday period. I think we're largely on the right track.

matthew shears:agree

Mathieu Weill, ccNSO, co-chair:Appreciate the comment Keith !

Sivasubramanian M:Plan for longer meetings in Singapore

Steve DelBianco [GNSO - CSG]:I will try to merge some of the BC's Stress Tests with Eric's draft list. <https://community.icann.org/display/acctcrosscomm/Stress+Tests+from+the+Business+Constituency>

Mark Carvell GAC - UK Govt:Agree a public session in Singapore is extremely valuable outreach and profile raising opportunity. GAC will also have open discussion - including I suggest on the public interest accountability question discussed earlier today - right Thomas (S)?

Eberhard Lisse [.NA ccTLD Manager]:I object against overrunning the scheduled duration of 2 hours.

Eberhard Lisse [.NA ccTLD Manager]:I have to leave now and thus can not listen to AOB any further

Mathieu Weill, ccNSO, co-chair:@me too :-)

Mathieu Weill, ccNSO, co-chair:(objecting)

Julia Wolman, Denmark, GAC:+1 Mark

Seun Ojedeji:thanks bye

Evan Leibovitch:I have comments about the WT4 report. Will forward them separately by mail to the list.

Mathieu Weill, ccNSO, co-chair:Thanks everyone, very substantive discussions, paving the way for a fruitful Frankfurt F2F ahead of us. Please provide suggested edits to the various docs

Robin Gross [GNSO-NCSG]:If ICANN is hiring the outside legal counsel, how do we ensure independence?

Yasuichi Kitamura (At-Large):bye, all

Avri Doria (ATRT):bye

Pär Brumark (GAC):Thx! Have a good day. Bye!

Athina Fragkouli (ASO):thank you

matthew shears:very good question Robin!

Evan Leibovitch:Bye

Sivasubramanian M:bye

James Bladel-GNSO:Thanks, everyone.

Rudi Daniel:bye

Martin Boyle, Nominet, ICG:thanks all and bye

Keith Drazek:Agreed Robin.

Izumi Okutani (ASO):thanks all

Fiona Asonga:Thanks bye

Pedro Ivo Silva [GAC Brasil]:Thank you all. Bye, bye!

Greg Shatan:Bye all.

Cheryl Langdon-Orr:bye

Robin Gross [GNSO-NCSG]:bye