

CCWG ACCT WS2 Meeting #12 (8 February 2017 @ 13:00 UTC)

Attendees:

Members: Alan Greenberg, Cheryl Langdon-Orr, Finn Petersen, Jorge Villa, Julie Hammer, Kavouss Arasteh, Leon Sanchez, Michael Abejuela, Olga Cavali, Sebastien Bachollet, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa (13)

Participants: Andreea Brambilla, Arshad Mohammad, Avri Doria, Barrack Otieno, Chris Wilson, Christopher Wilkinson, David McAuley, Erich Schweighofer, Greg Shatan, Herb Wayne, Jeff Neuman, Jorge Cancio, Julf Helsingius, Keith Drazek, Mark Carvell, Matthew Shears, Megan Richards, Michael Karanicolas, Niels ten Oever, Olivier Muron, Philip Corwin, Rafael Perez Galindo, Rafik Dammak, Rosalia Morales, Tomohiro Fujisaki, Wale Bakare (26)

Observers/Guests: Brian Winterfeldt, Yuzhouhouzi (2)

Staff: Anne-Rachel Inne, Bernard Turcotte, Berry Cobb, Brenda Brewer, Elizabeth Andrews, Karen Mulberry, Meghan Healy, Nathalie Vergnolle, Nigel Hickson, Patrick Dodson, Yvette Guigneaux (11)

Apologies: Tatiana Tropina, Mathieu Weill

*** If your name is missing from attendance or apology, please send note to acct-staff@icann.org ***

Transcript

- [Word Doc](#)
- [PDF](#)

Recording

- [Adobe Connect replay](#)
- [mp3 replay](#)

Agenda

1. Introduction, update to SOIs, reminder on standards of behavior
2. Review of Agenda
3. Administration
 - Review of action items from previous meeting
 - Update on ATRT3
 - Travel funding for ICANN59
 - Working Methods
4. Legal Committee Update
 - There are no pending requests.
5. Updates/Presentation from sub-groups
 - Human Rights – Update
 - Jurisdiction Questionnaire update
 - Good Faith Guideline – First Reading
 - Transparency – Second Reading
6. Review of Schedule/Timeline
7. AOB - Adjournment

Notes (Including relevant portions of the chat):

25 participants at start of call

1. Introduction, update to SOIs, reminder on standards of behavior Thomas Rickert: Audio only Jeff Neuman. No changes to SOI.

2. Review of Agenda

Alan Greenberg: Good faith before the top of the hour.

Greg Shatan: same as AG.

Thomas Rickert: will do so if Lori is present.

Sebastien Bachollet: would like to present a short update on Ombudsman.

3. Administration

- **Review of action items from previous meeting**

Thomas Rickert: Encourage all rapporteurs re timeline updates.

- **Update on ATRT3 (5 minutes).**

Thomas Rickert: ALAC, ccNSO and SSAC have replied positively. Waiting on GAC and gNSO.

- **Travel funding for ICANN59 (5 minutes)**

Leon Sanchez: No objections to use previous rules, 1 round, starting Friday next week (17 February) and closing 19 March.

- **Working Methods (10 minutes).**

Leon Sanchez: presentation of new methods. No objections.

4. Legal Committee Update

Leon Sanchez: no pending requests.

5. Updates/Presentation from sub-groups

- **Human Rights – Update (5 minutes)**

Niels ten Oever: Thanks to co-chairs regarding the advice re scope especially for using Annex 12. The sub-group has decided to submit a single document and as such the sub-group will need some additional time to complete the work. Sub-group asks that the plenary cancel the publication of the FOI for HR for public consultation (**decision**). Do not think this will have a major impact on our timeline.

Kavouss Arasteh: at this stage we should avoid to insert new ideas. Application of HR to policies - gNSO is not subject but GAC is - strongly disagree.

Greg Shatan: Do not remember anyone stating HR would not apply to gNSO policy work.

Kavouss Arasteh: I hope this statements you made , YOU WILL FOLLOW Greg

Cheryl Langdon-Orr (CLO): indeed Greg, that is what I understood from the HR call

David McAuley (RySG): I was on HR call yesterday and agree w/Greg's comment – must have been miscommunication

Kavouss Arasteh: Look at the drat of last night which you prepared or you were involved in its preparation is totally different from what you said

Leon Sanchez: this is for the sub-group.

Tijani Ben Jemaa: Support LS.

