

Webinar (25 August 2015)

WEBINAR: Briefing on 2nd Draft CCWG-Accountability Proposal

The CCWG-Accountability published its 2nd Draft Proposal on Work Stream 1 Recommendations for 40-day public comment on **3 August 2015**. Community feedback is requested on this draft proposal of proposed enhancements to ICANN's accountability framework that the CCWG-Accountability has identified as essential to happen or be committed to before the IANA Stewardship Transition takes place.

Community feedback will help the CCWG-Accountability to improve its proposal and carry on with next steps, including Chartering Organizations' endorsement of the CCWG-Accountability recommendations before it is submitted to the ICANN Board during or shortly after ICANN54 in Dublin in October 2015.

In order to brief the community on the contents of their 2nd Draft Proposal, the CCWG-Accountability co-Chairs hosted two identical briefing webinars on 4 and 7 August at different times to facilitate participation across time zones. To provide the community with an additional opportunity to ask questions, a repeat session will be held on:

- **25 August from 18:00 – 20:00 UTC** (time zone converter [here](#))

The webinar will be conducted in English. Live interpretation services^[1] are available in Arabic, Chinese^[2], French, Spanish and Portuguese^[3].

Please note that the webinar will be recorded and transcribed. Subsequently the transcripts will be posted on the CCWG-Accountability Wiki [here](#).

Download the webinar slides here --> [CCWG-Webinar-Slides.pdf](#)

Attendees: Aarti Bhavana, Alberto, Alex Deacon, Allan MacGillivray, Allan Skuce, Anne Aikman-Scalese, Barbara Wanner, Barrack, Becky Burr, Bob Ochieng, Brenden Kuerbis, Carlos Raul, Carlton Samuels, Cheryl Langdon-Orr, Christina, Chuck Gomes, David Maher, David Olive, Gangesh Varma, James Gannon, Jim Baskin, John McElwaine, Jon Nevett, Jonathan Zuck, Jordan Carter, Jorge Cancio, Jorge Villa, Joseph Wright, Julia Charvolen, Juuso Moisander, Kavouss Arasteh, Larisa Gurnick, Leon Sanchez, Marilia Maciel, Mark Carvell, Mason Cole, Mathieu Weill, Matthew Shears, Maura Gambassi, Miriam Sapiro, Moises Cirilo, Nick Shorey, Norbert Glakpe, Peter Van Roste, Pierre Bonis, Sabine Meyer, Sara Bockey, Scott Harlan, Sebastien Bachollet, Seun Ojedeji, Sorina Teleanu, Stephen Deerhake, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa (55)

Transcript:

EN	<ul style="list-style-type: none">• 20150825_CCWG_Webinar_3_EN.doc• 20150825_CCWG_Webinar_3_EN.pdf
ES	<ul style="list-style-type: none">• 20150825_CCWG_Webinar_3_ES.doc• 20150825_CCWG_Webinar_3_ES.pdf
AR	<ul style="list-style-type: none">• Transcript 20150825_CCWG_Webinar_3_AR.docx• Transcript 20150825_CCWG_Webinar_3_AR.pdf
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ZH	<ul style="list-style-type: none">• Transcript 20150825_CCWG_Webinar_3_ZH.DOC• Transcript 20150825_CCWG_Webinar_3_ZH.pdf

Adobe Connect Recording: <https://icann.adobeconnect.com/p1h84kefuog/>

MP3 Recordings: [EN](#) [ES](#) [AR](#) [FR](#) [PT](#) [ZH](#)

Chat Transcript:

Brenda Brewer: (8/25/2015 11:51) Brenda Brewer: Welcome to the CCWG-Accountability Webinar Session 3! Chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Allan Skuce: (12:35) Yes

Allan Skuce: (12:35) Yes

Allan Skuce: (12:36) Broken up

Allan Skuce: (12:39) very soft

arasteh: (12:47) Hi everybody

arasteh: (12:47) Hi Co-Chairs

arasteh: (12:47) Hi host

arasteh: (12:47) Hi Brenda

arasteh: (12:47) Hi Josh

Brenda Brewer: (12:49) Welcome!

