CCWG ACCT Meeting #42 - Session 4 (18 July)

Attendees:

Members: Alan Greenberg, Alice Munyua, Athina Fragkouli, Becky Burr, Bruce Tonkin, Cheryl Langdon-Orr, Eberhard Lisse, Finn Petersen, Fiona Asonga, Izumi Okutani, James Bladel, Jordan Carter, Jorge Villa, Julie Hammer, Leon Sanchez, Lyman Chapin, Maarten Simon, Mathieu Weill, Olga Cavalli, Pär Brumark, Robin Gross, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa, Tracy Hackshaw (27)

Participants: Adebunmi Akinbo, Andrew Harris, Anne Aikman-Scalese, Antonia Chu, Ashley Heineman, Avri Doria, Bruno Lanvin, Chris Disspain, Damien Coudeville, David McAuley, Desiree Miloshevic, Edward Morris, Emmanuel Adjovi, Erika Mann, George Sadowsky, Greg Shatan, James Gannon, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Konstantinos Komaitis, Laurent Ferrali, Lise Fuhr, Maciej Tomaszewski, Malcolm Hutty, Mark Carvell, Markus Kummer, Maura Gambassi, Mike Chartier, Nathalie Coupet, Paul Rosenzweig, Pedro da Silva, Phil Buckingham, Rafael Perez Galindo, Rinalia Adul Rahim, Sabine Meyer, Seun Ojedeji, Sivasubramanian Muthusamy, Thomas De Haan, Thomas Schneider, Wisdom Donkor, Wolfgang Kleinwaechter (43)

Advisors: Jan Scholte, Lee Bygrave, Willie Currie

Legal Counsel: Ingrid Mittermaier, Holly Gregory, Michael Clark, Rosemary Fei, Sharon Flanagan

Staff: Adam Peake, Bernard Turcotte, Berry Cobb, Brenda Brewer, Grace Abuhamad, Hillary Jett, Mike Brennan, Theresa Swinehart

Apologies: Giovanni Seppia, Julia Wolman, Martin Boyle, Matthew Shears, Nell Minow, Roelof Meijer, Valerie D'Costa

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

Transcript

- [Transcript CCWG ACCT #42 Session 4_18July.doc](#)
- [Transcript CCWG ACCT #42 Session 4_18July.pdf](#)

Recordings

- The Adobe Connect recording is available here: https://icann.adobeconnect.com/p6uetmn5gzg/
- The audio recording is available here: http://audio.icann.org/gnso/gnso-ccwg-acct-4-18jul15-en.mp3

Notes

These high-level notes are designed to help you navigate through content of the call and do not substitute in any way the transcript.

LAST SPRINT for the day

WP3

- Issues for WS1 will be included in next draft. These include SO/AC accountability
- Action: Correct the last bullet on slide to make clear that there is no review of the SO/ACs in WS2.
- Rationale for the wording to be included in WS1 draft: Need to balance the two powers. WS1 empowers the community and the Public Comments sought
  to balance the increased power with reviews.
- Two other issues (Diversity and Staff Accountability) in WS2
- Action: The text on Staff Accountability needs to be fine-tuned to refer to the Staff **actions.**
- WP3 to continue work and prepare text for draft.

CWG Requirements

- All items were discussed in CCWG meeting these past two days.
- Jordan to share updated budget text with WP1.

Next Steps:

- Will circulate draft communique for review
- Communique to be published on Monday.
- Notes edits for GAC on ICANN53 input and remove sentence on
- Edits for community forum (not use word "council" or "forum")
- Action: all to review the draft by 12:00 UTC on Monday.

Action Items:

- **Action: Correct the last bullet on slide to make clear that there is no review of the SO/ACs in WS2.**
- **Action: The text on Staff Accountability needs to be fine-tuned to refer to the Staff actions.**
- **Action: all to review the draft by 12:00 UTC on Monday.**

Documents Presented

CCWG-Paris Communiqué-draft_LS-hj-mw.pdf

WP3-Paris.pdf

Chat Transcript

Brenda Brewer: (7/18/2015 08:48) Welcome to CCWG Accountability Meeting #42, Session 4 on 18 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

Brenda Brewer: (08:48) On break until top of hour. Please stand by.

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:08) starting soon

David McAuley: (09:09) Thanks Cheryl

David McAuley: (09:11) Objection squared it sounds like

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:11) :-) :-) :-)

Paul Rosenzweig (Heritage): (09:23) Yes

David McAuley: (09:23) +1 for definition

David McAuley: (09:23) Good for WS2

David McAuley: (09:24) Well put James

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:29) my hand is proxy for Alan

Avri Doria: (09:31) yes, other thn normal escalation like anything else

Greg Shatan: (09:31) Alphabet soup.

Avri Doria: (09:33) the IFR is a review that makes recommendations to the Board. and if the Board doesn't do the right thing, it can be appealed.