Kavouss Arasteh: Tidjani, you did not say anything last night about exclusion of GNSO policy from conformity to HR but for GAC was mentioned to have advice which should consistent with HR this is not fair and you did not say anything last night

- **Jurisdiction Questionnaire update (5 minutes)**

Greg Shatan: Expecting translation back today and publication soon on the ICANN Public comment page as a note. To give adequate time for responses it closes 17 April. We will review responses as they come in. Everyone is welcome to participate in the work.

Kavouss Arasteh: Openness to be noted. Face to Face meeting like other CCWG-Accountability are open to anyone who registers and has an SOI. We need to come up with a methodology to process the questionnaires in the sub-group.

Greg Shatan: Kavouss, If there's something in the document that appears to say that I am not aware of which statement that is. Perhaps you could point that out in an email on the Jurisdiction subgroup's list. I should note that I am only one of several members of the drafting team.

Kavouss Arasteh: Pls then kind KINDLY observe the equal treatment between GAC and beloved GNSO

- **Good Faith Guideline – First Reading (document - 30 minutes)**

Lori Schulman: after a successful pre-reading at the last plenary the sub-group is now happy to present their recommendations for a first formal reading. ICANN Legal has commented the document without any issues where they also confirmed that the recommendations are in conformity with California Law. Any questions?

Kavouss Arasteh: why call them guidelines - are they not requirements.

Lori Schulman: this is from the WS1 report. This are not hard and fast rules - it is up to each SOAC to decide if they want to follow it.

Alan Greenberg: Agree with LS, they are guidelines. If an SO or AC does not follow them then they may not be indemnified.

Leon Sanchez: Any objections to this document? (none). This concludes the first reading with the plenary accepting the document with no comments (**decision**).

Lori Schulman: Support AG.

Alan Greenbers: Many thanks to all but especially to LS for getting this done.

• **Ombudsman (5 minutes)**

Sebastien Bachollet: Update from Ombudsman Group - have replies to the RFP for evaluation. Re timeline - will not be able to give feedback until we complete the review work.

• **Transparency – Second Reading (Document – 30 minutes)**

Chris Wilson: Since the last plenary call we have received feedback re govt-ICANN Interactions re Formalized or not. Because of this we have revised the recommendation if that interaction is about ICANN policy or administration. Hope that this clarification satisfies the concerns raised.

Michael Karanicolas: Last call there was request to see if there were overlaps with HR or Ombudsman. None for HR but have received two comments from the Ombudsman group re tracking and oversight and review of frivolous or vexatious requests for DIDP that these should go to the complaints officer - and as such have left it open - now have received objections to both of these and looking for a temp check at this meeting.

Kavouss Arasteh: Title issue. Issue re GAC (govt interactions).

Michael Karanicolas: Review of changes to recommendation 13 and 19 and govt interactions.

CW: Since I originated some of these changes, I am printing the draft out and will read it thoroughly and comment to the List as necessary.
CW

David McAuley (RySG): With respect to the document overall, some on the subgroup (e.g. me) have reserved comment on a couple of matters based on what ICANN's input turns out to be on those matters – I understand ICANN has committed to submit some comments and am looking forward to them.

Sebastien Bachollet: No issues with the document like this for the comment period. However some sub-groups are requesting something of an independent body - and currently there is only the Ombudsman. There are three ways to answer this, Ombudsman, new independent body with different mandate vs Ombudsman or ask staff to do some of this like the complaints officer. We (plenary) will need to have this discussion later on to see where we want to go with this. Open to discussing with anyone.

Leon Sanchez: Are we good to approve this second reading.

Michael Karanicolas: DM has asked we consider input from staff first. ICANN Legal will comment at some point but am uncomfortable holding this up for that.

David McAuley: I do have some concerns - vs public comment - up to co-chairs.

Leon Sanchez: Any objection to accepting the second reading and publishing for public comments. (none). Staff to prepare for public comment (**action item**).

6. Review of Schedule/Timeline (30 minutes)

Nathalie Vergnolle: Review of dashboard slides.

Thomas Rickert: We believe we will not complete by the end of June and are seeking approval of the plenary to ask for more time (not money) from the chartering orgs. Any objections (none). Co-Chairs will draft a note to the chartering orgs. there is a potential issue with taking money from this fiscal year to the next. This is also the last time we can do such an extension. Any reactions?

Kavouss Arasteh: Do you wish the plenary response now?

Thomas Rickert: Just want ok to reach out to chartering orgs and the PCST to investigate if we can do this - if so then we will come back to the group. but we need concrete planning. Transparency is key.

