

WP3 Meeting #8 (8 October @ 14:30 UTC)

Attendees:

Sub-group Members: Cheryl Langdon-Orr, Christopher Wilkinson, David Maher, Greg Shatan, Jan Scholte, Ken Salaets, Konstantinos Komaitis, Leon Sanchez, Markus Kummer, Mathieu Weill, Par Brumark, Rinalia Abdul Rahim, Sebastien Bachollet, Seun Ojedeji

Staff: Alice Jansen, Bernie Turcotte, Berry Cobb, Brenda Brewer

Apologies:

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

Transcript

- [Transcript WP3_8 October.doc](#)
- [Transcript WP3_8 October.pdf](#)

Recordings

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p7nh93yyavl/>
- The audio recording is available here: <http://audio.icann.org/gnso/gnso-wp3-08oct15-en.mp3>

Agenda

1. Welcome
2. Review of drafts by each lead volunteer
 - Diversity
 - Staff Accountability
 - SO/AC Accountability
3. Comments on assessment by the group
4. Next steps
5. AOB

Notes

Review of drafts

Diversity

Presentation of the analysis document produced by Carlos. See wiki page: <https://community.icann.org/download/attachments/56141553/WP3%20Diversity.docx?version=1&modificationDate=1444293034000&api=v2>

Feedback:

- Bullet points on conflict of interest may be more appropriate in SO/AC accountability paper.

ACTION ITEM - Leon to move bullet points on conflict of interest to SO/AC accountability document.

- On inclusion of diversity into ATRT - is silence assent? Splitting it up in two votes may not be representative.

--> Worthwhile to consider asking ATRT alumni if this would overburden work.

---> It depends on work in front of ATRT time at a particular time. There was a short timeframe for narrow focus. ATRT2 had additional burden to look at implementation. ATRT should be in position to ensure that this is done by itself or ad hoc group as required.

Staff accountability

Presentation of the analysis document - see <https://community.icann.org/download/attachments/56141553/Staff%20Accountability%20Public%20Comment%20tool.docx?version=1&modificationDate=1444292666000&api=v2>

Feedback:

- It might be worth looking at Board to examine if not worth analyzing at all or as part of WS1.

- Comment for more transparency on Board management and governments relationships. Fadi suggested that there is a catalogue of public meetings. Having this evidence may address this comment.

ACTION ITEM: Staff to research papers documenting meetings between Board management and governments relationships.

- Are analysis drawn directly from comments? If so, should indicate which comments. Are options put up by drafter of analysis?

ACTION ITEM: Penholders to clarify whether options are suggested in comments.

SO/AC Accountability

Presentation of the analysis document - see <https://community.icann.org/display/acctcrosscomm/WP3+Documents?preview=/56141553/56141616/SOAC%20accountability%20PC2.docx>

Feedback:

- No mention of comment by Jan-Aart Scholte who suggested SO/ACs be subject to IRP. This is not reflected in document.

---> This will be added.

- Note structural reviews are conducted as two-part process. First goes to stakeholder then independent examiner. It is a good way moving forward.

--> This two step process could be built into that proposal.

- Level of detail should be added to structural reviews. Accountability to whom has answer in second report. It is not only to participants but also to community they are designed to serve. Fine-tuning of question may be added if we need to reinforce but should not reopen the question. For question 2 - Jan Aart Scholte's suggestion was helpful. IRP could watch the watchers.

- Ambiguity around "community" generates confusion. If message is fine-tuned, objection will be removed. Transparency is not accountability.

- Clarify that we did not get concrete options.

---> This clarification will be added.

- Proposal about SO/ACs act in community empowerment mechanisms should be referable to IRP. If existing SO/AC refuse inclusion of new SO/AC there would be no way to hold this SO/AC to account

ACTION ITEM - Check with WP2 how SO/ACs could be referred to IRP in context of community empowerment.

- Make sure not to forget two bullet points flagged in diversity discussion.

- If IRP commenced asserting that it was not within jurisdiction to bring it, it would be a valid defense. Within IRP there is no new action that we would need to take to enact that.

- We need to offer specifications as to how proposals will be held to account. Bits of stress tests should be incorporated into discussion of SO/AC accountability.

- We should also consider whether something other than (or before) an adversarial arbitration should be put in place when an SO/AC accountability issue arises. Rather than just jumping to an IRP.

Next Steps

Penholders to include suggestions.