Bruce Tonkin: (09:35) My interpretation - is that the CCWG is talkiong about the power to veto major changes in the overall ICANN budget that don't meet the communities requirements.   My understanding ist aht ICANn will continue to operate under its current budget of the previous financial year while the Board works thr4ough resolving issues with the new budget.

Bruce Tonkin: (09:36) Topics like IANA budget, compliance, L root server operation etc - would all be maintained.   IN other words we are not talking about suddiently shuttng down any critical functions of ICANN.

James Gannon [GNSO-NCSG]: (09:37) Yes but we have said we would specifcally ringfence IANA spearately from any other potential critical services

Greg Shatan: (09:37) If the IANA Budget had an increase over prior year, e.g,., due to capital improvements, that would have to be respected. Last year's budget would not be sufficient.

James Gannon [GNSO-NCSG]: (09:37) +1 Greg

Bruce Tonkin: (09:38) SUre James - but why limit that just to IANA.   ICNAN does more than just IANA so I think the CCFWG shoudl really guarantee contnued operation of nromal operational services across the Baord.

Greg Shatan: (09:38) Because IANA is a specific concern of the IANA Transition and needs to be explicitly dealt with to satisfy the CWG dependencies and the NTIA>

Greg Shatan: (09:38) Let's not let the perfect be the enemy of the good.

Bruce Tonkin: (09:38) I doubt the community seriously expects ICNAN to stop paying any staff except for IANA, and stop all functions ecept for IANA while the budget is being reviewed.

James Gannon [GNSO-NCSG]: (09:39) I agree but still feel that IANA needs to be indpendently ringfenced and we had consensus on that during yesterdays discussion, and that is not a statement that the other services are not important but separate

Bruce Tonkin: (09:39) Really I would expect that a veto would stop any major changes - whethe big increaes or cuts in expenditure.

Greg Shatan: (09:39) I don't think that is the intended consequence of budget rejection.

Greg Shatan: (09:39) Or the stated consequence, either.

Greg Shatan: (09:40) But the veto shouldn't constrain the IANA Budget.

Bernard Turcotte - Staff support: (09:40) that is an important point

Bruce Tonkin: (09:40) SO James - so I udnerstqand itf we add say $50m to ICANA budget from the preiovusly year and decide to build a new building to house the IANAN fucntion - I would expect this is a reasonable topic for hte community to be able to veto.   However the operation of IANA under the previous year's budget should be maintained.

Bruce Tonkin: (09:40) IANA budget I mean.

Greg Shatan: (09:41) There is no line item veto. It's up/down.

Grace Abuhamad: (09:41) Hillary has unsynced the document for you

James Gannon [GNSO-NCSG]: (09:41) Yes we dont have that granulatory in the veto power

Grace Abuhamad: (09:41) you have scroll control

James Gannon [GNSO-NCSG]: (09:41) And if that 50m was an ICANNbbuilding then its still separate from IANAs operational budget

Greg Shatan: (09:42) I suppose ICANN staff/board could choose to abuse the IANA budget as a pork barrel, if that budget is protected from being constrained. But I believe the organization is better than that.

James Gannon [GNSO-NCSG]: (09:42) Because it will no longer be an internal dept cost center it will be an external contractor invoice

Steve DelBianco [GNSO - CSG]: (09:43) I thin k it should be "assuring" instead of "asserting"

Greg Shatan: (09:43) And ... if the $50 million building were in fact essential to the IANA function and SSR, then yes -- that should go forward even in the face of a budget veto.

Holly Gregory: (09:43) What is the linked document under the heading of Community Empowerment Models?

Greg Shatan: (09:44) And if the Board/staff were putting gold-plated faucets and Travertine marble into the IANA building plans, that is probably an issue that goes beyond mere budget veto.

Bruce Tonkin: (09:44) Well IANA would be a separate entity and would have its own budget.   That would include costs like the building it is operating in (with rent, fit-out or a new building).   I am jsut trying to ensure we have some consistency.   Really you want to ring fence the budget sufficient for IANA to meet its SLA requirements.   A any major changes to IANA's budget are what shoudl be subject to the ring fence/veto.

James Gannon [GNSO-NCSG]: (09:45) Bruce I think that approach has huge risks attached. Issues with IANAs budget appropriateness need to be dealth with internally to PTI not at the ICANN budget veto level

Bruce Tonkin: (09:47) Well James the PTI as far as I know is not seprately in control of its income.   THat comes from the overall income of ICANN.   I think you need to be looking at the ICANN budget as a whole.   Both income and expenditure for the particular year.

Bruce Tonkin: (09:49) For exampel if the overall ICANN budget had mechansims to ensure it had sufficient income to meets its expenses include the new IANA budget, and then you veto the ability of IACANN to raise that income, but continue to keep the same IANA expenditure you have a problem.

Rosemary Fei (Adler & Colvin): (09:49) May we have individual scrolling, please?