Keith Drazek: We need to ensure the Fiscal Year timing doesn't impact our ability to complete the work.

David McAuley (RySG): Agree with chairs approach.

Sebastien Bachollet: Please give me the time to come up with a realistic timeline after we know who will do the evaluation. We are looking to produce a first document to the plenary for the end of June.

Kavouss Arasteh: Any extension should be well supported. Transfer of budget from one year to another is another thing - we need solid basis for doing this that is well documented. We need to do this once for all.

Thomas Rickert: This is exactly what we are trying to do. In the absence of objections that the co-chairs can prepare a communication to the chartering orgs, the Board and the PCST about the potential extension.

Kavouss Arasteh: We have to review our working methods before going forward with this.

Thomas Rickert: We all agree we could of moved forward faster but sometimes this type of community work is cumbersome. Shall we note this as an objection KA.

Kavouss Arasteh: no objection but we have to be effective.

Thomas Rickert: Thank You KA. yes to improving.

Sebastien Bachollet: In addition to WS1 for Ombudsman we had to take one ATRT2 work.

Thomas Rickert: Ok so no objections. Action Item ask sub-team rapporteurs to come up with a realistic timeline to complete the work. **Action Items:**

- Sub-team rapporteurs to review their timelines for completion within the next 10 days.
- Co-chairs to discuss with PCST the possibility of using remainder of community budget for the next fiscal year.
- Co-chairs to prepare communication with chartering organizations regarding potential extension

7. AOB

Kavouss Arasteh: will there be a face to face in ICANN 59? We need to know for airfare reservations.

Thomas Rickert: We need to consult with the ICANN meeting teams. **Action item** co-chairs and staff to request a date for ICANN 59 face to face. this should be resolved prior to opening the trav

Adjournment

Decisions:

- HR sub-group asks that the plenary cancel the publication of the FOI for HR for public consultation.
- Good Faith document first reading accepted by plenary with no changes.
- Transparency document second reading accepted by plenary.

Action Items

- **Staff to include Good Faith document for second reading at next plenary.**
- **Staff – to publish Jurisdiction questionnaire and advise the list.**
- **Staff to arrange for public consultation on Transparency document**
- **Sub-team rapporteurs to review their timelines for completion within the next 10 days.**
- **Co-chairs to discuss with PCST the possibility of using remainder of community budget for the next fiscal year.**
- **Co-chairs to prepare communication with chartering organizations regarding potential extension**
- **Co-chairs and staff to request a date for ICANN 59 face to face**

Documents

- [W2 Guidelines Draft Report - For Initial Read 2-1-17.pdf](#)
- [CCWG_WS2_TransparencyReportJan27edits-0001.pdf](#)
- [WS2 Dashboard JAN- 07Feb17.pdf](#)

AC Chat

Brenda Brewer: (2/8/2017 04:25) Good day all and welcome to CCWG Accountability Plenary Meeting #12 on 8 February 2017 @ 13:00 UTC!

Shreedeeep Rayamajhi: (04:38) hello everyone :)

Kavouss Arasteh: (04:38) Hi Brenda

Kavouss Arasteh: (04:39) Hi Yvette

Yvette Guigneaux: (04:42) hi Kavouss

Kavouss Arasteh: (04:52) Hi Alan

Kavouss Arasteh: (04:52) there are 5-7 persons that are omni present , you are one of them

Niels ten Oever: (04:54) Hi all

Niels ten Oever: (04:54) Could it be that the call-out if not yet activated>

Niels ten Oever: (04:54) ?

Leon Sanchez: (04:56) Hello everyone!

Alan Greenberg: (04:56) I have to leave for another meeting on the Hour. Is it possible to move Good Faith Guidelines up in the agenda so I can participate?

Kavouss Arasteh: (04:57) Alan, I am sure CO-CHAIRS WILL LISTEN TO YOU

Kavouss Arasteh: (04:58) Usually They do not take my comments into account ,except one of the co-Chair

Leon Sanchez: (04:59) @Alan I am sure we will get there very soon. I estimate we reach that point in 20 minutes to half an hour

Kavouss Arasteh: (04:59) I hope there would not be any speaking BAN like other ban(s)

Leon Sanchez: (04:59) We could move it prior to the subgroup updates

Leon Sanchez: (05:00) @Kavouss no bans at all in this group ;-)

Kavouss Arasteh: (05:00) I am sure that ,if proposed that it would have not been accepted

Herb Waye Ombuds: (05:00) greetings everyone

Kavouss Arasteh: (05:01) BAN?