Bernard Turcotte Staff Support: (12:55) hello all

Carlos Raul (Costa Rica): (12:57) is this a listen only meeting?

Jordan Carter (.nz, WP1 rapporteur): (12:57) Hi everyone

Carlos Raul (Costa Rica): (13:01) noisy background

Carlos Raul (Costa Rica): (13:01) yes

Carlos Raul (Costa Rica): (13:02) still noisy background

Alice Jansen: (13:02) Recordings have started

Seun: (13:04) getting some background noise as well

Mathieu Weill, ccNSO, co-chair: (13:05) Hi everyone

Seun: (13:05) happy anniversary to ccwg :-)

Carlton Samuels: (13:12) Howdy all

Sébastien (ALAC): (13:13) No sound

Sébastien (ALAC): (13:14) Leon you stay the only one ;)

arasteh: (13:14) Leon

Thomas Rickert, CCWG Co-Chair: (13:14) both mathieu and I cannot be heard

Thomas Rickert, CCWG Co-Chair: (13:14) Mathieu's and my line need to be unmuted

arasteh: (13:15) In the absence of two other co chairs pls go ahead

Seun: (13:16) absent may not be the word "pun intended"

Gangesh Varma: (13:20) lost the audio

Jordan Carter (.nz, WP1 rapporteur): (13:36) you are welcome to type questions into this chat window, we can try and answer them for you here as we go, if you like

arasteh 2: (13:43) Jordan

arasteh 2: (13:43) I received a call from someone who is not connected to the webinar and asked a question

arasteh 2: (13:44) Wopuld like that I sumit that which in my view is beneficial for others

arasteh 2: (13:44) Sorry I coorrect

arasteh 2: (13:45) Would you like that I raise that question through youi to the co-chairs

arasteh 2: (13:45) ?

arasteh 2: (13:46) Thomas

arasteh 2: (13:46) Do you see my message?

Thomas Rickert, CCWG Co-Chair: (13:48) Hello Kavouss, we will open for questions in approx. 2 mins. Please do ask the question when we get to the section concerned.

arasteh 2: (13:48) ok

Alice Jansen: (13:52) Webinar Q&As - <https://community.icann.org/pages/viewpage.action?pageId=54695403>

arasteh 2: (13:53) Once the new Bylaws are approved, can the community suggest amendments to Standard Bylaws or Fundamental Bylaws ? If not WHY?

Anne Aikman-Scalese - IPC member: (13:53) Fundamental By-Laws are a great idea!

arasteh 2: (13:54) If the community can do that where that issue is reflected in the proposal?

Scott Harlan: (13:55) Will the Policy Development Processes be fundamental bylaws?

Mark Carvell GAC - UK Govt: (13:55) Back on mission: is this setting it in stone and so a constraint on evolution of ICANN and the DNS?

Jordan Carter (.nz, WP1 rapporteur): (13:56) hi Scott- no, that's not the proposal. They would remain standard bylaws. Thanks for the question!

arasteh 2: (13:56) It is not prohibited but it is not permitted

Becky Burr: (13:56) Mark, Mission is not set in stone, but it is a fundamental bylaw, and there would be a high threshold to change

arasteh 2: (13:56) RThat seems to be a vague answer?

arasteh 2: (13:57) There seems to be a need to clearly mention that

arasteh 2: (13:57) It is not mentioned anywhere in the bylaws?

arasteh 2: (13:58) Thomas\$

arasteh 2: (13:58) I am not convinced with the answer.

Matthew Shears: (13:58) there has to be the ability for ICANN to evolve but given the emphasis on DNS stability and resiliency any change in the mission should be undertaken with great care hence the fundamental bylaw

arasteh 2: (13:59) If community is authorized to propose amendments to the Bylaws, it MUST be clearly and specifically mentioned in the proposal

Jordan Carter (.nz, WP1 rapporteur): (13:59) Kavouss: it is the same as today.

Jordan Carter (.nz, WP1 rapporteur): (13:59) There is no "new" procedural route being created to do bylaws changes.

Mark Carvell GAC - UK Govt: (13:59) Thanks for reassuring answers..