James Gannon [GNSO-NCSG]: (09:49) Understood but PTI will formulate its operating costs and capital requests internally I would assume as is normal in any subsidiary, thats budget development process is where those oissues ashould be assessed

Bruce Tonkin: (09:50) Agreed @James.

James Gannon [GNSO-NCSG]: (09:50) that was ref your first message btw

Bruce Tonkin: (09:50) But all ICANN functions would use the same approach .

Jordan Carter (.nz, ccTLD member): (09:50) ditch the sentence

Jordan Carter (.nz, ccTLD member): (09:50) seriously

David McAuley: (09:50) Maybe just take sentence out

Jordan Carter (.nz, ccTLD member): (09:51) that said, the sentence in my view absolutely and accurately reflects what the agreement of the group is, because it is utterly a statement of facts - at the very least, nothing will change, is what it says

David McAuley: (09:52) Agree @Jordan but it has become a stopping point for now

Rosemary Fei (Adler & Colvin): (09:52) Thank you

Jordan Carter (.nz, ccTLD member): (09:52) we should delete

Jordan Carter (.nz, ccTLD member): (09:52) and move on

Robin Gross [GNSO - NCSG]: (09:52) I agree with Paul - one bite at the apple or the other - not both

Steve DelBianco [GNSO - CSG]: (09:53) It's really just a cross-community grou

Greg Shatan: (09:53) Jamborees in the US are limited to boy scouts, I believe....

Holly Gregory: (09:53) Second attempt: What is the linked document under the heading of Community Empowerment Models?

Becky Burr: (09:53) and girl scouts

Chris Disspain: (09:54) maybe I dont understand....the GAC needs ot retain the ability to give consensus advice even if they join the member...

Rosemary Fei (Adler & Colvin): (09:54) Is the calendar that appeared briefly before the current displayed document on the wikipage?

Steve DelBianco [GNSO - CSG]: (09:54) It's more a "Cross-commuity consultation" to exercise new community powers

Jordan Carter (.nz, ccTLD member): (09:55) Rosemary: it was emailed around on the main list by Grace in the past hour or two

Grace Abuhamad: (09:55) not yet rosemary. We circulated a draft on list and will come back to it in a few minutes

Paul Rosenzweig (Heritage): (09:55) Of course we can take it out ... but that simply obscures the dispute and kicks it down the road. If we don't find a way to resolve it the effort will founder. It may be that the minority of governments that want more simply don't get what they want. Or it may be that they convince this group to give them more... but then the transition will be at grave risk.

Jordan Carter (.nz, ccTLD member): (09:55) That's a point of substance that we aren't discussing rihgt now, Paul

Becky Burr: (09:56) @ Chris - GAC can of course provide advice. Issue is the privileged status of that advice

Pedro da Silva [GAC Brasil]: (09:56) It is not a minority of governments, Paul.

Chris Disspain: (09:56) ah...OK

Olga Cavalli - GAC Argentina: (09:56) + 1 to Brazil´s comment

Avri Doria: (09:57) +1 to Paul's sentiments

Avri Doria: (09:57) sneaking things in at the last minute will not work.

Becky Burr: (09:57) @Pedro - I know the compiled document does not reflect GAC consensus but it seemed to me that most respondents suggested that GAC stay in its current advisory role

Chris Disspain: (09:58) So that is a very important issue...and needs ot be dealt with....the CCWG needs to get VERY CLEAR that there is consensus that GAC either keeps its weighted advice OR becomes part of the member and then loses the weighting of the advoce

Avri Doria: (09:58) if GAC wants another role it needs to be negotated and we need to be careful that it doesnot constitute capture. as defined by NTIA.

Greg Shatan: (09:58) The advice will be privileged as long as it is produced under the current GAC definition of consensus. (or most likely anything substantially similar). If the GAC devalues that advice by allowing statements to be advice in the face of significant dissent, then I don't see why it should get the same deference.

James Gannon [GNSO-NCSG]: (09:59) *clap*

Asha Hemrajani: (09:59) clap clap

Seun Ojedeji: (09:59) Thanks too Co-Chairs

David McAuley: (09:59) Thanks Thomas

Chris Disspain: (09:59) my guess is that there wont be consensus on that

Greg Shatan: (09:59) Clap clap clap.

Greg Shatan: (09:59) Please photoshop me in.

Seun Ojedeji: (09:59) Thanks to everyone

Seun Ojedeji: (09:59) bye

Farzaneh Badii: (09:59) Clap clap clap. clap . can we send our pictures for remote participants? equal footing!

David McAuley: (09:59) Thanks Holly, Rosemary

emmanuel adjovi: (09:59) thanks to all the participants

David McAuley: (10:00) Hold the picture, I'll be right there

Greg Shatan: (10:00) Congratulations to all on a very successful meeting.

David McAuley: (10:00) +1 Greg