Brenda Brewer: (05:02) the recordings are startedLeon

Bernard Turcotte Staff Support: (05:03) all please mute if not speaking

Kavouss Arasteh: (05:03) NO SOUND

Niels ten Oever: (05:03) Is it me or is Leon breaking up?

Keith Drazek: (05:03) Did we lose Leon?

Alan Greenberg: (05:03) Apparently

Niels ten Oever: (05:03) Thomas to the rescue

Bernard Turcotte Staff Support: (05:03) seems we lost leon

Keith Drazek: (05:03) There is an echo, everyone please mute phones AND computers.

Niels ten Oever: (05:03) Luckily we have redundancy in terms of co-chairs

Leon Sanchez: (05:04) my call dropped

Leon Sanchez: (05:04) my apologies

Leon Sanchez: (05:04) Mathieu is an apology as he is on vacation

Alan Greenberg: (05:06) As long as we can complete by the hour, it is fine.

Sebastien (ALAC): (05:07) I would like 1' to give an update on Ombuds. Thanks

Olga Cavalli: (05:07) Hello all!! sorry for the delay I was in another ICANN call :)

Sebastien (ALAC): (05:07) It could be in AOB

Wale Bakare: (05:07) Hi all

Cheryl Langdon-Orr (CLO): (05:08) if she does not attend then several of us from Good faith are here and we could across i.e present IMO

Rosalía Morales: (05:08) hi everyone

Jorge Cancio (GAC Switzerland): (05:11) hi all

Bernard Turcotte Staff Support: (05:12) ALAC, ccNSO and SSAC

Bernard Turcotte Staff Support: (05:12) Waiting on GAC AND gNSO

matthew shears: (05:14) Tatiana sends her regrets - she cannot join the call

Olga Cavalli: (05:15) what does only one round means?

Bernard Turcotte Staff Support: (05:15) we had two approvals for ICANN 58

Olga Cavalli: (05:15) oh I see thanks Bernie

Yvette Guigneaux: (05:18) Lori is running a tad late - we're getting her dialed in momentarily

CW: (05:19) Joined late. Apologies. CW

Kavouss Arasteh: (05:25) I hope this statements you made ,YOU WILL FOLLOW Greg

Cheryl Langdon-Orr (CLO): (05:26) indeed Greg, that is what I understood from the HR call

David McAuley (RySG): (05:26) I was on HR call yesterday and agree w/Greg's comment – must have been miscommunication

Lori Schulman: (05:26) Finally dialed in. My apologies for being late.

Kavouss Arasteh: (05:27) Look at the drat of last night which you prepared or you were involved in its preparation is totally different from what you said

Keith Drazek: (05:28) I've noted that ICANN staff appear to be under instruction to use "ICANN Organization" when referring to themselves and their affiliation.

Sebastien (ALAC): (05:29) Yes Keith. It was one concerne for some of us since the last ICANN Meeting

David McAuley (RySG): (05:30) Did you say we'd get those translations aujourd'hui, Greg ?

Kavouss Arasteh: (05:30) Tidjani, you did not say anything alst night about exclusion of GNSO policy from conformity oto HR but for GAC was mentioned to have advice which should consistent with HR this is not fair and you did not say anything last night

Michael Karanicolas: (05:31) Hi - sorry I'm late

Alan Greenberg: (05:35) ALL subgroups are open!

Cheryl Langdon-Orr (CLO): (05:35) request to join SG's hoes to MSSl staff

Cheryl Langdon-Orr (CLO): (05:35) goes to MSSI-SECRETARIAT@ICANN.ORG

Alan Greenberg: (05:35) Beat me to it!

Greg Shatan: (05:36) Kavouss, If there's something in the document that appears to say that I am not aware of which statement that is. Perhaps you could point that out in an email on the Jurisdiction subgroup's list. I should note that I am only one of several members of the drafting team.

Kavouss Arasteh: (05:38) Pls then kind KINDLY obser the equal treatment between GAC and beloved GNSO

Cheryl Langdon-Orr (CLO): (05:41) exactly Lori

Cheryl Langdon-Orr (CLO): (05:42) indeed Alan

Sebastien (ALAC): (05:54) P13

Sebastien (ALAC): (05:55) Just you

David McAuley (RySG): (05:55) just you, we have scroll control

Leon Sanchez: (05:55) my call dropped again

Leon Sanchez: (05:55) will join back shortly

Cheryl Langdon-Orr (CLO): (05:55) the doc is not synchronised

Yvette Guigneaux: (05:56) scrolling available if needed

Chris Wilson: (05:57) scrolling is now no longer available

CW: (05:58) Since I originated some of these changes, I am printing the draft out and will read it thoroughly and comment to the List as necessary. CW

David McAuley (RySG): (05:58) With respect to the document overall, some on the subgroup (e.g. me) have reserved comment on a couple of matters based on what ICANN's input turns out to be on those matters – I understand ICANN has committed to submit some comments and am looking forward to them.