Oct 09 - deadline to complete documents

Oct 12 - Last comments to be included for Oct 13 call.

A.O.B

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Action Items

ACTION ITEM - Leon to move bullet points on conflict of interest to SO/AC accountability document.

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- Are analysis drawn directly from comments? If so, should indicate which comments. Are options put up by drafter of analysis?

ACTION ITEM: Penholders to clarify whether options are suggested in comments.

ACTION ITEM - Check with WP2 how SO/ACs could be referred to IRP in context of community empowerment.

Documents Presented

- [WP3 Diversity.pdf](#)
- [Staff Accountability Public Comment tool \(1\).pdf](#)
- [SOAC accountability PC2.pdf](#)

Chat Transcript

Brenda Brewer: (10/8/2015 09:03) Welcome all to WP3 Meeting #8 on 8th October 2015 @ 14:30 UTC! Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Bernard Turcotte Staff Support: (09:29) HELLO EVERYONE

Greg Shatan: (09:30) Hi, everybody!

Mathieu Weill: (09:30) Hello

Markus Kummer: (09:30) Hello

Alice Jansen: (09:32) Hi everyone - thanks for joining. We are trying to connect Leon to this call. Thanks for your patience.

Rinalia Abdul Rahim: (09:33) Change carrier, Leon. :)

Brenda Brewer: (09:36) Cheryl Langdon-Orr and Seun Ojedeji are on Audio only at this time

Alice Jansen: (09:39) Link to doc - <https://community.icann.org/download/attachments/56141553/WP3%20Diversity.docx?version=1&modificationDate=1444293034000&api=v2>

Rinalia Abdul Rahim: (09:42) yes

Alice Jansen: (09:52) Staff accountability paper - <https://community.icann.org/download/attachments/56141553/Staff%20Accountability%20Public%20Comment%20tool.docx?version=1&modificationDate=1444292666000&api=v2>

Cheryl langdon-Orr: (09:59) finally made the AC room app work for me...It had 'conveniently' updated since my last use earlier today

Alice Jansen: (10:09) SO/AC accountability paper - <https://community.icann.org/display/acctcrosscomm/WP3+Documents?preview=/56141553/56141616/SOAC%20accountability%20PC2.docx>

Rinalia Abdul Rahim: (10:11) The area of divergence content is confusing and conflicting.

Cheryl langdon-Orr: (10:12) good point Mathieu I agree

Rinalia Abdul Rahim: (10:13) Logically, the dissenter's comment requires enhanced accountability for all parties.

Bernard Turcotte Staff Support: (10:14) yes

Rinalia Abdul Rahim: (10:18) +1 Jan

Mathieu Weill: (10:18) That was a bold statement to make Jan, you are right. It's not "solved"

Mathieu Weill: (10:23) There are the options that were mentioned in the diversity paper and will be pasted here

Rinalia Abdul Rahim: (10:24) Org Review with accountability review included is a concrete option to check if "accountability to whom" is upheld while serving the function of watching the watchers. The challenges is that the org reviews occurs every 5 years only.

Mathieu Weill: (10:25) Just like ATRT Rinalia right ?

Rinalia Abdul Rahim: (10:25) Right.

Mathieu Weill: (10:29) Except for structural review, rest could be passed on to WS2

Mathieu Weill: (10:30) (and Jan's input fits well in WS1 too)

Greg Shatan: (10:30) Unintended consequences are one of the big issues about any new power....

Mathieu Weill: (10:31) Let's do a comprehensive regulatory analysis...

Mathieu Weill: (10:31) ok, kidding

Leon Sanchez: (10:31) LOL

Greg Shatan: (10:32) We should also consider whether something other than (or before) an adversarial abitation should be put in place when an SO/AC accountability issue arises. Rather than just jumping to an IRP.

Cheryl Langdon-Orr (CLO): (10:35) that makes sense to me Greg

Rinalia Abdul Rahim: (10:35) Agreed, Greg.

Jan Scholte: (10:36) Ditto. Good thought Greg

Bernard Turcotte Staff Support: (10:37) Bye all

Greg Shatan: (10:37) Free! I'm Free!

Markus Kummer 2: (10:37) Bye all

Greg Shatan: (10:37) Bye all!

Rinalia Abdul Rahim: (10:37) Thanks, all and Leon.

Cheryl Langdon-Orr (CLO): (10:37) thanks everyone bye for now

Jan Scholte: (10:37) bye all