Becky Burr: (14:00) California law provides that bylaws may be proposed, amended, or repealed with the approval of the member

Becky Burr: (14:00) approval of the member

Carlos Raul (Costa Rica): (14:01) ?????

Brenden Kuerbis: (14:02) To what extent is the Sole Member Community Mechanism dependent upon ICANN for resources?

Carlos Raul (Costa Rica): (14:02) Thomas does it mean that community powers are exercised in a different way, no voting?

Mathieu Weill, ccNSO, co-chair: (14:03) Correct Becky, this is in our report, page 173, § 1463-1470

Carlos Raul (Costa Rica): (14:03) I didn't get that one Thomas.....

Jordan Carter (.nz, WP1 rapporteur): (14:03) Brendan: the member is simply a collection of votes

Jordan Carter (.nz, WP1 rapporteur): (14:03) exercised by the SOs and ACs

Carlos Raul (Costa Rica): (14:03) the difference between community powers and sole member model...

Carlos Raul (Costa Rica): (14:03) but maybe not so relevant

Jordan Carter (.nz, WP1 rapporteur): (14:03) the only resources might be to count the votes.

Aarti: (14:03) From a legal point of view, who exactly is listed as the member?

Seun: (14:04) Good question. Arti

Carlos Raul (Costa Rica): (14:04) never mind Thomas

Carlos Raul (Costa Rica): (14:04) ok Thanks

Carlos Raul (Costa Rica): (14:04) clear now

Jordan Carter (.nz, WP1 rapporteur): (14:05) the 'member' will be the description of the Community Mechanism.

Jordan Carter (.nz, WP1 rapporteur): (14:05) Thomas is right.

Jordan Carter (.nz, WP1 rapporteur): (14:06) Nobody / nothing else will be able to "join" icann, or gain status as a member.

Anne Aikman-Scalese - IPC member: (14:06) Which provisions of the California Code apply to the named Sole Member and set forth its obligations and responsibilities?

Mathieu Weill, ccNSO, co-chair: (14:06) @Anne, see p173 of report for the list mentioned by Thomas

Mark Carvell GAC - UK Govt: (14:07) If there is a public interest issue raised in the petition, could there be an obligation to seek GAC advice, or a stability issue to obtain formal SSAC advice - before going to a vote that those ACs would not participate in?

Anne Aikman-Scalese - IPC member: (14:07) Thanks Thomas - question was more about liability than about Powers.

Jordan Carter (.nz, WP1 rapporteur): (14:07) Most of the obligations and responsibilities will be set out in the ICANN articles and bylaws; other statutory rights will be restricted in the bylaws and articles or require high thresholds of the CMSM to exercise them.

Jordan Carter (.nz, WP1 rapporteur): (14:08) Anne: members don't face liability for decisions as members; and participants in the Community Mech as Sole Member face no liability for their actions within it, is the summary of what we have been advised re liability - hope this helps

Anne Aikman-Scalese - IPC member: (14:08) I am not a CA lawyer, but CA Code Section 18630 applicable to CA unincorporated non-profit associations provides: Notwithstanding any other provision of this chapter, a member or person in control of a nonprofit association may be subject to liability for a debt, obligation, or liability of the association under common law principles governing alter ego liability of shareholders of a corporation, taking into account the differences between a nonprofit association and a corporation.

Jordan Carter (.nz, WP1 rapporteur): (14:09) That's a provision we should run by our lawyers

Mathieu Weill, ccNSO, co-chair: (14:09) @Anne: we can provide off line a legal memo on this issue

Mathieu Weill, ccNSO, co-chair: (14:09) They answered that concern

Jordan Carter (.nz, WP1 rapporteur): (14:09) +1 Mathieu

Mathieu Weill, ccNSO, co-chair: (14:10) Will be in the Q&A

Anne Aikman-Scalese - IPC member: (14:10) Thanks Co-Chairs - appreciate your attention to this! Anne

Jordan Carter (.nz, WP1 rapporteur): (14:11) it's an important issue!

Jordan Carter (.nz, WP1 rapporteur): (14:12) Agree with Tijani on his first point

Scott Harlan: (14:13) Regarding the Empowered Community Powers, does the community have the power to remove the President individually?