Alan Greenberg: (05:58) Time to leave. Thanks all.

Chris Wilson: (05:58) I must leave the call. Thanks for all the feedback.

Leon Sanchez: (05:59) Thanks Alan and Chris

Cheryl Langdon-Orr (CLO): (05:59) bye Alan

Cheryl Langdon-Orr (CLO): (05:59) and Chris

Niels ten Oever: (05:59) Sorry all, will need to leave call as well -but keeping an eye on the chat

Leon Sanchez: (05:59) Thanks Niels!

Cheryl Langdon-Orr (CLO): (06:00) bye

Greg Shatan: (06:00) I will need to step off as well. Goodbye all.

Cheryl Langdon-Orr (CLO): (06:01) bye

CW: (06:02) Ii agree that ICANN input would be desirable, because of the resource considerations. CW

Kavouss Arasteh: (06:05) I think if ICANN has or would have any comments why someone else should raise it

David McAuley (RySG): (06:06) i see ws2 monthly update

Jorge Cancio (GAC Switzerland): (06:07) question: what does "participation" mean?

CW: (06:07) lileaving the call. Will read the schedule slides off line. Thankyou Co chairs and all. CW

Jorge Cancio (GAC Switzerland): (06:07) how is it measured?

Bernard Turcotte Staff Support: (06:08) @JC we have defined this and send it to you

Jorge Cancio (GAC Switzerland): (06:08) thanks, Bernie - please share with the list...

Bernard Turcotte Staff Support: (06:09) will do

Jorge Cancio (GAC Switzerland): (06:10) on funds: we may come up with some good ideas ;P just joking...

Nathalie Vergnolle: (06:11) @Jorge: are you asking about the participation by affiliation?

Jorge Cancio (GAC Switzerland): (06:12) yes, Nathalie: how "participation" is defined (is it just attendance in a call, sending one email, etc. - and what is the timeframe for measurement)

Nathalie Vergnolle: (06:13) the participation by affiliation is measured by the number of hours spent on calls by all attendees in calls, over the month reported.

Nathalie Vergnolle: (06:13) we cannot measure time spent on emails

avri doria: (06:15) apologies, family emergency, all well now.

Herb Wayne Ombuds: (06:16) Hi Avri, family trumps all...

Keith Drazek: (06:16) I support the Chairs working with ICANN to prepare for appropriate budget planning.

Leon Sanchez: (06:17) I hope everything is well Avri

Keith Drazek: (06:17) We need to ensure the Fiscal Year timing doesn't impact our ability to complete the work.

David McAuley (RySG): (06:18) Agree with chairs approach

Jorge Cancio (GAC Switzerland): (06:18) thanks, Nathalie: so all "formal" calls from the subgroups are measured in? but not, for instance, calls of small drafting teams, right? and the active participation is not measured, right? (i.e. "air time")... BTW number of emails could well be measured...

Nathalie Vergnolle: (06:20) correct

Nathalie Vergnolle: (06:20) emails are presented in the other graph

Jorge Cancio (GAC Switzerland): (06:23) thanks, Nathalie - will have to look at that and see distribution by affiliation

Jorge Cancio (GAC Switzerland): (06:25) hmm... there is no data on affiliation regarding emails, right?

Nathalie Vergnolle: (06:27) right

Jorge Cancio (GAC Switzerland): (06:28) that could also help in measuring participation by affiliation and is sth easy to do I guess

David McAuley (RySG): (06:34) Thanks Thomas, Leon, staff and all Thanks Thomas, Leon, staff and all

Cheryl Langdon-Orr (CLO): (06:34) thanks everyone bye for now...

Leon Sanchez: (06:34) thanks everyone!

Michael Abejuela (ARIN): (06:34) thanks everyone!

Herb Wayne Ombuds: (06:34) have a great day everyone... health and happiness

Bernard Turcotte Staff Support: (06:34) bye all

matthew shears: (06:34) bye

Julf Helsingius: (06:34) bye and thanks

Jorge Cancio (GAC Switzerland): (06:35) thanks and bye!