Jordan Carter (.nz, WP1 rapporteur): (14:14) Scott: no.

Jordan Carter (.nz, WP1 rapporteur): (14:14) President and CEO's role relates to their employment status, which is a matter for the Board, not the community through the community mechanism.

Jordan Carter (.nz, WP1 rapporteur): (14:14) They are specifically excluded from being removed either individually or when the entire Board is recalled.

Mark Carvell GAC - UK Govt: (14:24) Community Forum is a key element. Will there be more detail given in Dublin of how it will work - any appeal - the suggestion in pra 355.

Anne Aikman-Scalese - IPC member: (14:24) COMMENT: Suggest directors be asked to execute covenant not to sue the Sole Member.

Jordan Carter (.nz, WP1 rapporteur): (14:24) Mark - appeal?

arasteh 2: (14:24) IT is absolutely necessary to clearly mention in the proposal that the community is also empowered to propose amendments to the Bylaws

Jordan Carter (.nz, WP1 rapporteur): (14:25) Kavouss: we have specifically excluded that. the CCWG has not agreed with what you propose.

arasteh 2: (14:25) Why

Sabine Meyer: (14:25) to be honest: maybe it might be useful to discuss the Community Forum a little further even before Dublin.

Sabine Meyer: (14:25) simply on the list / our regular meetings.

arasteh 2: (14:26) It is essential and fundamental that the community be able to propose that changes

Jordan Carter (.nz, WP1 rapporteur): (14:26) Sabine - I could see no harm in doing this. The more clarity on anything and everything, the better.

arasteh 2: (14:26) I am not convinced that we did not propose it is a shortcoming

Cheryl LangdonOrr: (14:26) seems simple enough to arrange Sabine... good idea

Sabine Meyer: (14:26) thank you!

Jordan Carter (.nz, WP1 rapporteur): (14:27) Kavouss: we explicitly discussed it more than once in WP1, and were very clear we were not proposing such changes. Let's discuss it in the CCWG.

arasteh 2: (14:27) If it is limited to the decision of few people it is not correct

arasteh 2: (14:28) Your argument is totally unacceptable

Brenden Kuerbis: (14:28) Sorry, some more questions for the Com Mech discussion to follow. Could ICANN simply ignore a decision of the sole member community mechanism? How would the sole member get them to comply? Is the only option to remove the board?

Brenden Kuerbis: (14:28) Thomas for later

Jordan Carter (.nz, WP1 rapporteur): (14:28) I am not making an argument. I am explaining that we did consider what you are proposing, and does not agree with what you are proposing. The place to resolve that is in the CCWG, not in the middle of a public webinar.

arasteh 2: (14:29) Bylaws is the constitution of the entire process and it is prerogative of the community to be able to propose amendments to the bylaws

James Gannon: (14:30) We had a memo I think that indicated that ICANN would also fund such actions if I'm correct (Someone might be able to point to that doc on the list later)

Anne Aikman-Scalese - IPC member: (14:30) Yes - it seems the Community Mechanism is a California person with standing to sue or obtain injunction.

Jordan Carter (.nz, WP1 rapporteur): (14:31) Kavouss: we need to tease out what it is that you mean by "propose". I believe the community can propose such changes today, and it would be able to do so under our changes.

Brenden Kuerbis: (14:31) Understood they are enforceable, just wonder if sole mem Com Mech is robust enough (e.g., has resources, etc.) to accomplish that

Jordan Carter (.nz, WP1 rapporteur): (14:31) If you mean, "there should be a separate process for the community to propose a bylaws change - separate from the current process and with no role for the Board" then no, that is not what the CCWG is proposing.

Anne Aikman-Scalese - IPC member: (14:32) Sole Member may need financial reserves - allocated out of ICANN Budget.

Jim Baskin: (14:33) outside of the icann budget

Anne Aikman-Scalese - IPC member: (14:33) Yes Jim - set apart at you say.

Jordan Carter (.nz, WP1 rapporteur): (14:34) some kind of reserve or escrow

Jordan Carter (.nz, WP1 rapporteur): (14:34) held on trust in a lawyer's trust fund or something etc. implementation detail but important

Scott Harlan: (14:34) What is the status of the interim bylaw provision re Work Stream 2?

Anne Aikman-Scalese - IPC member: (14:34) Another suggestion from above: Directors should agree not to sue the Sole member.

Jordan Carter (.nz, WP1 rapporteur): (14:35) Kavouss: it would be helpful if you could write about this issue (community proposal of bylaws) very specifically, on the ccwg list - I will try and write something about it in about 90 mins, to try and be super clear about the question

Jordan Carter (.nz, WP1 rapporteur): (14:36) it's an important one to work out clearly

Mathieu Weill, ccNSO, co-chair: (14:36) p121 of report Scott

Barbara Wanner: (14:36) Apologies -- still a bit confused about how/where the Human Rights issue will be address

Anne Aikman-Scalese - IPC member: (14:36) Thanks Thomas!

Matthew Shears: (14:37) A question for the end perhaps but could you speak to what happens w/r/t implementation and WS2 - thanks

Barbara Wanner: (14:38) Thank you!

Carlos Raul (Costa Rica): (14:39) i have to leave. Thank you very much for this excellent webinar

Jordan Carter (.nz, WP1 rapporteur): (14:39) my apologies all, I have to leave the call

Jordan Carter (.nz, WP1 rapporteur): (14:39) thank you for taking the time to attend and participate

Pierre Bonis: (14:39) kudos Jordan for your clear answers !

jorge cancio (GAC): (14:40) Dear Mathier: what is the scope of the second bullet of elements considered for ws2?

Jordan Carter (.nz, WP1 rapporteur): (14:40) thanks Pierre :)

jorge cancio (GAC): (14:40) Mathieu (sorry)

James Gannon: (14:41) Yes that needs a considered answer

jorge cancio (GAC): (14:41) great, thanks!

Mathieu Weill, ccNSO, co-chair: (14:41) Sorry Jorge, can't remember that

jorge cancio (GAC): (14:41) I've also forgotten about the genesis...

Mathieu Weill, ccNSO, co-chair: (14:42) Need some research....

Anne Aikman-Scalese - IPC member: (14:43) Very good point Thomas! All questions should be addressed now - not come up later. And yes - it has been for all of you a Herculean task!

Cheryl LangdonOrr: (14:44) good call everyone thanks for all the great questions keep this interaction going please we as who as Thomas says are 'knee deep in all this' are happy to hear your concerns and be available for dialogue ... Thanks everyone

Gangesh Varma: (14:44) Quick question on the IRP. Who decides whether a decision from a 3 member panel merits appeal to the full panel?

Gangesh Varma: (14:44) Thanks ! this was a great session.

Becky Burr: (14:44) I am but I do not have a voice

Cheryl LangdonOrr: (14:45) and remember to look to our publishing of FAQ's from all our calls

Gangesh Varma: (14:45) No problem. That will be fine. Thanks

Becky Burr: (14:45) the panel itself would review the request and make a determination about whether review request meets the test

Mark Carvell GAC - UK Govt: (14:45) How critical is the Board response and dialogue?

Anne Aikman-Scalese - IPC member: (14:45) Many thanks to the Co-Chairs, Jordan, and all participants.

Bob Ochieng: (14:46) Thank you very much..Bye

Cheryl LangdonOrr: (14:46) and thank you CoChairs

Sara Bockey: (14:46) thank you all!

James Gannon: (14:46) Thanks all

Matthew Shears: (14:46) thanks!

Peter Van Roste - ccTLDs: (14:46) Thanks!

Mathieu Weill, ccNSO, co-chair: (14:46) Thanks everyone !

Bernard Turcotte Staff Support: (14:46) bye all

Sabine Meyer: (14:46) sorry to see that question cut off, Mark.

arasteh 2: (14:46) My question was not properly answered

Barbara Wanner: (14:46) Thank you again!

Brenden Kuerbis: (14:46) bye all, thanks

Cheryl LangdonOrr: (14:46) bye

arasteh 2: (14:46) I need a clear convincing answer

Mark Carvell GAC - UK Govt: (14:46) Many thanks - very helpful